



THE SUPREME COURT *of* OHIO
2007 ANNUAL REPORT



THE SUPREME COURT *of* OHIO



SEATED (left to right)

Paul E. Pfeifer • Chief Justice Thomas J. Moyer • Evelyn Lundberg Stratton

STANDING (left to right)

Judith Ann Lanzinger • Maureen O'Connor • Terrence O'Donnell • Robert R. Cupp



THE SUPREME COURT *of* OHIO

2007 ANNUAL REPORT

THOMAS J. MOYER
CHIEF JUSTICE

PAUL E. PFEIFER
EVELYN LUNDBERG STRATTON

MAUREEN O'CONNOR

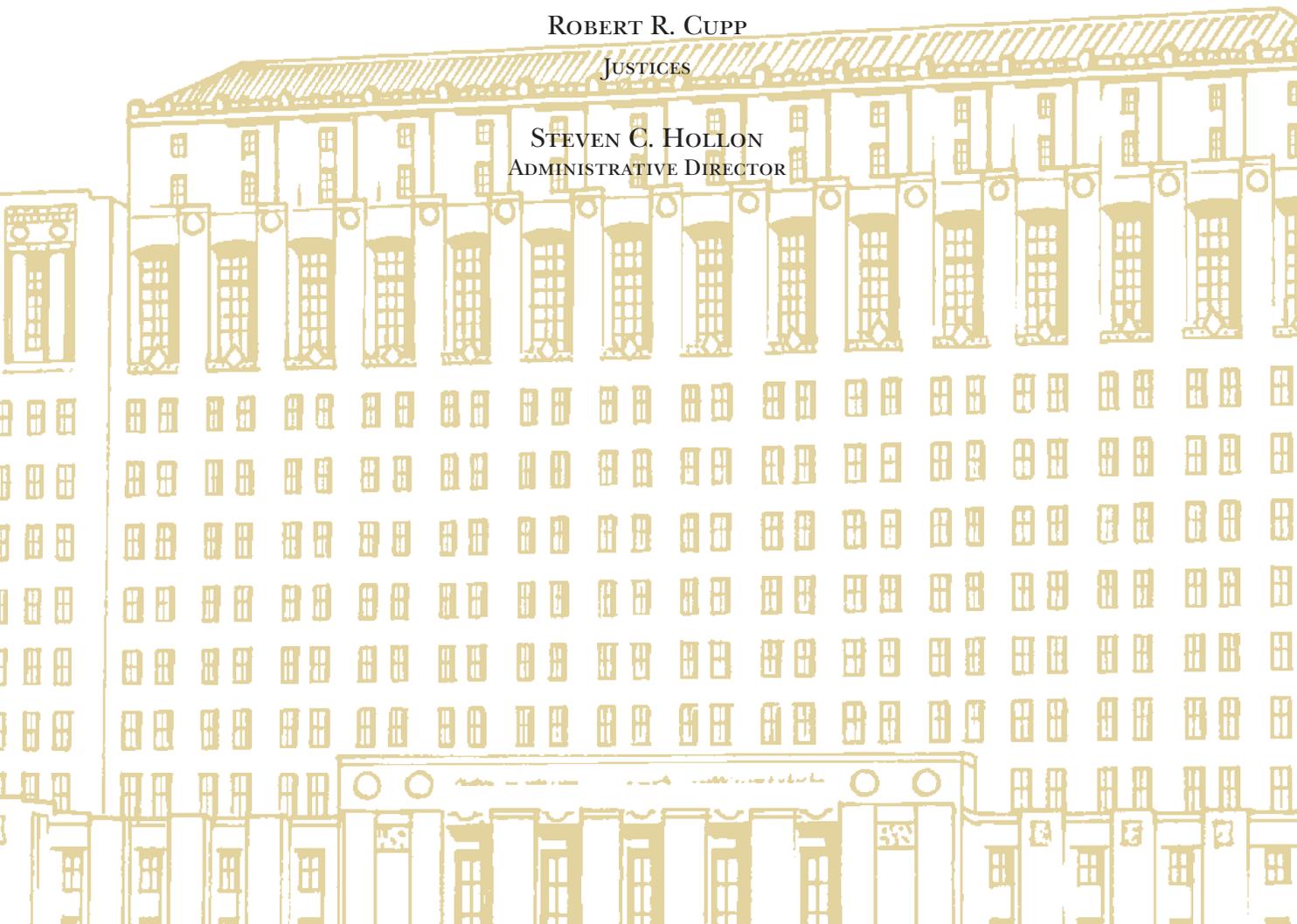
TERRENCE O'DONNELL

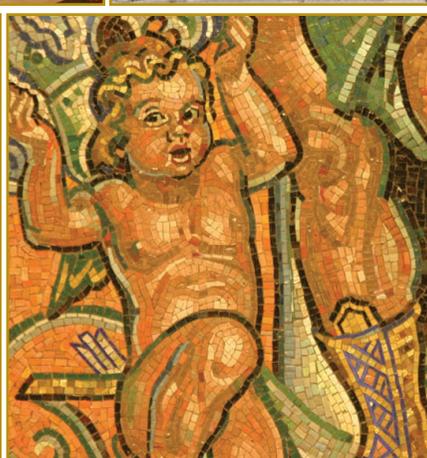
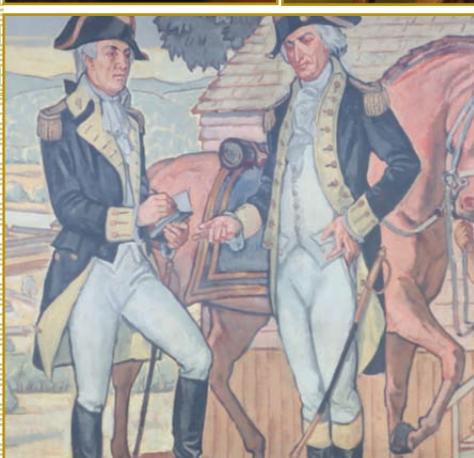
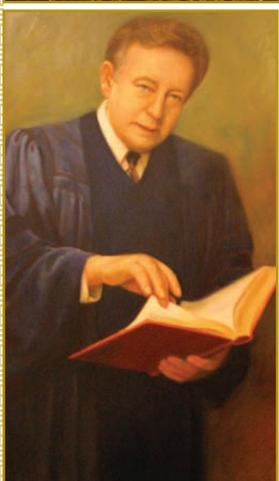
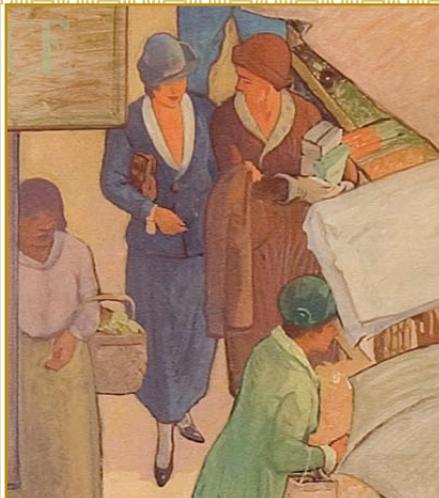
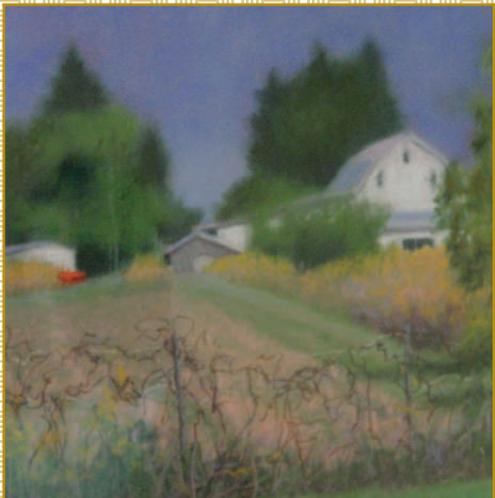
JUDITH ANN LANZINGER

ROBERT R. CUPP

JUSTICES

STEVEN C. HOLLON
ADMINISTRATIVE DIRECTOR





INTRODUCTION

The Ohio Judicial Center: A Showcase of Art

Each day, employees and visitors to the Ohio Judicial Center — home to the Supreme Court of Ohio — enjoy the vast collection of art within the building. Unlike any building in the area, it is believed the Ohio Judicial Center is the premier showcase of public art within the state.

Truly a Gem

The colorful and vast murals gracing the walls of the Supreme Court Courtroom and other rooms within the building are original to the building, which first opened in 1933. Fifty years later as the building fell into disrepair, state government officials considered demolishing the former gem. Thankfully, the decision was made to refurbish the building and make it home to the third branch of Ohio government — the judiciary — and thus save the beautiful works Ohio artists and artisans created years ago.

Today, the Ohio Judicial Center artwork is a collection of original art, as well as pieces donated or loaned from the public. For example, the north outdoor plaza is home to granite sculptures of *Words of Justice*, created by Malcolm Cochran, a professor at The Ohio State University. Around the outside of the building is sculpture original to the construction of the building and representative of the history of Ohio.

Within the building are collections of portraits of former Justices, photos of county courthouses in Ohio and paintings of the state's landscape, as well as oil paintings by renowned Ohio artist Ron Anderson depicting the history of the rule of law, which hang in the Supreme Court Law Library. Other art pieces adorn the halls and walls and are the centerpieces of rooms throughout the building.

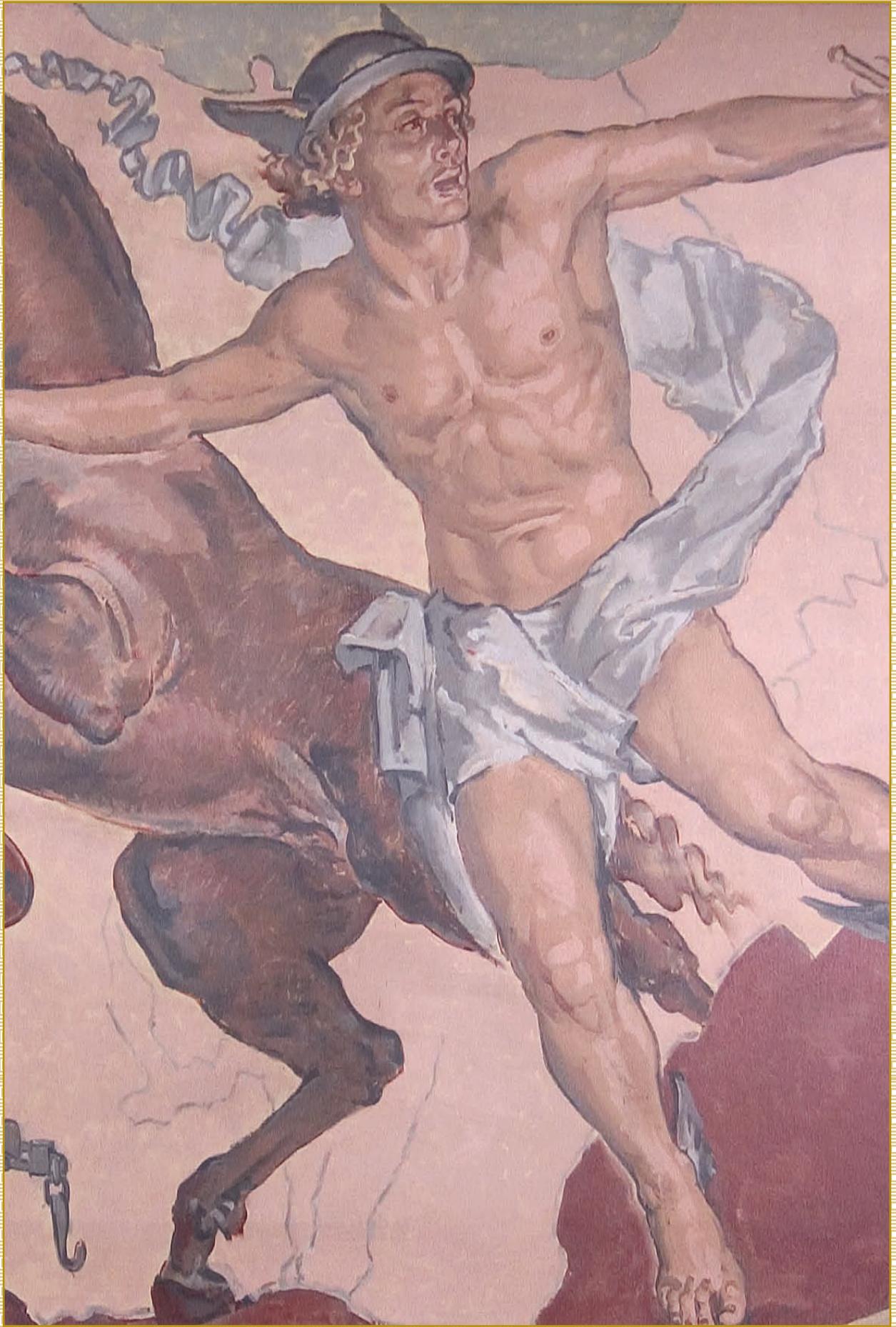
A Glimpse of Beauty

In a large state like Ohio, few people in general will have an opportunity to visit this showcase of architecture and art in downtown Columbus. Therefore, the theme of this 2007 annual report — artwork of the Ohio Judicial Center — is an attempt to share the joy and appreciation experienced when viewing these pieces in person.

It is hoped you will enjoy this glimpse of the building's artwork. Perhaps, one day, you will have the opportunity to see in person the gift the state's artists offer us all.

Art Featured on Opposite Page (From left to right)

- Oil painting of Ohio landscape, *Red Hay Wagon*, by M. Katherine Hurley
- Mural on early Ohio commerce by Cincinnati artist H. H. Wessel, South Hearing Room
- Bronze plaque of American Indian leader Little Turtle by Paul Fjelde, Civic Center Lobby
- Granite sculpture, *Words of Justice*, by Malcolm Cochran, North Plaza fountain
- Oil painting of the *Signing of the Magna Carta* by Ron Anderson, Rule of Law Gallery
- Portrait of former Justice Asher William Sweeney by J. Leslie, Portrait Gallery
- The *Progress of Industry* mural by John F. Holmer, North Hearing Room
- Outdoor sculpture representing Ohio industry, by Alvin Meyer, Front Street side of building
- Courtroom panoramic mural of the *Settlement of Marietta*, by Rudolph Scheffler
- Mural by LeRoy MacMorris, on the history of the printed word, Law Library Reading Room
- Mosaic by Rudolph Scheffler, north stairwell of the Grand Concourse.



A MESSAGE FROM THE CHIEF JUSTICE

Dear Fellow Ohioans:

Woody Hayes famously said, “You win with people.” The Supreme Court of Ohio is blessed with a winning team. As I travel Ohio, I often hear of the positive interactions judges, court staff, legal professionals and private citizens have with the Supreme Court administrative staff. It is always my pleasure to share these comments with the dedicated men and women whose efforts make possible the Court’s effective administration of justice.

It is in recognition of Supreme Court staff contributions that the 2007 annual report includes a new feature: a listing of the names of each innovative and dedicated professional who served the Court in 2007 and for whom my fellow Justices and I share admiration and thanks. It is fitting that this annual report, showcasing the accomplishments of this past year, features the people who made these accomplishments possible.

2007 saw the retirement of one of these dedicated and capable individuals — Marcia J. Mengel — who stepped down after serving for 20 years as the first woman to be appointed clerk and director of bar admissions. Her leadership was instrumental in developing the strong sense of public service that now defines those offices. Marcia took the Office of the Clerk online, increasing the accessibility of case filings and other case information. Bar applications now are online thanks in part to her leadership; she created a more thorough application process as well. Her contributions cannot be overstated.

In 2007 we also:

- Swore in Justice Robert R. Cupp as the 151st Justice of the Supreme Court and Justice Terrence O’Donnell to his first full term as Justice.
- Selected 10 counties for an alternative response pilot project to improve service to Ohio children and families, and announced plans for the Ohio Summit on Children in May 2008 and a follow-up event in 2009.
- Issued the Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers to underscore the obligation attorneys have to facilitate public access to justice, and then called on Ohio lawyers to help address Ohioans’ foreclosure problems.
- Recognized 50 years of service by the more than 200 Ohioans who have volunteered their time since 1957 on the Board of Commissioners on Grievances & Discipline.

Coach Hayes defined success this way: “It’s what you do with what you’ve got.” We’ve got some great people at the Supreme Court of Ohio, and together with our many partners in the judicial system, 2007 was indeed a successful year.



Thomas J. Moyer
Chief Justice



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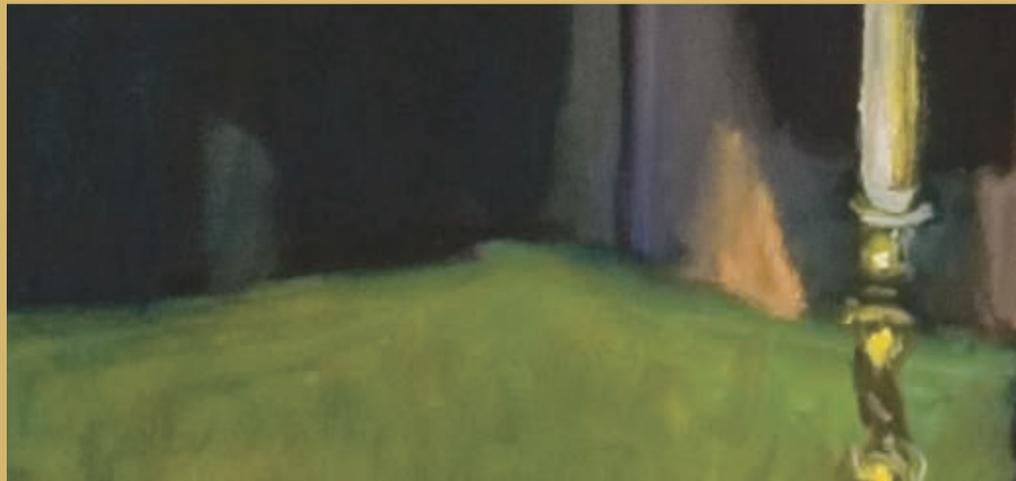
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Justices of the Supreme Court of Ohio

Thomas J. Moyer
Chief Justice

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



CHIEF JUSTICE THOMAS J. MOYER is a leader in providing citizens with improved access to the courts through alternative dispute resolution and computer technology. He also seeks to ensure equal access to the courts through the development of a certification process for interpreters for non-English speakers and the hearing-impaired.

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

Moyer is in the forefront of efforts to improve the method of selecting judges in Ohio and has worked with all interested parties to develop legislative proposals to increase the reporting requirements for contributions made to judicial campaigns, and increase the minimum professional qualifications required of judicial candidates.

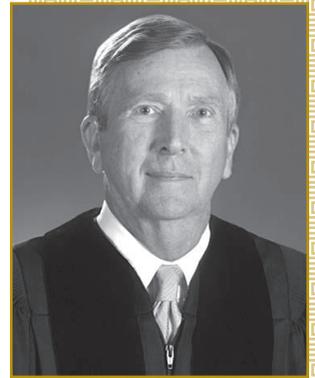
Chief Justice Moyer also works with lawyers and judges in other countries as they develop independent judiciaries. After Ukraine gained its independence, he led efforts there to introduce the importance of the rule of law and continues to host delegations from Ukraine on a regular basis. Chief Justice Moyer also has worked with judicial leaders in China, Korea, Argentina and Chile.

The Chief Justice received his law degree from The Ohio State University in 1964. He served eight years as a judge of the 10th District Court of Appeals in Franklin County, four years as executive assistant to the governor of Ohio and eight years in the private practice of law in Columbus.

Chief Justice Moyer serves as vice-chair of the Advanced Science and Technology Adjudication Resource Center, a national

consortium to prepare judges for managing the resolution of disputes presenting complex scientific issues. In addition, he chairs the Task Force on Politics and Judicial Selection for the Conference of Chief Justices (CCJ) and co-chairs the CCJ Committee on Emergency Preparedness in the Courts.

In August 1995, he was named president of the Conference of Chief Justices for a one-year term. In 1987, at the 300th Ohio State University commencement, he was recognized as one of 40 outstanding alumni. In January 2003, he was awarded the James F. Henry Award for exemplary alternative dispute resolution leadership in the state judiciary from the CPR Institute for Dispute Resolution. In June 1989, Chief Justice Moyer received the American Judicature Society Herbert Harley Award for improving the administration of justice in Ohio.



Thomas J. Moyer
CHIEF JUSTICE

2007 STAFF

Flite H. Freimann
Brandon J. Lester
Amber L. Merl
Kimberly R. Robinson
Joseph R. Smith
Eleanor L. Speelman
Melissa Uhlich



Signing of the Constitution, featured at left, is one of six paintings on display in the Rule of Law Gallery in the Law Library. The series, painted by Ron Anderson, chronicles the history of the rule of law.



Paul E. Pfeifer

JUSTICE

2007 STAFF

- Robert L. Burpee
- Kevin Diehl
- James W. Sheridan
- Sandra Wearnly-Messer

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

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

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

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

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

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

Justice Pfeifer believes he does his best legal work while doing chores on his farm, where he raises Black Angus cattle. He says there is a clarity to life in the country. There is no pomp or circumstance — just the green fields of Crawford County, a gaggle of grandkids who call him “Papa” and a herd of Angus that know him as the guy with the hay.

JUSTICE EVELYN LUNDBERG STRATTON came to the bench by a very different route.

She was born to missionary parents in Bangkok, Thailand, and spent her childhood in Southeast Asia — attending boarding school in South Vietnam during the height of the Vietnam War — and later in Malaysia, coming to America periodically with her parents. At age 18, she returned to America alone with only a few hundred dollars in her pocket. She worked her way through school, receiving a juris doctor degree from The Ohio State University College of Law.

Justice Stratton’s legal career began in the courtrooms of central Ohio as a trial lawyer. In 1989, as the first woman judge to be elected to the Franklin County Common Pleas Court, she presided over major cases ranging from capital murder trials to major civil actions. In her years on the bench, she established a solid record of judicial integrity, fairness and diligence. Her approach to sentencing in serious felony cases earned her the nickname “The Velvet Hammer.” Her work on the court led to her appointment, and subsequent election, to the Supreme Court of Ohio.

Justice Stratton is committed to her community and her efforts have helped lead major changes in adoption law. As chairperson of a national committee, Justice Stratton led a nationwide effort to speed up adoption appeals. She also has provided strong leadership as a member of the board of trustees for the Dave Thomas Foundation for Adoption, as well as Prevent Blindness Ohio.

With a partnership between courts and the mental health system, Justice Stratton believes many defendants whose mental illness is the basis of their criminal activity can be helped and their lives improved. She formed the Supreme Court of Ohio Advisory Committee on Mental Illness & the Courts, a task force that includes mental health, legal and criminal justice professionals from around the state. The advisory committee focuses on mental health initiatives in the court system and how to effectively implement such programs.

Justice Stratton also leads several national efforts toward helping those with mental illness. She is the founder and former co-chair of the Judges’ Leadership Initiative, which supports mental health efforts, as well as the Returning Home Advisory Commission, which assists in re-entry by those released from jails and prisons in order to reduce recidivism and its cost to society.

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



**Evelyn Lundberg
Stratton**
JUSTICE

2007 STAFF

David T. Bartleson
Sue A. Bowery
Connie A. Crim
Kristina L. Hawk



Maureen O'Connor

JUSTICE

2007 STAFF

- Matthew B. Abens
- Christina I. Mead
- Terry W. Posey Jr.
- Pierce J. Reed
- Anthony D. Schroeder
- Jill S. Winn

JUSTICE MAUREEN O'CONNOR was born in the nation's capital, but raised in Strongsville and Parma. Her election in 2002 as the 148th Justice on the Supreme Court of Ohio is the latest achievement in a long career of public service.

While gaining experience in practice as an attorney during the early 1980s, Justice O'Connor created a home for her family and her legal career in northeast Ohio. Appointed a magistrate in Summit County in 1985, she served in that capacity until she became a common pleas court judge in 1993. As a busy trial judge, Justice O'Connor was selected by her peers to serve as the administrative judge — a testament to her ability to build coalitions and maintain collegiality while administering to the business of the courts.

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

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

Since her election to the Supreme Court of Ohio, Justice O'Connor continues to work for justice. In addition to her responsibilities hearing the array of cases presented to the Court, Justice O'Connor devotes herself to educational initiatives for Ohio students and to matters of security, such as the new Advisory Committee on Court Security & Emergency Preparedness, which she chairs.

JUSTICE TERRENCE O'DONNELL brings more than 25 years of service to the Supreme Court of Ohio, having served on the 8th District Court of Appeals and the Cuyahoga County Common Pleas Court.

He began his legal career as a law clerk to former Supreme Court of Ohio Justice J.J.P. Corrigan in 1971 and then as a law clerk for Judge John V. Corrigan and Judge John M. Manos on the 8th District Court of Appeals in Cuyahoga County. He later served the 8th District as an appellate judge himself for eight years, after serving as a judge on the Cuyahoga County Court of Common Pleas for 14 years.

Justice O'Donnell brings a wide array of related service in his position on the Supreme Court: He has served as chairman of the Cleveland Bar Association Law Related Education Committee and Student Essay Contest. Justice O'Donnell, who is a former schoolteacher, is a founding member and past president of the Legal Eagles, a law fraternity for alumni of St. Edward High School in Lakewood and has been a regular lecturer in its annual seminar.

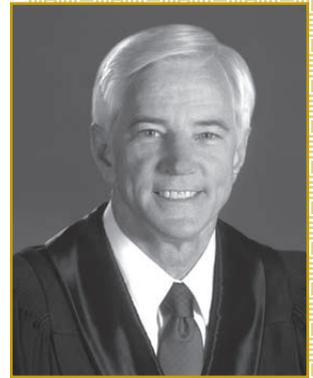
Justice O'Donnell served on the Supreme Court of Ohio Commission on Professionalism and lectured on topics of professionalism and ethics at continuing legal education programs throughout Ohio. He also served on the Supreme Court Statistical Reporting Committee, which established court standards for reporting caseload statistics. Further, Justice O'Donnell's efforts in implementing a statewide mentoring program for lawyers have been widely acclaimed.

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

He is a past member of the board of trustees of Magnificat High School and the Lawyers Guild of the Catholic Diocese of Cleveland, and completed his participation in the Ohio State Bar Foundation Fellows Class of 2005.

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

Justice O'Donnell currently resides in Rocky River with his wife, Mary Beth. The couple has four adult children — Terrence, Michael and Colleen, all of whom are attorneys; and Nora, who earned her master's degree at the University of Dayton and teaches English at St. Ignatius High School in Cleveland.



Terrence O'Donnell
JUSTICE

2007 STAFF

Laura W. Dawson
James Quinn Dorgan
Adam J. Hall
Kent C. Kiffner
Ann M. Schlatter



Judith Ann Lanzinger

JUSTICE

2007 STAFF

- Kristin B. Mutchler
- Lora D. Peters
- Samuel C. Peterson
- Sandra K. Ringer

JUSTICE JUDITH ANN LANZINGER is the only Court member to serve at every level of the statewide judiciary — municipal, common pleas, court of appeals and Supreme Court. This experience is invaluable as she chairs the superintendence commission, which is charged with developing rules that apply to all Ohio courts.

Justice Lanzinger was elected in 2004 as the 150th justice of the Supreme Court of Ohio. During the previous 20 years she was a judge on the 6th District Court of Appeals, the Lucas County Court of Common Pleas and the Toledo Municipal Court. Her trial workload included more than 12 death penalty cases.

Born and educated in Toledo, Justice Lanzinger was the second woman in the United States to earn a master's degree in judicial studies. The first in her family to attend college, the Justice received her undergraduate degree magna cum laude with a dual major in education and English from the University of Toledo. Before beginning law school, she taught elementary school while starting a family.

Justice Lanzinger has served on the National Judicial College faculty since 1990 and has been an adjunct professor since 1988 at the University of Toledo College of Law, where she was valedictorian of her class. She also is a charter member and past president of the Morrison Waite Inn of Court, a mentoring group, and the Toledo Junior Bar Association.

Justice Lanzinger now chairs the Supreme Court's Commission on the Rules of Superintendence for Ohio Courts and continues to contribute to the legal profession as an active member of the judiciary. A former chair and active board member of the Ohio Judicial College, she continues her interest in judicial education. She joined the Ohio Bar Foundation's Class of 2000, served as co-chair of the Public Education and Awareness Task Force of the Ohio Courts Futures Commission, and was a member of the Supreme Court of Ohio Board of Commissioners on Grievances & Discipline, as well as the Ohio Criminal Sentencing Commission.

As a member of many legal and judicial associations, Justice Lanzinger has received numerous awards, one of her favorites being the Toledo Junior Bar's Order of the Heel, given for assistance to young lawyers.

Justice Lanzinger enjoys speaking at legal events and in community settings. The Justice and her husband, Robert Lanzinger, live in Toledo and have a daughter, son and son-in-law, all whom are attorneys, and three grandchildren.

Prior to his election to the Supreme Court of Ohio in November 2006, **JUSTICE ROBERT R. CUPP** served on the Ohio Court of Appeals, 3rd Appellate District, which comprises 17 counties in northwest and west central Ohio. He was selected presiding judge of the court in 2005 and administrative judge in 2004. In fact, much of Justice Cupp's 30-year legal career has been committed to effective public service.

Before becoming a judge, Justice Cupp served 16 years as a member of the Ohio Senate, beginning in 1985 and ending in 2000 with the advent of Ohio's legislative term limits. He won each election by wide vote margins. Before his election to the legislature, Justice Cupp served as a Lima city prosecutor and assistant director of law (1976 to 1980). He twice was elected Allen County commissioner (1981 to 1984 and 2001 to 2002). He also engaged in the private practice of law in Lima for more than 25 years. He is a member of the Allen County and Ohio State Bar associations and coauthored the book, *[Legal] Ethics and Discipline in Ohio*, published by the Ohio State Bar Foundation in 1977.

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

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

Justice Cupp currently serves as a member of the Ohio Commission on Dispute Resolution & Conflict Management by appointment of the Chief Justice. He was a visiting professor at Ohio Northern University, his alma mater, teaching judicial process and leadership. He is a past president of the 13-county Black Swamp Area Boy Scout Council and is a member of the board of trustees of the Higher Learning Commission of the North Central Association.

Cupp was born in rural Allen County and grew up on his family's farm. He earned his political science degree with high distinction from Ohio Northern University in 1973 and his law degree from Ohio Northern University's Pettit College of Law in 1976. As a student at ONU, he served as president of the Student Senate.

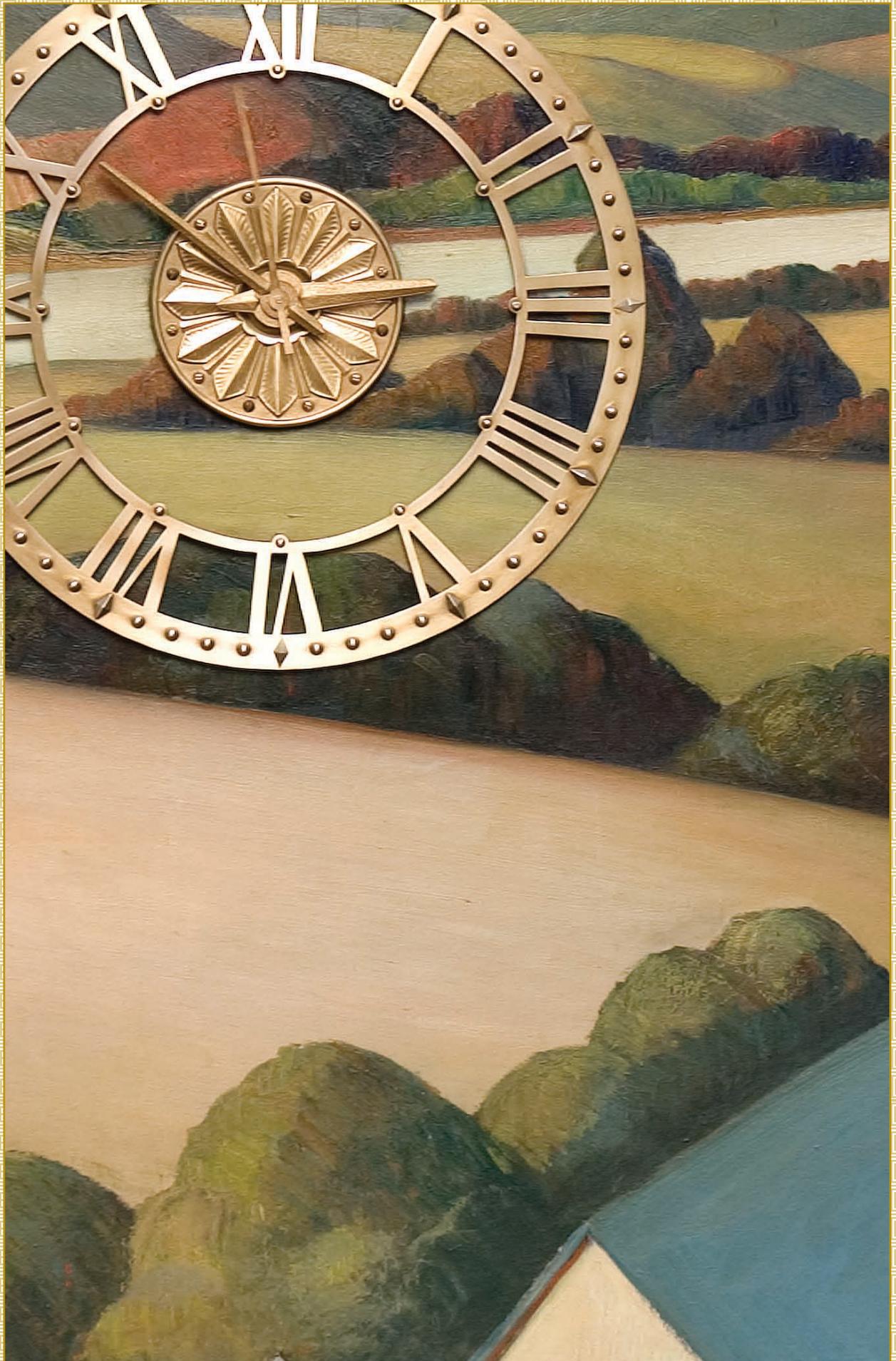
Justice Cupp's wife, Libby, is an educator. They are the parents of two sons, Matthew and Ryan, both of whom are Eagle Scouts.



Robert R. Cupp
JUSTICE

2007 STAFF

Melissa W. Baldwin
Diane R. Brey
Susan M. Burns
Robert Vaughn



A Look Back 2007

JAN. 2

Robert R. Cupp, a former state senator and appellate judge, is sworn-in as the 151st Justice of the Supreme Court of Ohio.



JAN. 3

A delegation of South Korean judicial officials arrives to observe the Ohio judicial system at work.

JAN. 8

Justice Terrence O'Donnell takes the oath of office after being elected to his first full term as Justice of the Supreme Court.



JAN. 8

Former Judge William "Milt" Nuzum III takes over as director of the Ohio Judicial College.

JAN. 30

Governor Ted Strickland announces an executive order amending Ohio's judicial selection process used to fill vacancies.

FEB. 23

Justice Maureen O'Connor shares her experience with new lawyers during a training event in Cleveland co-sponsored by the Cleveland and Cuyahoga Bar Associations.

FEB. 26

More than 500 prospective lawyers take the Ohio bar exam.



MARCH 12

The Supreme Court makes image documents of court orders available online through the Court's Web site.

In 2006, the Court began putting briefs and other case filings online.

MARCH 13

Five Supreme Court employees are honored with Professional Excellence Awards during a Court-wide event in the Courtroom.

MARCH 23

The Supreme Court releases a new bench card to assist judges working with foreign-language interpreters.

APRIL 4

Justice Cupp is honored by the Boy Scouts of America with its prestigious Silver Beaver Award given to an adult Scout for distinguished service to young people.

APRIL 12

Justice Terrence O'Donnell administers the oath of office to students participating in a Youth in Government event.

APRIL 16

Justice Cupp and Justice Judith Ann Lanzinger meet with the “We the People” high school state champion team.

APRIL 18

The Supreme Court holds session in the Knox County Courthouse as part of its Off-Site Court Program.

APRIL 19

For the fourth time, Chief Justice Thomas J. Moyer delivers his State of the Judiciary Address to a joint session of the Ohio General Assembly.

APRIL 19

Justice O’Connor delivers a keynote address at the Women’s Bar Association Annual Meeting.

Legislation backed by the Supreme Court is introduced in the Ohio House of Representatives to reform mayor’s courts in Ohio.

APRIL 23

Justice Evelyn Lundberg Stratton’s mental illness and the courts initiative gains recognition through a national effort modeling Ohio’s program.

APRIL 24

Justice O’Donnell and the Ohio State Bar Foundation unveil a program to assist the state’s Somali community.

APRIL 25

Chief Justice Moyer announces a joint initiative with Governor Strickland to host the

Ohio Summit on Children in 2008.

MAY 3

Justice O’Donnell gives a keynote address at the Mahoning County Bar Association Law Day event.

MAY 4

The Supreme Court announces that more than 300 applicants pass the February 2007 Ohio Bar Exam.

MAY 14

More than 250 new attorneys are admitted to the Ohio bar during a ceremony in Columbus.



MAY 16

The Chief Justice delivers a keynote address and announces a Judicial Canon review during the Ohio State Bar Association Annual Meeting.

MAY 31

Chief Justice Moyer testifies before an Ohio House Committee in support of a mayor’s court reform bill.

JUNE 14

Justice O’Connor gives a keynote address at the annual conference of the Ohio Associations of Probate, Juvenile and Domestic Relations Judges.

JUNE 22

The Supreme Court considers report recommendations from the Task Force on the Certification of Court Reporters.



Photo by Jack Kustron

JUNE 28

More than 70 judges from across the country participate in a judicial scientific training seminar at The Ohio State University as part of the Advanced Science & Technology Adjudication Resource (ASTAR) program.

**JUNE 30**

Marcia J. Mengel retires from the Supreme Court after serving 20 years as Clerk of Court and Director of Bar Admissions. Mengel was the first woman to serve as clerk.

JULY 24

More than 1,300 prospective lawyers take the Ohio bar exam.

JULY 26

The Supreme Court announces a restructuring of its management staff, including the appointment of Richard A. Dove as assistant administrative director and Susan B. Christoff as director of attorney services.

AUG. 6

The Supreme Court hosts the three-day national meeting of the Conference of Court Public Information Officers at the Ohio Judicial Center.

**AUG. 13**

A new bench card is issued for judges to work with interpreters for deaf and partially deaf individuals.

AUG. 23

The Ohio State Bar Association names Jacqueline Hagerott, manager of the Supreme Court Dispute Resolution Section, as chairperson of its Dispute Resolution Committee.

AUG. 27

Christy Tull, an education program manager in the Ohio Judicial College, is elected vice president of the National Association of State Judicial Educators.

SEPT. 6

Chief Justice Moyer highlights the success of local court programs during his 20th address to the Ohio Judicial Conference.

SEPT. 10

Kristina D. Frost is appointed Clerk of Court for the Supreme Court of Ohio.

SEPT. 13

Ten counties are selected to participate in an innovative Ohio Alternative Response Pilot Project in a joint effort with the Ohio Department of Job & Family Services.

SEPT. 18

The Supreme Court hires Diana Ramos-Reardon, its first program manager dedicated to issues involving domestic violence.

SEPT. 20

The Supreme Court issues a statement supporting and encouraging pro bono legal services by Ohio lawyers.

SEPT. 24

The Supreme Court awards scholarships to 47 Ohio mediators, attorneys, judges and magistrates, who receive training relating to mediation, domestic violence and family conflict.

SEPT. 28

The national Court Management Program, an affiliate of the Institute for Court Management, graduates a class of 36 participants during a ceremony in the Ohio Judicial Center.

OCT. 10

The Ohio Judicial College hosts a Super Meeting for all non-judicial court personnel in Ohio.

OCT. 12

The Supreme Court proposes amendments to standard probate forms, as well as amendments to procedural rules.

OCT. 16

The Chief Justice attends a conference on judicial elections and judicial selection co-sponsored by the Georgetown University Law Center and the National Center for State Courts.

OCT. 26

The Court announces that more than 1,000 applicants pass the July 2007 Ohio bar exam.

Nov. 5

Nearly 1,000 new attorneys are admitted to the Ohio bar during a ceremony in Columbus.



Nov. 9

A delegation of Ukrainian judiciary members arrives at the Ohio Judicial Center to study the American judicial system during a week-long visit.



Nov. 13

The Supreme Court unveils a new Web service to view proposed and adopted rule amendments.

Nov. 14

The Supreme Court hosts its annual seminar on the Unauthorized Practice of Law.

Chief Justice Moyer offers a statement of support for the Pakistani judiciary following a rally at the Ohio Statehouse.

Nov. 15

Crevon Tarrance, a Supreme Court dispute resolution manager, is elected to the board of directors of the National Association for Conflict Resolution.

Nov. 16

The Supreme Court releases proposed rule amendments addressing access to court records.

Nov. 27

The Supreme Court celebrates the Board of Commissioners on Grievances & Discipline 50th anniversary during a ceremony in the Courtroom.

Nov. 30

An Ohio delegation, including Judicial College Director Milt Nuzum, attends a national judicial conference at Harvard University on leadership education and courtroom best practices.

DEC. 3

Nearly 350 attorneys have their Ohio law licenses suspended for failing to register with the Supreme Court.



DEC. 7

A delegation from China's International Economic Trade & Arbitration Commission visits the Supreme Court through a program at The Ohio State University.

DEC. 10

Victims of attorney theft are awarded more than \$187,000 by the Court's Clients' Security Fund.

DEC. 13

The Supreme Court co-sponsors a statewide conference on specialized dockets.



DEC. 14

The Supreme Court hosts a regional workshop for judges and journalists.

DEC. 20

The Chief Justice calls on Ohio attorneys to assist in addressing the state's foreclosure problem.



OHIO COURTS NETWORK

Linking Ohio Courts with Critical Case Information

WITH NEARLY 400 COURTS IN OPERATION IN OHIO, thousands of court personnel make crucial decisions each day, which may impact the public safety of Ohio cities and towns.

The development of the Ohio Courts Network (OCN) began in 2007. When finished, the network will be a centralized data warehouse of court case-related information with a data interface from justice system partners. The network will be Internet-based and provide secure access to information. The concept of a court-technology network was first proposed in the late 1990s and was recommended again in 2002 by the Ohio Judicial Conference Court Technology Committee.

Today, court information is used to make crucial decisions, including setting bail, arraigning and sentencing offenders and issuing protective orders. Court information also is needed when completing background checks and handgun purchases, issuing of commercial driver and pilot licenses, and even in immigration.

In Ohio, the exchange of important case-related data among the courts and with their justice system partners is inefficient and, at times, nonexistent. While some courts in Ohio have online case searches available, the vast majority do not. Nor could they afford such technology.

Common in today's court system is the plight of a Cuyahoga County judge in northern Ohio, who is charged with determining bail for an accused felon. That Cleveland-area judge is forced to make critical decisions affecting numerous lives, without the benefit of knowing if this individual has prior convictions in other parts of the state, hundreds of miles from where the judge conducts his legal proceedings.

The Ohio Courts Network seeks to address and remedy these common situations. The network will be an integrated, statewide justice information exchange, which will allow all justice stakeholders to have accurate and current information required to administer justice and enhance the safety of Ohioans. Information available in the court system is critical to this effort.

To plan for the development of this initiative, the Supreme Court of Ohio requested funding from the Ohio General Assembly in its fiscal year 2008 and 2009 budgets. Specifically, the Supreme Court requested \$10.5 million, which Governor Ted Strickland included in the state's fiscal year 2008 and 2009 budget proposals.

This included funds for fiscal year 2008 to build the data warehouse and fund a pilot project for the connection of 20 courts to test the system.

The 20 courts selected typify those across Ohio. By working with these pilot courts, the project team will develop the core system and determine the best process to roll out the system to other courts. The completion of the pilot project is expected by June 2008. This pilot project is considered the proof-of-concept phase of the Ohio Courts Network development.

For fiscal year 2009, \$6.5 million was requested to cover the delivery of hardware and software to courts throughout the state, thus meeting the technology standards of the network.

As part of the two-year plan to develop the Ohio Courts Network, 2007 saw numerous highlights:

- The request for proposal was completed in early 2007 and a contract was awarded to Unisys Corporation to assist in the development of the proof-of-concept phase of the OCN system.
- The OCN project officially launched in late May 2007.
- All computer equipment, network equipment and software necessary to host the OCN system was purchased and installed.
- A data-sharing plan was developed with the Ohio Department of Rehabilitation and Corrections (ODRC) and the network began receiving ODRC data nightly, including inmate information, behavior information, supervision information and photos.
- The Court also negotiated a data-sharing agreement with the attorney general's office to provide OCN access to the Computerized Criminal History database and to other databases managed by the attorney general in the future, such as the sexual offender registry.
- The Court's Information Technology staff finalized the user interface design for OCN and began the testing phase.
- The Ohio Courts Network received data from its first court, Hamilton County Probate Court, late in 2007.
- Negotiations began with all major case management system vendors serving the courts of the state and agreements were finalized with three major vendors; agreements were expected with all major vendors by February 2008.
- Supreme Court Information Technology staff began working with the vendor supporting the Franklin County common pleas courts to add OCN connectivity to their court systems. Initial data transfers were expected in January 2008.
- Information Technology staff anticipate the Ohio Courts Network proof-of-concept phase to continue through May 2008.

DISCIPLINARY BOARD CELEBRATES *50th Anniversary*



Photo by: Alenz Zak

Current and past members of the Board of Commissioners on Grievances & Discipline gather in the Courtroom to celebrate the board's 50th anniversary.

THE SUPREME COURT OF OHIO celebrated the 50th anniversary of the Board of Commissioners on Grievances & Discipline in November 2007. The ceremony in the Supreme Court Courtroom at the Ohio Judicial Center was highlighted by a keynote address by former American Bar Association President and former Detroit Mayor Dennis W. Archer. The Justices recognized and thanked the more than 200 Ohioans who have served the board since 1957 in its mission to uphold the highest ethical standards for attorneys and judges and to safeguard the public.

“We are here to recognize and express our gratitude for the prodigious contributions of time and resources of those who have served as members of the board,” said Chief Justice Moyer. “I speak for all the Justices of the Supreme Court in thanking you for the work you have performed to assist the Court in effectively implementing one of our important constitutional responsibilities.”

In his remarks, the Chief Justice added that the celebration was about two enduring legacies of the profession of law — trust and tradition of sharing talents, education and resources to improve the administration of justice and improve the lives of citizens.

In his keynote address, Archer praised the Board of Commissioners on Grievances & Discipline for all the work it has done and all the work it will continue to do.

“It is not fun, it is not pleasing when a lawyer violates a canon and must be disciplined, but it is your responsibility and you do so with dignity and respect,” said Archer, who also is a former associate justice of the Michigan Supreme Court and former mayor of the city of Detroit. “Your work is not just for Ohio; your work is for all of America.”

Sandra J. Anderson, chair of the board; Jonathan W. Marshall, secretary to the board; and attorney Norton R. Webster with the Columbus firm of Vorys, Sater, Seymour and Pease LLP, also offered remarks during the commemoration ceremony. More than 50 present and former board members were in attendance.

The Board of Commissioners on Grievances & Discipline is a 28-member commission appointed by the Supreme Court. The members consist of 17 attorneys, seven active or retired judges and four non-attorney members. The board's duties include: issuing final recommendations to the Supreme Court on formal disciplinary charges against Ohio's lawyers and judges; monitoring and assisting the certified grievance committees in the regulation of the legal profession; and issuing advisory ethics opinions. In 2006, the board received 100 formal complaints, held 71 hearings and certified 83 matters to the Supreme Court.

In addition to the duties required by the Ohio Constitution and the Rules Governing the Bar of Ohio, the board serves as a facilitator and resource for upholding the highest principles of the legal profession. It is dedicated to furthering the goals of self-regulation of the bench and bar; enhancing the public's access to information and participation in the Supreme Court regulation of the legal profession and the judiciary; and assisting and encouraging Ohio attorneys and judges through advice, guidance and education, to observe the standards of professional responsibility so as to prevent ethical abuses and attendant harm to Ohio's citizens and its system of justice.



Hon. Dennis W. Archer (second from left) delivered the keynote address.

Off-Site Court Program Reaches 20-Year Milestone

WITH THE COMPLETION OF ORAL ARGUMENTS from the bench of the Darke County Courthouse on Oct. 10, 2007, the Supreme Court of Ohio completed its 20th year of Off-Site Court, a program started by Chief Justice Thomas J. Moyer in 1987.

A total of 54 Ohio counties have hosted the Justices of the Supreme Court in the last 20 years. Twice a year, the Off-Site Court program allows the Justices an opportunity to do their work outside of Columbus — where Ohioans not normally exposed to the inner workings of a state institution

can learn and watch how legal differences are argued and ultimately remedied by the Justices.

“The idea of this program is to bring the Court closer to the public and especially young people,” Chief Justice Moyer said. “Our off-site sessions have enabled nearly 31,000 Ohioans, 23,345 of them high school students, to observe the Supreme Court in action without leaving their communities.”

The Supreme Court’s Off-Site Court program has gained national recognition as a model program for education about the judiciary. The program enhances high school students’ understanding of the legal

system by providing an opportunity for hundreds of students to attend and observe the proceedings of the Supreme Court and interact with Justices, attorneys and Court staff without leaving their home county.

Public, private and home-schooled high school students from throughout the visited county are invited to participate in the program on the day set for Justices to hear oral arguments.

Prior to Off-Site Court day, the students and their teachers are provided with curriculum material to study before the session, including summaries of the specific cases to be argued. Local attorneys also team with educators at each participating school to explain Ohio’s judicial system and review case materials.

Further, on the morning of Off-Site Court, student journalists attend a special briefing during which they can ask questions and interact with Justices of the Court.

Students from each participating school also are assigned to attend one oral argument. After their assigned case is argued, each group of students meets with the case attorneys for a debriefing and discussion of the legal issues in the argument they just heard.



Supreme Court Justices answer students’ questions at a special “press” briefing before oral arguments.

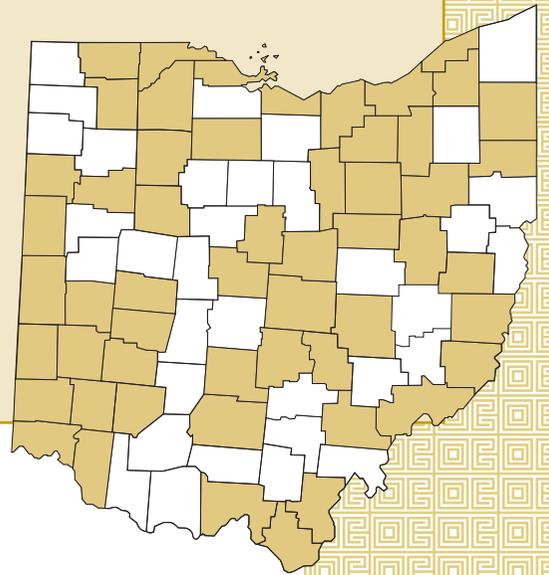
COUNTIES OF OFF-SITE COURT

Since the program's inception in 1987, the Court has heard oral arguments in 54 counties throughout Ohio.

Darke
Knox
Delaware
Clark
Warren
Harrison
Morrow
Clermont
Clinton
Ross
Licking
Perry
Greene
Lawrence
Fairfield
Geauga
Pickaway
Hardin
Mercer
Seneca
Cuyahoga
Muskingum

Athens
Champaign
Tuscarawas
Van Wert
Wayne
Scioto
Hancock
Miami
Medina
Butler
Henry
Lake
Lorain
Wood
Preble
Belmont
Erie
Holmes
Ottawa
Summit
Gallia
Montgomery

Ashland
Fulton
Stark
Mahoning
Allen
Trumbull
Cuyahoga
Hamilton
Lucas
Washington



Supreme Court Administrative Operations

ADMINISTRATIVE
DIVISION

CLERK'S DIVISION

LEGAL RESOURCES
DIVISION

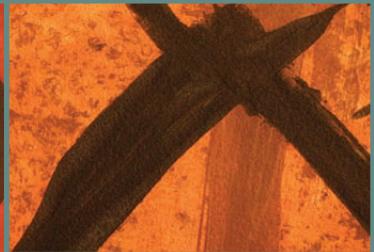
ATTORNEY SERVICES
DIVISION

JUDICIAL & COURT
SERVICES DIVISION

FISCAL & MANAGEMENT
RESOURCES DIVISION

INFORMATION
TECHNOLOGY DIVISION

FACILITIES
MANAGEMENT DIVISION



A MESSAGE FROM THE ADMINISTRATIVE DIRECTOR

Dear Ohioans:

This annual report details significant accomplishments and activities of the Court this past year in fulfilling its constitutional responsibilities of superintendence of the Ohio judicial system. The Chief Justice noted in his letter that these accomplishments are the result of the hard work and dedication of a team of talented individuals.

I write to tell a little more about some of these people and their activities this past year from my perspective as the administrative director of the Court.

The year 2007 was a year of change, a year of progress and a year of celebration. To begin the year, we welcomed a new director of the Judicial College, former judge Milt Nuzum; we welcomed Kristina Frost as the new clerk of Court in September; and we bid farewell in December to David Gormley, former director of Legal Resources who was elected municipal judge in Delaware County.

Among our other senior staff members, Susan Christoff was promoted to director of Attorney Services and Lee Ann Ward was promoted to director of Bar Admissions. During the summer of 2007, Richard A. Dove, former director of Attorney Services, also was promoted to assistant administrative director.

Further, while tremendous progress was made to build and implement the Ohio Courts Network, work also proceeded on a new case management system for the appeals courts. We also implemented new procedures to announce Court case decisions and expanded the availability of Court dockets on our Web site.

We began the year with a celebration of professional distinction in the Courtroom when four Supreme Court staff members were recognized with Professional Excellence Awards for their work in 2006. The recipients were Erika Lemke, the Court's Web editor; Judy Conrad, Office of the Reporter; Deborah Boyd, network administrator; and Nan Cairney, who retired in 2007 from the Office of the Administrative Director.

We ended the year, too, with another celebration: the 50th year of the Board of Commissioners on Grievances & Discipline and the important work they do.

As we all work to tighten our belts and work more efficiently from the Supreme Court to the trial courts of Ohio, we continue to search for ways to make meaningful change and look forward to the progress 2008 promises.

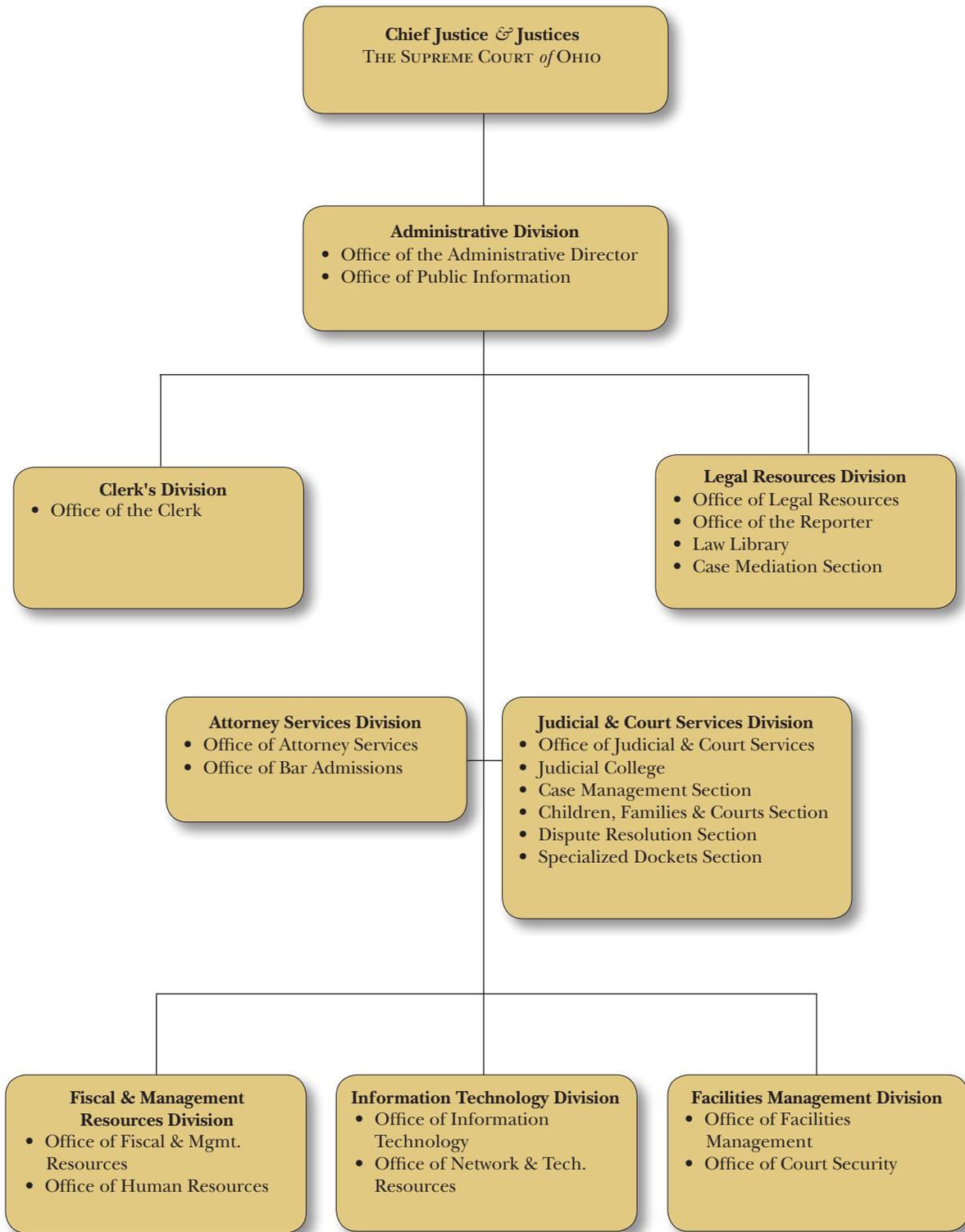
Sincerely,



Steven C. Hollon
Administrative Director



THE SUPREME COURT of OHIO
2007 Administrative Structure



SUPREME COURT ADMINISTRATIVE OPERATIONS

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

The Court also is fortunate to rely on the volunteer services of dozens of committed judges, attorneys, clerks, court administrators and private citizens who serve on the many boards, commissions, advisory committees and task forces that the Court maintains. These bodies help the Court provide oversight to the courts of Ohio, regulate the practice of law, and provide efficient services to the judicial branch of Ohio government. For a complete listing of these bodies and the nature of their structure, refer to www.supremecourtsohio.gov.

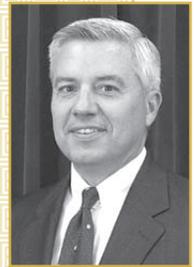
The table of organization displayed on the preceding page provides a visual representation of the Court's structure in 2007.

STEVEN C. HOLLON is the administrative director of the Supreme Court of Ohio. The administrative director is a constitutional position in Ohio government and serves at the pleasure of the Court. As the senior non-elected officer of the Court, the administrative director, in conjunction with the Chief Justice, the Justices of the Court, the Ohio Judicial Conference, and the judges of the state, is responsible for developing and communicating the long-term vision, values and direction of the Court and the judicial branch of Ohio.

In addition, the administrative director is responsible for providing oversight to all divisions within the Court, which consists of 270 employees, and administering a judiciary/Supreme Court budget of more than \$134 million.

The administrative director assists in the development of emerging issues, including providing support for special projects, initiatives and task forces. He also develops and maintains relationships with the General Assembly, monitors legislative activity on matters of interest to the Court and the judicial branch, and oversees staff assistance to the Commission on the Rules of Superintendence, the Commission on Rules of Practice & Procedure, and follow-up monitoring to the Ohio Courts Futures Commission and the Ohio Commission on Racial Fairness.

Hollon is an attorney who began his career as a judicial law clerk with the Ohio 12th District Court of Appeals and later became that court's administrator. He then engaged in the private practice of law in Hamilton, Ohio, before becoming the administrator and senior staff attorney of the Ohio 2nd District Court of Appeals in Dayton, where he served until he assumed his current duties. He also served on the Supreme Court's Board of Commissioners on Grievances & Discipline, and has lectured at multiple judge association meetings, including a week-long seminar on judicial administration and legal ethics to the Ukrainian Supreme Court in Kiev in 1995. Hollon currently serves on the Boards of Directors of the Conference of State Court Administrators and the National Center for State Courts in Williamsburg, Va.



Administrative Division

Steven C. Hollon
Administrative Director

Richard A. Dove
*Assistant Administrative
Director*

OFFICE OF THE
ADMINISTRATIVE
DIRECTOR
Steven C. Hollon
Administrative Director

OFFICE OF PUBLIC
INFORMATION
Chris Davey
Director

VISITOR EDUCATION
CENTER
Jay Wuebbold
Program Manager



The Administrative Division is the lead division of the Supreme Court. In 2007, it consisted of the Office of the Administrative Director, the Office of Public Information and the Visitor Education Center.

OFFICE OF THE ADMINISTRATIVE DIRECTOR

As the principal administrative office at the Supreme Court, the Office of the Administrative Director provides leadership and guidance to the divisions, offices, sections and programs through which the Court executes its judicial and administrative functions. In addition, the office oversees the assistance Court staff provide to Ohio trial and appellate courts.

The Court saw a number of significant administrative and organizational accomplishments in 2007 under the leadership and direction of the Office of the Administrative Director. The office coordinated the efforts to welcome and assimilate the Court's newest Justice, Robert R. Cupp, who took the oath of office in a ceremony in the Courtroom Jan. 2, becoming the 151st person to serve as Justice of the Supreme Court. The office also assisted in preparations for Justice Terrence O'Donnell's swearing-in ceremony, which was held Jan. 8 in the Courtroom.

The Office of the Administrative Director led efforts to move forward the Court's overall legislative agenda in 2007. Chief Justice Moyer testified before the House Judiciary Committee in favor of legislation to assimilate mayor's courts into the judicial system, creating community courts subject to the superintendent authority of the Supreme Court of Ohio.

In addition, work continued on a judicial reform package to increase qualifications for judicial office, increase the length of judicial terms and make other reforms. The package also includes a judicial compensation increase. The General Assembly also enacted the Court's budget for fiscal years 2008 and 2009, including funding for the Ohio Courts Network (*see story on page 16*).

A number of important revisions to the Court's administrative policies were enacted in 2007, including Adm. P. 4 (At-Will Employment); Adm. P. 5 (Equal Employment Opportunity); Adm. P. 7 (Access to Employee Work Environment); Adm. P. 8 (Employee Personnel Files); Adm. P. 9 (Separation from Employment). Further, several new

administrative policies were enacted, including new Adm. P. 6 (Employment Process).



ADMINISTRATIVE DIVISION 2007 STAFF

Steven C. Hollon
Administrative Director

Nan P. Cairney
Jo Ellen Cline
Christopher J. Davey
Michael R. DalSanto
Jennifer A. Dennis
Richard A. Dove
Carol Durley
Phillip A. Farmer
Kevin W. Humphries
Cindy L. Johnson
Brittany L. Jordan
Lanessa M. Keesor
Jasmine J. Khamvongsa
Regina M. Koehler
Erika L. Lemke
Julie C. Manning
Crista T. Marbley
Megan L. Prince
Arleathia Radcliffe
Justine S. Reichert
Kathleen M. Riedel
Marylyn A. Robinson
Travis R. Shaul
James R. Shroyer
Andrea M. Strle
Carol A. Taylor
John S. VanNorman
Dennis P. Whalen
Connie M. Wherkamp
Jay Wuebbold

Six pieces of artwork by Ohio artists and reflecting the state's scenic landscape and diversity, from wetlands to cornfields, are located in public areas of the Ohio Judicial Center.

**COMMISSION ON
THE RULES OF
SUPERINTENDENCE
FOR OHIO COURTS**

Jo Ellen Cline
Staff Liaison

Hon. Deborah A. Alspach
Hon. Patricia Ann
Blackmon
Hon. Janet R. Burnside
Hon. Patricia A. Cosgrove
Hon. Theresa Dellick
Hon. Charlotte Coleman
Eufinger
Hon. William A. Klatt
Hon. Gary W. Herman
Steven C. Hollon
Hon. James M. Hughes
Hon. Judith Ann Lanzinger,
chair
Hon. David Lewandowski
Nancy G. McMillen
Robert G. Palmer
Hon. J. Bernie Quilter
Hon. Kenneth J. Spicer
Elizabeth W. Stephenson
Adrian D. Thompson
Hon. Jennifer P. Weiler
Hon. Mary Pat Zitter

**COMMISSION ON THE
RULES OF PRACTICE
AND PROCEDURE
IN OHIO COURTS**

Jo Ellen Cline
Secretary

Hon. James Barber
Susan J. Becker
Hon. James Brogan
Hon. Kim A. Browne
Rick L. Brunner
Richard Collins
Hon. Sean C. Gallagher
Hon. Janet A. Grubb
John Guldin
Hon. Reeve W. Kelsey
Hon. Thomas R. Lipps
Nancy D. Moody
Mark E. Owens
Hon. Jack R. Puffenberger
C. William Rickrich
Nancy Schuster
Sam Shamansky
Randall L. Solomon
Daniel J. Steinbock
Anne M. Valentine, *chair*
Hon. Richard M. Wallar
Peter H. Weinberger
David Yost

There also was important action by the Office of the Administrative Director on several Court administrative bodies:

- The Task Force on the Certification of Court Reporters issued its report and recommendations.
- The Chief Justice created the Task Force on Commercial Dockets.
- The Commission on the Rules of Superintendence proposed for public comment a set of new rules regarding accessibility of court records.
- A Joint Committee to Study Court Costs was appointed; it includes Administrative Director Hollon as chair, with representatives from the executive and legislative branches.

In February, the administrative director conducted the third annual Supreme Court Professional Excellence Awards ceremony in the Courtroom, recognizing employees for their years of service to the Court and for outstanding professional performance.



***Professional Excellence Award Recipients (from left to right):
Nan Cairney, Office of the Administrative Director; Erika Lemke,
Office of Public Information; Judy Conrad, Office of the Reporter; and
Deborah Boyd, Office of Network & Technology Resources.***

Court Veteran Promoted to New Leadership Role

In July 2007, the Supreme Court completed an administrative restructuring that included the promotion of Richard A. Dove, an 18-year veteran of the Court, to the position of assistant administrative director.

In this role, Dove assists Administrative Director Steven C. Hollon in the day-to-day management of the Court and directs special projects and initiatives. Dove has served with the Court since 1989 in a number of key positions, most recently as the director of Attorney Services.

A former judicial law clerk at the 10th District Court of Appeals in Franklin County and attorney for the Legislative Service Commission, Dove is a graduate of Wittenberg University and the Capital University Law School.



OFFICE OF PUBLIC INFORMATION

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

In 2007, the office re-organized into two work groups: Publications and News & Information. In so doing, the office filled the newly created position of publications manager. The manager oversees the six-member Publications Work Group, which serves as a full-service publishing house for the Court's various publications needs, from the in-house employee newsletter to brochures and training material for the Ohio Judicial College. The News & Information Work Group moved to the 10th Floor, and work began on a new publications studio for completion in 2008. The office significantly expanded the Court's news operation and began displaying an average of five news stories on the Web site per week. Work began on a renovation of the Web site in order to, among other objectives, allow for more prominent display of this news and other current information.

In 2007, the Office of Public Information also:

- Completed a redesign and launch of a new Intranet site (CenterSource).
- Launched a publication about the history, art and architecture of the Ohio Judicial Center.
- Launched a new program announcing Court decisions on the Ohio Government Telecommunications cable network.
- Hosted the 2007 national meeting of the Conference of Court Public Information Officers.
- Held the 4th Annual Judges & Journalists Workshop.

In 2007, the Office of Public Information wrote and mailed 161 written responses to constituent letters and e-mails; researched, wrote and distributed 328 previews of oral arguments before the Court and summaries of merit decisions; fielded 712 media inquiries; answered nearly 27,142 phone calls on the Court's main lines; researched, wrote and distributed 186 news releases; and designed and published more than 150 print publications and materials.



Public information officers brush up on their media skills in a breakout session during the 2007 Conference of Court Public Information Officers annual meeting hosted by the Office of Public Information.

VISITOR EDUCATION CENTER

The Visitor Education Center develops and executes programs to inform and educate students and adults about the role and responsibilities of the judicial system, as well as the art, architecture and history of the Ohio Judicial Center.

Calendar year 2007 marked the second year of operation of the Supreme Court's Visitor Education Center on the Ground Floor of the Ohio Judicial Center. The 4,442-square-foot facility consists of 10 exhibit areas.

The center created new programs in 2007 with the aim of increasing student participation during visits. A new role-playing exercise was written for 4th and 5th graders, who comprise more than 50 percent of the student visitors. Additionally, a new mock trial presentation was developed and includes a tort action loosely based on an incident in the first *Harry Potter* book. By playing the roles of familiar characters, students experience firsthand how trial courts work to resolve conflicts. The reaction from students, teachers and parents has been positive. One teacher said, "The students loved the *Harry Potter* case; they talked about it for days."

In 2007, the center conducted 291 tours for 10,732 visitors. About 80 percent of the visitors are students. Of the 8,643 student guests, 52 percent were elementary students, 28 percent middle school and 16 percent high school.

All volunteer guides now undergo both a criminal background check and drug screening. The policy was adopted to ensure the safety of the thousands of children who visit the education center. The 18 volunteers donated a total of 649 hours representing a market value of \$11,389 during the year.

VISITOR EDUCATION CENTER VOLUNTEERS

John Anderson
Rachel Caldwell
Linda Christman
William Corallini
Toba Feldman
Joanne Hawk
Jacquelyn Hughes
Joann Johnson
Cheri Kappeler
Barbara Maresca
William Martin
Susan McCormick
Priscilla Mead
Pete Miller
Megan Morrice
Darlene Rauch
Rex Zent

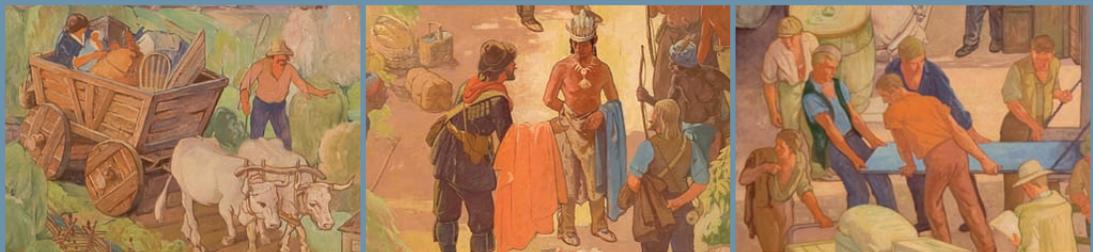
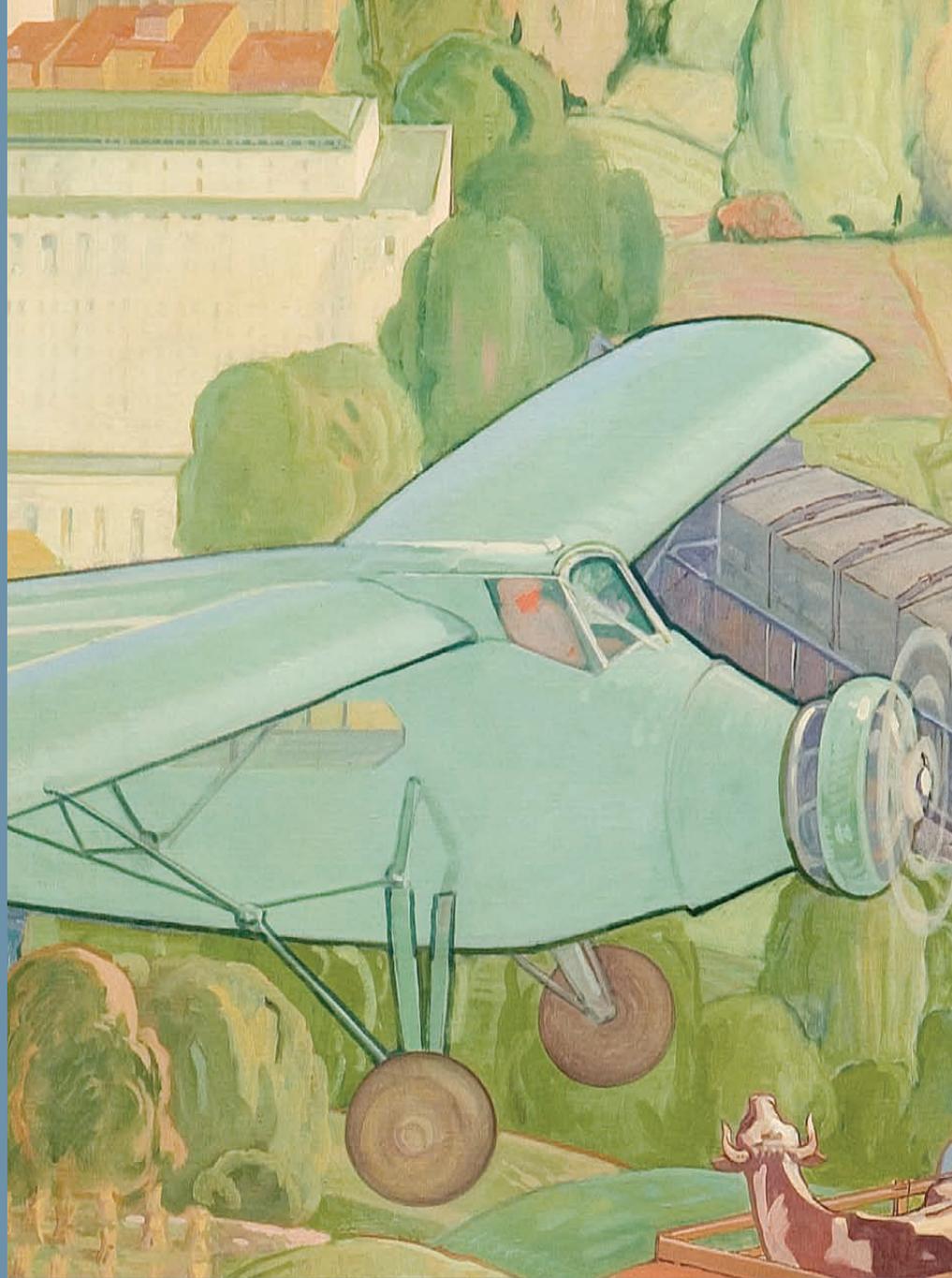


The Visitor Education Center features interactive exhibits portraying the workings and history of the judicial system.

Clerk's Division

Kristina D. Frost
Clerk of Court

OFFICE OF THE CLERK
Kristina D. Frost
Clerk of Court



The clerk of the Court is charged with supervising the filing of all case-related items and maintaining all case files in matters pending before the Court. In addition to managing all cases filed with the Supreme Court, the clerk of the Court maintains case dockets, the Court's journal and, in pending cases, trial and district appellate court records as well. The clerk of Court also prepares and issues Court orders, schedules oral arguments and the Court's consideration of other case matters, coordinates interagency communication in death penalty cases and manages the Court's enforcement of continuing legal education requirements.

OFFICE OF THE CLERK

The Office of the Clerk is responsible for maintaining and enforcing the Rules of Practice of the Supreme Court of Ohio and recommending appropriate rule amendments to the Court. Deputy clerks and staff attorneys provide assistance on procedural issues to attorneys, litigants and the public through written communications, seminar presentations, phone and office consultations and the publishing of answers to frequently asked questions on the Supreme Court Web site.

In 2007, the Office of the Clerk processed 2,459 new cases, a 2 percent increase in new case filings over 2006. The office also handled the final disposition of 2,386 cases, an 8 percent decrease in case dispositions from 2006.

Effective Jan. 1, 2007, the Office of Bar Admissions was transferred to the Attorney Services Division of the Court.

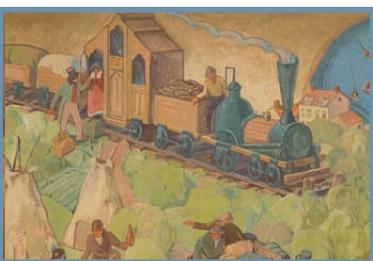
In 2007, the Office of the Clerk worked with the Office of Information Technology to further increase public access to Court documents via the Internet. In early 2007, Supreme Court orders issued after Jan. 1, 2007, became accessible through the Supreme Court Web site. Orders can be found by searching the Clerk's online case docket and clicking on the appropriate icon or by looking on the Web site and clicking on the journal, under the section entitled Supreme Court Case Information. The journal is the record of all case-related orders issued by the Supreme Court.

The Office of the Clerk worked collaboratively with Information Technology staff to facilitate the preparation of court entries. The new entry templates incorporate information from the case management system resulting in more accurate and efficient entry preparation. The new templates allow the Clerk's Office staff to make changes to the text of the templates without the need for programmer involvement.

CLERK'S DIVISION 2007 STAFF

Kristina D. Frost
Clerk of Court

Valerie J. Cannell
Helka C. Gienapp
Sandra H. Grosko
Thomas A. Imber
Joella Jones
Justin T. Kudela
Marcia J. Mengel
Tiffany N. Morgan
Kimberly M. Radcliffe
Amy L. Reitz
Doris L. Roche
Amie K. Vetter
Nathan L. Wasson



Eleven murals depicting the development and growth of commerce in Ohio in the 19th and 20th centuries adorn the walls of the South Hearing Room. The murals were painted by noted Cincinnati artist and educator Herman Henry Wessel.

Also in 2007, the Office of the Clerk completed a comprehensive review of the Rules of Practice of the Supreme Court of Ohio. The amendments were presented to the Court and approved for publication and comment. On Sept. 18, 2007, after receiving public comment, the Court adopted the amendments to the Rules of Practice, effective Jan. 1, 2008. The rule amendments include provisions aimed at protecting personal privacy interests, adjusting deadlines to reduce the burden on the filing parties and providing for service of documents on opposing parties by e-mail. The updated Rules of Practice can be found on the Court's Web site.

Finally, Kristina D. Frost was appointed Clerk of Court during the summer of 2007, replacing longtime Clerk Marcia J. Mengel, who served for more than 20 years.

From June until Frost was named as clerk, Deputy Clerk Sandra Grosko served with distinction as the interim clerk.



Chief Justice Thomas J. Moyer swears in Kristina D. Frost as the new Clerk of Court in September 2007.

THE SUPREME COURT of OHIO
2007 Case Statistics

CASES FILED*

JURISDICTIONAL APPEALS

17	Claimed Appeals of Right
925	Discretionary Appeals (Non-felony)
897	Discretionary Appeals (Felony)
10	Death Penalty Postconviction Appeals
16	Appeals Involving Termination of Parental Rights/Adoption
62	Appeals from App.R. 26(B) Applications (Murnahan Appeals)
1,927	TOTAL

MERIT CASES

145	Original Actions
45	Habeas Corpus Cases
119	Direct Appeals (Cases Originating in Courts of Appeals)
49	Certified Conflicts
30	Appeals from Board of Tax Appeals
6	Appeals from the Public Utilities Commission
9	Death Penalty Cases ¹
2	Certified Questions of State Law
3	Appeals from App.R. 26(B) Applications in Death Penalty Cases
1	Appeals of Election Contests under R.C. 3515.15
1	Other Merit Cases
410	TOTAL

PRACTICE OF LAW CASES²

107	Disciplinary Cases
11	Bar Admissions Cases
4	Unauthorized Practice of Law Cases
122	TOTAL

2,459 TOTAL CASES FILED

* See page 41 for notes.

THE SUPREME COURT of OHIO
2007 Case Statistics

CASES RELATING TO THE PRACTICE OF LAW
DETAIL OF CASES FILED

DISCIPLINARY CASES

58	Cases on Report of Board
10	Consent to Discipline Matters
7	Cases upon Felony Conviction
3	Cases upon Default of Child Support Order
2	Cases on Motion for Interim Remedial Suspension
1	Miscellaneous Disciplinary Matter
21	Attorney Resignation Matters
3	Reciprocal Discipline Cases
2	Judge Disciplinary Cases under Gov.Bar R. V
107	TOTAL

BAR ADMISSIONS CASES

11	Bar Admissions/Character and Fitness Cases
11	TOTAL

UNAUTHORIZED PRACTICE OF LAW CASES

4	Unauthorized Practice of Law Cases/On Report of Board
4	TOTAL

122 TOTAL PRACTICE OF LAW CASES FILED

JURISDICTIONAL APPEALS ACCEPTED FOR REVIEW*

113	Discretionary Appeals (Non-Felony) ³
61	Discretionary Appeals (Felony) ³
1	Appeals Involving Termination of Parental Rights/Adoption
1	Appeals from App.R. 26(B) Applications (Murnahan Appeals)

176 TOTAL APPEALS ACCEPTED FOR REVIEW

THE SUPREME COURT of OHIO

2007 Case Statistics

FINAL DISPOSITIONS*

JURISDICTIONAL APPEALS

Jurisdiction Declined, Leave to Appeal Denied and/or Appeal Dismissed

10	Claimed Appeals of Right
809	Discretionary Appeals (Non-felony) ³
751	Discretionary Appeals (Felony) ³
11	Death Penalty Postconviction Appeals
12	Appeals Involving Termination of Parental Rights/Adoption
54	Appeals From App.R. 26(B) Applications (Murnahan Appeals)
1,647	TOTAL

MERIT CASES

143	Original Actions
51	Habeas Corpus Cases
114	Direct Appeals (Cases Originating in Courts of Appeals)
60	Certified Conflicts
3	Certified Conflicts Involving Termination of Parental Rights/ Adoption
26	Appeals from the Board of Tax Appeals
11	Appeals from the Public Utilities Commission
4	Death Penalty Cases ⁴
195	Jurisdictional Appeals Accepted for Review
2	Certified Questions of State Law
2	Appeals from App.R. 26(B) Applications in Death Penalty Cases
1	Other Merit Cases
612	TOTAL

PRACTICE OF LAW CASES⁵

114	Disciplinary Cases
9	Bar Admissions Cases
4	Unauthorized Practice of Law Cases
127	TOTAL

2,386 TOTAL FINAL DISPOSITIONS

* See page 41 for notes.

THE SUPREME COURT of OHIO
2007 Case Statistics

CASES RELATING TO THE PRACTICE OF LAW
DETAIL OF FINAL DISPOSITIONS

DISCIPLINARY CASES

- 62 Cases on Report of Board [Gov.Bar R. V(8)]
 - 3 Public Reprimand
 - 35 Definite Suspension
 - 15 Indefinite Suspension
 - 1 Interim Suspension
 - 8 Disbarment

- 8 Cases on Felony Conviction [Gov.Bar R. V(5)]
 - 8 Interim Suspension

- 3 Cases on Default of Child Support Order [Gov.Bar R. V(5)]
 - 3 Interim Suspension

- 2 Cases on Interim Remedial Suspension [Gov.Bar R. V(5a)]
 - 2 Interim Suspension

- 7 Cases on Consent to Discipline Matters
[Gov. Bar R. V(11)(A)(3)(c); BCGD Proc. Reg. Sec. 11]
 - 1 Case Dismissed
 - 3 Attorney Publicly Reprimanded
 - 3 Attorney Suspended for a Term

- 1 Miscellaneous Disciplinary Matter
 - 1 Found in Contempt and Suspended

- 23 Attorney Resignation Cases [Gov.Bar R. V(11)(G)]
 - 1 Withdrawn
 - 8 Resignation Accepted
 - 14 Resignation Accepted - Disciplinary Action Pending

THE SUPREME COURT of OHIO
2007 Case Statistics

CASES RELATING TO THE PRACTICE OF LAW
DETAIL OF FINAL DISPOSITIONS (CONTINUED)

- 5 Reciprocal Discipline Cases [Gov.Bar R. V(11)(F)]
 - 2 Public Reprimand
 - 1 Indefinite Suspension
 - 1 Definite Suspension
 - 1 Disbarment

JUDGE DISCIPLINARY CASES

- 3 Cases on Report of Board [Gov.Bar R. V(8)]
 - 2 Definite Suspension
 - 1 Indefinite Suspension

BAR ADMISSIONS CASES

- 9 Character and Fitness Cases [Gov.Bar R. I(12)]
 - 9 Applicant Disapproved, May Reapply

UNAUTHORIZED PRACTICE OF LAW CASES

- 4 Cases on Report of Board [Gov.Bar R. VII]
 - 1 Respondent Enjoined From Actions Constituting the Unauthorized Practice of Law
 - 2 Respondent Enjoined from Actions Constituting the Unauthorized Practice of Law and Civil Penalty Imposed
 - 1 Case Dismissed – Actions Do Not Constitute the Unauthorized Practice of Law

THE SUPREME COURT of OHIO
2007 Case Statistics

CASES PENDING AS OF JAN. 1, 2008*

JURISDICTIONAL APPEALS AND MERIT CASES

533	Jurisdictional Appeals
143	Jurisdictional Appeals Accepted for Review
27	Original Actions
6	Habeas Corpus Cases
72	Direct Appeals (Cases Originating in Court of Appeals)
47	Certified Conflicts
28	Appeals from Board of Tax Appeals
5	Appeals from Public Utilities Commission
18	Death Penalty Cases ⁶
4	Certified Questions of State Law
2	Appeals from App.R. 26(B) Applications in Death Penalty Cases
1	Appeal of Contest of Election under R.C. 3515.15
886	TOTAL

DISCIPLINARY CASES

28	Cases on Report of Board
4	Consent to Discipline Matter
4	Attorney Registration Cases
36	TOTAL

BAR ADMISSIONS CASES

3	Bar Admissions/Character and Fitness Cases
3	TOTAL

UNAUTHORIZED PRACTICE OF LAW CASES

1	Unauthorized Practice of Law Cases/On Report of Board
1	Unauthorized Practice of Law Cases/On Motion for Interim Cease and Desist Order
2	TOTAL

927 TOTAL NUMBER OF CASES PENDING

* See page 41 for notes.

THE SUPREME COURT *of* OHIO 2007 Case Statistics

NOTES*

¹ Eight of the death penalty cases filed in 2007 were appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995. The other death penalty case filed involved an appeal from a court of appeals for a capital offense committed prior to Jan. 1, 1995.

² See page 36 for a breakdown of cases relating to the practice of law that were filed in 2007.

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

⁴ Included in this category are three cases involving appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995, and one case involving an appeal from a court of appeals for a capital offense committed prior to Jan. 1, 1995.

⁵ See pages 37-39 for the types of final dispositions entered in cases relating to the practice of law.

⁶ Included in this category are 17 cases involving appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after Jan. 1, 1995. The remaining case is an appeal from a court of appeals for a capital offense committed prior to Jan. 1, 1995.

Legal Resources Division

David M. Gormley
Director

OFFICE OF LEGAL
RESOURCES
David M. Gormley
Director

OFFICE OF THE
REPORTER
Ralph W. Preston
Reporter of Decisions

LAW LIBRARY
Ken Kozlowski
Director

CASE MEDIATION
SECTION
William A. Zapp
Mediation Attorney



The Legal Resources Division consists of the Office of Legal Resources, the Office of the Reporter, the Law Library and the Case Mediation Section. The Office of Legal Resources is the lead office of the division and assists the Supreme Court in resolving complex legal issues pending before the Court. The Office of the Reporter is responsible for publishing the opinions of the Court and trial and appellate courts of Ohio. The Law Library is one of the largest state law libraries in the nation, with a comprehensive collection of Ohio, federal and state legal sources that is open to the public. The Case Mediation Section assists the Court in mediating pending cases, obviating the need for a full argument of those matters. The director of Legal Resources provides oversight and administrative direction for the division.

In December 2007, Director David Gormley left the Supreme Court following his election as a judge of the Delaware Municipal Court. Arthur Marziale, former director of the State Employee Relations Board, was appointed director of Legal Resources, effective in January 2008.

OFFICE OF LEGAL RESOURCES

The staff attorneys, known as master commissioners, in the Office of Legal Resources provided research and writing support to the Justices on the non-discretionary portion of the Court's docket: death penalty appeals (34 memos, drafts or research projects on conviction and postconviction matters in 2007), public utility appeals (15 memos, drafts or research projects), workers' compensation appeals (46 memos, drafts or research projects), state tax appeals (32 memos, drafts or research projects), extraordinary writs (239 memos, drafts, research projects or orders) and attorney disciplinary cases (93 memos, drafts or research projects). They also assisted the Chief Justice with processing 124 affidavits of disqualification.

LEGAL RESOURCES DIVISION 2007 STAFF

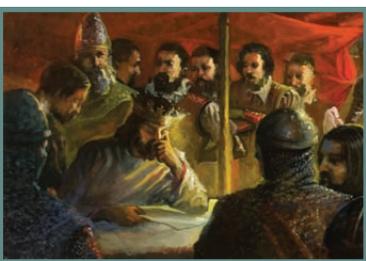
David M. Gormley
Director

Deborah J. Barrett
Mary J. Beck
P. Michael Bradshaw
James F. Bumbico
Elizabeth A. Clarke
Judith S. Conrad
Alicia F. Elwing
Karen R. Fields
Daniel W. Fox
Mary K. Fry
Patricia A. Hagen
Ann L. Hosutt
Sharon L. Jewett
Diane E. Kier
Douglas H. Kohrt
Judith Susan Kolk
Kenneth S. Kozlowski
Mark Loudenslagel
Lisa M. Lynch
Robert C. Maier
Diana J. Mercer
Maureen A. Penman
Christopher E. Pon
Ralph W. Preston
Deanna D. Rush
Matthew Satterwhite
Ellen Seibert
Dusty R. Smeller
Diane M. Taveira
Marlys A. Watson
Pamela G. Wynsen
William A. Zapp

OFFICE OF THE REPORTER

During 2007, the Office of the Reporter edited and published in the *Ohio Official Reports* advance sheets 427 Supreme Court opinions, 413 courts of appeals opinions and 35 Court of Claims and trial court opinions, representing approximately 9,000 pages. In addition, 450 Supreme Court opinions and

228 Case Announcements were posted to the Web site, while 6,016 courts of appeals, 443 Court of Claims and 26 trial court opinions were posted. The database of opinions contains more than 52,000 opinions that are searchable and available to the public at no charge.



Six 4-by-8-foot oil paintings chronicling the history of the rule of law hang in the Rule of Law Gallery in the Law Library. The pieces were painted by renowned Ohio artist Ron Anderson.

Beginning Oct. 22, 2007, the reporter began releasing all of the Court's opinions as slip opinions by posting them on the Web site. The fully edited versions are then published in the *Ohio Official Reports* advance sheets approximately four to six weeks later (*see story on page 45*).

LAW LIBRARY

The Law Library offers research assistance and online database access to Court staff and public patrons. In 2007, the library served more than 6,000 public patrons, answered nearly 10,000 reference questions, circulated more than 1,500 books, provided more than 60,000 photocopies, and assisted the state's prison population, responding to 2,513 letters requesting research help or documents for which the library provided about 60,000 additional photocopies.

Additionally, the staff checked in and distributed more than 24,000 items, and processed more than 18,000 item records from the library's collection of materials.

In 2007, the Law Library moved its administrative offices from the 10th to the 12th Floor of the Ohio Judicial Center, thereby providing a more cohesive and consolidated presence for Court staff and public patrons.

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

CASE MEDIATION SECTION

In 2007, the Case Mediation Section reviewed 179 cases with a primary focus on state and local tax cases, workers' compensation matters and extraordinary writs. The Court referred 93 of these cases to mediation and the section cleared 91 cases, 26 of which the parties settled after one or more mediation conferences with the Court's mediation counsel. The mediation counsel conducted 125 mediation conferences in the referred cases.

Court Implements New System of Releasing Opinions

In 2007, the Supreme Court of Ohio implemented a new system of releasing opinions to improve efficiency and better enable the public and media to process and understand the actions of the Court.

Slip Opinions

In October 2007, the Court began releasing “slip opinions” of its decisions. A slip opinion is an opinion published in near-final draft form, reflecting the substance of the Court’s decision, but subject to further editing to correct typographical or other formatting errors. The U.S. Supreme Court and many other state supreme courts also release their opinions in slip form subject to further editing.

After the slip opinions are published on the Supreme Court’s Web site, the fully edited version of the slip opinion is published later in the advance sheets of the *Ohio Official Reports*. Generally, the fully edited version of opinions will appear in the *Ohio Official Reports* advance sheets approximately four to six weeks following its initial release in slip form.

Prior to implementing the new system, opinions generally were released in a fully edited format on the Wednesday preceding the publication of those opinions in the Monday issue of the *Ohio Official Reports* advance sheets.

Merit Decisions with Opinions

The Court also began releasing merit decisions with opinions three days per week, on Tuesdays, Wednesdays and Thursdays. Previously, merit decisions with opinions generally were released only on Wednesdays. As in the past, merit decisions with opinions will not be released on Mondays or Fridays unless under special circumstances, such as with expedited election matters. Regular case announcements with rulings on procedural motions, discretionary appeals accepted for review and other matters will continue to be announced every business day. The regular daily announcement is released at 9 a.m.

Administrative Actions

In addition, the Court also began releasing administrative actions in separate announcements, and the Office of Public Information writes summaries of administrative actions on the Court’s Web site similar to the summaries it provides of the merit decisions with opinions.

Attorney Services Division

Susan B. Christoff
Director

OFFICE OF ATTORNEY SERVICES

Susan B. Christoff
Director

OFFICE OF BAR ADMISSIONS

Lee Ann Ward
Director



The Attorney Services Division is responsible for coordinating and administering the Supreme Court's responsibilities relating to the regulation of the legal profession. Staff provide administrative and legal support to seven Court-appointed boards, commissions and committees. It consists of two offices: the Office of Attorney Services and the Office of Bar Admissions.

OFFICE OF ATTORNEY SERVICES

The Office of Attorney Services is the lead office of the Attorney Services Division. The office is responsible for the registration of attorneys admitted to the practice of law in Ohio, as well as others who are permitted to provide legal services in the state. The office maintains the continuing legal education records of attorneys and approves courses for continuing legal education accreditation. The office also ensures the Supreme Court rules regarding attorney registration and continuing legal education are enforced and non-complying attorneys are sanctioned in accordance with Court rules and regulations. The office provides support to the Commission on Continuing Legal Education, the Commission on Certification of Attorneys as Specialists and the Committee on the Appointment of Counsel for Indigent Defendants in Capital Cases. The office also supports the Commission on Professionalism, which promotes professionalism among Ohio attorneys, and the Board on the Unauthorized Practice of Law, which hears complaints and files reports with the Supreme Court regarding the unauthorized practice of law in Ohio.

The office registered more than 42,000 attorneys for the 2007-2009 biennium, which began Sept. 1, 2007. On Dec. 3, 2007, the office suspended 345 attorneys for failing to register in compliance with the registration requirements. This was a significant decrease in non-registration from the last biennium, when 13,800 attorneys were suspended.

The office monitored the Lawyer to Lawyer Mentoring Program, which was approved as a pilot program for attorneys admitted to the practice of law in 2006. The pilot program concluded Dec. 31, 2007.

In September 2007, the office assumed responsibility for processing applications from attorneys who wish to retire permanently from the practice of law. Previously such applications were submitted to the Office of the Clerk.

Also in September, the registration rules were amended to provide that inactive attorneys no longer must register biennially with the Supreme Court, as long as they remain on inactive status. However, inactive attorneys still are required to keep the Court apprised of current contact information.

ATTORNEY SERVICES DIVISION

2007 STAFF

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Director

Damon A. Asbury
Sarah G. Buckingham
Dionne M. Callender
Thomas A. Dodson
Christine A. Einloth
Cynthia J. Farrenkopf
Kathryn S. Guinn
Tarik H. Jackson
Tiffany A. Kaiser
Lori L. Keating
Denise L. Lacey
Jodie M. Marmon
Lei W. Moore
Lori M. Robison
Roselyn R. Smith
Jane Sturgeon
Lee Ann Ward
Barbara J. White
Tammy J. White
Kelly J. Witt
Sheila A. Woods



Fifteen murals painted by artist Rudolph Scheffler line the perimeter of the Courtroom. The painted scenes illustrate significant milestones in Ohio history.

**BOARD ON THE
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Kalpana Yalamanchili
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In January 2007, the Office of Bar Admissions moved from the Clerk's Division to the Attorney Services Division. This transition was initiated so attorney regulatory functions relating to attorney admission, registration and continuing legal education are housed in one division.

In August 2007, Director of Attorney Services Richard A. Dove was promoted to assistant administrative director of the Supreme Court and Susan B. Christoff assumed his responsibilities in the division. Also in August, the Office of Attorney Registration & CLE was renamed the Office of Attorney Services.



Lee Ann Ward (left) serves as director of Bar Admissions. Susan B. Christoff (right) serves as director of Attorney Services.

OFFICE OF BAR ADMISSIONS

The Office of Bar Admissions supports the Supreme Court in its constitutional responsibility to regulate the admission of applicants to the practice of law in Ohio. The office processes applications for admission, including registration applications, applications to take the bar examination and applications for admission without examination. It also oversees character and fitness investigations of applicants; coordinates and administers semiannual bar examinations; and organizes admission ceremonies during which eligible applicants take the oath of office.

The Office of Bar Admissions also issues miscellaneous certificates relating to bar admission, including legal intern certificates for law students working in clinical programs, temporary certificates for attorneys licensed in other states and working in law school clinical programs or other legal services programs, as well as certificates for foreign legal consultants. The office provides support to the Board of Bar Examiners and the Board of Commissioners on Character & Fitness.

In 2007, the office processed more than 3,800 applications, including 1,806 law student registrations, 1,916 bar exam applications, and 108 applications for admission without examination. The office administered the bar exam to 1,745 applicants — 494 in February and 1,251 in July.

The office continued its work supporting the Board of Commissioners on Character & Fitness. During the year, the board conducted 25 hearings regarding the character and fitness of applicants for admission. In October, the board conducted a character and fitness seminar for bar association admissions committee members and staff at the Ohio State Bar Association. About 115 attorneys attended the day-long seminar.

On Jan. 1, 2007, after a transition period of more than 18 months, the Office of Bar Admissions left the Clerk's Division to become a part of the Attorney Services Division.

With the addition of the Office of Bar Admissions in the Attorney Services Division, the division administers the Court's rules regarding both the admission and regulation of practice of Ohio attorneys.

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D. Michael Reny
Suzanne K. Richards, *chair*
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**COMMITTEE ON THE
APPOINTMENT OF
COUNSEL FOR INDIGENT
DEFENDANTS IN CAPITAL
CASES**

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Secretary

Thomas Escovar
William F. Kluge
Joann Marie Sahl
Hon. William H. Wolff Jr.,
chair
Timothy Young

Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers

Each day, Ohioans require legal assistance to secure basic needs such as housing, education, employment, health care, and personal and family safety. Many persons of limited means are unable to afford such assistance, and legal aid programs must concentrate limited resources on those matters where the needs are most critical. The result is that many Ohioans who are facing significant legal problems do not have access to affordable legal services. These persons are forced to confront landlord-tenant issues, have questions involving employment rights, or seek protection against domestic violence without the assistance of a legal advocate.

In 1997, this Court issued a Statement on Professionalism that recognizes each lawyer's obligation to engage in activities that promote the common good, including the provision of and support for pro bono representation to indigent clients. In 2007, in the Preamble to the Ohio Rules of Professional Conduct, the Court re-emphasized the importance of this obligation by stating:

A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for those who because of economic or social barriers cannot afford or secure legal counsel.

Lawyers, law firms, bar associations, and legal services organizations, such as the Ohio Legal Assistance Foundation, have done and continue to do much to address unmet civil legal needs through the organization of, support for, and participation in pro bono legal services programs. Although these programs have increased both in number and scope in recent years, there remains an urgent need for more pro bono services.

This Court strongly encourages each Ohio lawyer to ensure access to justice for all Ohioans by participating in pro bono activities. There are pro bono programs available throughout Ohio that are sponsored by bar associations, legal aid programs, churches and civic associations. Many programs offer a variety of free legal services, while others concentrate on specific legal needs. Lawyers also may choose to participate in programs that focus on the needs of specific individuals such as senior citizens, the disabled, families of military personnel, or immigrants. The Web site www.ohioprobono.org contains a complete, searchable listing of pro bono programs and opportunities in Ohio. A lawyer may fulfill this professional commitment by providing legal counsel to charitable organizations that may not be able to afford to pay for legal services or by making a financial contribution to an organization that provides legal services to persons of limited means.

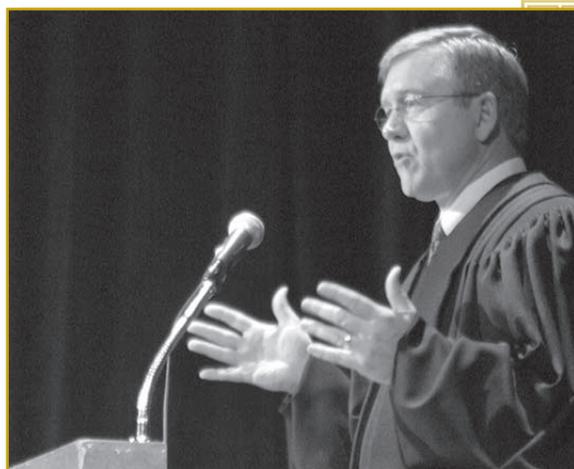
The Court recognizes that many Ohio lawyers honor their professional commitment by regularly providing pro bono legal services or financial support to pro bono programs. Moreover, the Court encourages lawyers to respond to this call by seeking to engage in new or additional pro bono opportunities. To document the efforts and commitment of the legal profession to ensure equal access to justice, the Court, in conjunction with the Ohio Legal Assistance Foundation, will develop a means by which Ohio lawyers may report voluntarily and anonymously their pro bono activities and financial support for legal aid programs. The information regarding pro bono efforts will not only underscore the commitment of the legal profession to serving the public good, but also will serve as a constant reminder to the bar of the importance of pro bono service.

—Issued by the Supreme Court of Ohio
Sept. 20, 2007



Supreme Court staff assist newly sworn-in lawyers with the attorney registration process following the May 2007 bar admissions ceremony.

Justice Robert R. Cupp addresses new attorneys at the May 2007 bar admissions ceremony.



Nearly 1,000 new attorneys took the oath of office during the November 2007 bar admissions ceremony at the historic Ohio Theatre in downtown Columbus.

Judicial & Court Services Division

Douglas R. Stephens
Director

OFFICE OF JUDICIAL &
COURT SERVICES
Douglas R. Stephens
Director

JUDICIAL COLLEGE
Milt Nuzum
Director

CASE MANAGEMENT
SECTION
Stephanie E. Hess
Manager

CHILDREN, FAMILIES &
THE COURTS SECTION
Steven W. Hanson
Manager

DISPUTE RESOLUTION
SECTION
Jacqueline C. Hagerott
Manager

SPECIALIZED DOCKETS
SECTION
Melissa A. Knopp
Manager

COURT RELATIONS
PROGRAM
Ruth Ann Newcomer
Program Manager

DOMESTIC
VIOLENCE
PROGRAM
Diana Ramos-Reardon
Program Manager

INTERPRETER SERVICES
PROGRAM
Bruno G. Romero
Program Manager



有田不耕

ΤΗΝ ΔΕ ΦΡΟΝΗΣΙΝ ΑΓΑΝΤΕΣ ΑΝ ΟΜΟΛΟΓΗΣΕΙ
ΕΙΑΝ ΕΙΣ ΤΟ ΜΑΘΑΝΕΙΝ ΓΙΓΝΕΣΘΑΙ ΚΑΙ ΙΗΤΕΙΝ
ΩΝ ΤΑΣ ΔΥΝΑΜΕΙΣ ΦΙΛΟΣΟΦΙΑ ΠΕΡΙΕΛΗΦΕΝ ΩΣ
ΤΕ ΓΩΣ ΟΥΚ ΑΠΡΟΦΑΣΙΣΙΩΣ ΦΙΛΟΣΟΦΗΤΕΟΝ ΕΣΤΙ

כתב חזון
על-דוקחות
ירוי קורא

The Judicial & Court Services Division is responsible for fulfilling the constitutionally provided mandate that the Court exercise administrative oversight to the state court system by supporting the work of the local trial and appellate courts, judges and court staff. In carrying out its role, the division influences policy regarding the administration of justice, trains judicial officers and court staff, offers support to the local courts for ongoing operations and new program development, and helps provide access to funding. The division consists of two offices: the Office of Judicial & Court Services and the Judicial College.

OFFICE OF JUDICIAL & COURT SERVICES

The Office of Judicial & Court Services is the lead office of the division and is responsible for coordinating the efforts of the various sections and programs of the division.

The work of the Judicial & Court Services Division is performed by eight areas of specialization: the Judicial College; the Case Management Section; the Children, Families & the Courts Section; the Dispute Resolution Section; the Specialized Dockets Section; the Court Relations Program; the Interpreter Services Program; and the recently created Domestic Violence Program. Working both independently within their areas of expertise and frequently collaborating with other areas as appropriate, the division staff provide traditional and innovative services in response to and with respect for the needs of the courts and the public.

The Office of Judicial & Court Services continued improving the method of tracking judgeships and judge changes for the state of Ohio. There were 721 judgeships in Ohio in 2007, including four newly created by legislation: Butler County Court of Common Pleas – General Division, Clermont County Court of Common Pleas – General Division, Lorain County Court of Common Pleas – General Division and Morrow County Court of Common Pleas – General, Domestic, Probate and Juvenile Divisions. Additionally,

three courts were changed by acts of the General Assembly from part-time to full-time status: Marysville Municipal Court, Holmes County Court and Carroll County Court. There were 78 judicial races in 2007, resulting in seven incumbent judges being defeated. Staff also reviewed additional judgeship proposals for the 12th District Court of Appeals, Summit County Court of Common Pleas and

Champaign County Family Court.



JUDICIAL & COURT SERVICES DIVISION 2007 STAFF

Douglas R. Stephens
Director

Gerri L. Allen
Margaret R. Allen
Esther E. Baldwin
Gretchen B. Beam
Christine L. Bratton
Charlsia G. Brown
Joseph T. Clark
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Quincella Maeder
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William M. Nuzum
Melissa Pierre-Louis
Christine L. Raffaele
Diana Ramos-Reardon
Bruno Romero
Ashley Saltzman
Amrita A. Sanyal
Corey C. Schaal
Michael F. Schirtzinger
Philip Schopick
John K. Steele
Crevon J. Tarrance
Margaret C. Tull
Katrina M. Webb
Debra E. Weinberg
Victoria N. Windsor

Seven murals depicting the history of the printed word grace the walls of the Law Library Reading Room. The murals were created by Missouri artist LeRoy MacMorris.

**ADVISORY COMMITTEE
ON THE JUDICIAL FAMILY
NETWORK**

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Staff Liaison

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Tim Gorman
Maureen Grady
Susan Hany
Pam Harris
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Maryanna Klatt
Robert Lanzinger
Michael McColley
Mary Moyer
Shannon Nelson
Vernon Pringle
Laurie Repp
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Sue Wolaver
Tom Zitter

COURT RELATIONS PROGRAM

The Court Relations Program is responsible for the dissemination of information to courts, judges and court staff in those areas not generally associated with other offices of specialization. Additionally, the Court Relations Program assists with special projects to improve the communication and interaction with and about the court system.

The Court Relations Program coordinated Off-Site Court events in Knox County in April of 2007 and in Darke County in October. These events brought to 54 the number of Ohio counties within which the Court has sat since Chief Justice Moyer initiated the program in 1987. The program gives local people and particularly high school students the opportunity to observe the Court in session and to learn about the judicial branch. It was the 20th year for the program (*see story on page 20*).

The Court Relations Program also offered support to the Judicial Family Network, particularly in regard to new judge orientation and other matters concerning judges' families.

The display of art throughout the Judicial Center was coordinated by the Court Relations Program in 2007, including the hanging of historical Ohio maps and the restoration of portraits of former Supreme Court Justices. Court Relations Program staff oversaw the creation of an Ohio courthouse photograph collection, which will be displayed permanently in the Ohio Judicial Center.



Justices talk with students at the April 18, 2007, Off-Site Court session in Knox County.

DOMESTIC VIOLENCE PROGRAM

The Domestic Violence Program is the newest addition to the Office of Judicial & Court Services. In September, the Court hired the first full-time program manager for this program, Diana Ramos-Reardon. The program was established to expand the Supreme Court's efforts to assist and support local courts with best practices and procedures in civil and criminal domestic violence cases and stalking cases, increase victim safety and hold offenders accountable. The program tracks trends in the domestic violence field and disseminates the information to local courts and allied professionals. The program works closely with the Advisory Committee on Domestic Violence, which is appointed by the Chief Justice.

Prior to the creation of the program, the Specialized Dockets Section, through Program Manager Christine Raffaele, provided leadership to the Supreme Court's domestic violence initiative, including providing staff support to the Advisory Committee on Domestic Violence (ACDV).

Under the tenure of the Specialized Dockets Section, the ACDV recommended changes to the domestic violence and stalking protection order forms. The Supreme Court adopted the recommended changes effective May 1, 2007. In addition to this work, the Specialized Dockets Section staff worked closely with ACDV subcommittees to develop new standardized forms, including motions and entries to modify or terminate a protection order and pro se contempt forms; to propose language for legislation addressing competing and conflicting protection orders and the non-enforcement of protection orders due to uncertainty in service; to outline a model court rule on preferred practices when issuing domestic violence and stalking protection orders; and to draft a rule amendment to ensure compliance with federal weapons laws. The Specialized Dockets Section staff, in conjunction with the ACDV, also provided meaningful input to the Ohio attorney general's protection order registry project regarding the proper content and use of the protection order forms.

The new, full-time program manager continues to further these endeavors and explore other issues, including teen dating violence, judicial notification to domestic violence offenders regarding their possible firearms disability and impact of witnessing domestic violence on children. The program staff also represents the Supreme Court in statewide, interdisciplinary groups, including the Family Violence Prevention Center Advisory Council, to ensure proper understanding of the judicial system's role as it concerns domestic violence. Internally, staff collaborates with the other sections and programs at the Supreme Court to lend expertise regarding domestic violence and stalking.

ADVISORY COMMITTEE ON DOMESTIC VIOLENCE

Diana Ramos-Reardon,
Staff Liaison

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Joe Ellison
Doug Engel
Josh Engel
Lisa Eschleman
Jeff Ginsburg
Rose Handon
Karen Harvey
John Jackson
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M. Catherine Kurila
Faye List
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Sally Pack
Alexandria Ruden
Michael F. Sheils
Barbara Vanarsdall
Hon. Sandra Walker
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**ADVISORY COMMITTEE
ON INTERPRETER
SERVICES**

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chair

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Bob Coltrane

Hon. Julia L. Dorrian
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David Hejmanowski

Atiba Jones

José Luis Mas

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Marsha E. Nippert Moore

Maria Rodriguez

Jesus R. Salas

Melanie Somnitz

Hon. Steven L. Story

Hon. Thomas Unverferth

Hon. José A. Villanueva

**JUDICIAL COLLEGE
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Hon. Charles G. Hague

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McColley

Hon. Jan Michael Long

Hon. Thomas J. Moyer

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EDUCATION & TRAINING
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Cathie Kuhl

Linda D. Lovelace

Anne McBrayer

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Thomas H. Shields

Juli Tice

INTERPRETER SERVICES PROGRAM

The Interpreter Services Program assists local courts in the use of court interpreters by providing technical assistance, trained interpreters and functional resources.

In 2007 the program completed a draft of:

- Code of Ethics for Interpreters
- Rule on the Appointment of Interpreters
- Bench book for judges
- A proposed court interpreter certification procedure.

Additionally, the program completed and widely distributed bench cards explaining the proper use of interpreters for non-English speaking and deaf defendants. Trainings, including ethics, advanced skills, domestic violence and other specialized courses, also were offered in 2007.

JUDICIAL COLLEGE

The role of the Judicial College is to foster awareness among judges and court personnel stressing that training and education are necessary to maintain professional competence. The college provides a comprehensive program of continuing education, including training and education in ethics and substance abuse, for all judges and court personnel of the state. The Judicial College also creates standards and curricula for quality education and training in procedural and substantive law of Ohio, incorporating national standards and trends in its curricula.

The Judicial College implemented a unique set of training requirements for judges mandated by Rule IV of the Supreme Court Rules for the Government of the Judiciary effective Jan. 1, 2007. The rule requires new judges to undergo two weeks of orientation training and also requires new judges to work with a mentor judge assigned to them during the first year of their judicial tenure. Finally, the rule requires trial judges who have capital case jurisdiction to undergo training offered or approved by the Judicial College. These requirements ensure new judges in Ohio are fully equipped to perform their duties early in their judicial tenure and that judges in capital case trials have the most current information available to preside in these critically important cases. Few states have gone as far as Ohio in ensuring that judges receive this level of intense training.

Judicial College staff designed curricula for these courses and developed the appropriate tracking mechanisms to assure the mandates under Rule IV were carried out properly. Procedures are in place to ensure the Judicial College will continue to fulfill this responsibility.

In 2007, the Judicial College staff saw an important leadership transition: John Meeks left as director at the beginning of the year, and Milt Nuzum, a former Ohio municipal court judge, was hired in January to replace him. Under Nuzum's leadership in 2007, the college conducted the first mandatory new judges orientation. Longtime Judicial College employee Christy Tull was elected vice president of the National Association of State Judicial Educators (NASJE) and will serve as NASJE president in 2010.



Chief Justice Thomas J. Moyer congratulates the Court Management Program class of 2007. The graduation ceremony was held at the Ohio Judicial Center Sept. 28, 2007.

CASE MANAGEMENT SECTION

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

In providing caseload management assistance, the section assists courts by identifying where preferred practices — such as calendar management, trial management, backlog reduction and technology — can enhance case management efforts. The section does this through on-site or telephone consultation with judges, court administrators, clerks or other court staff members, as well as through caseload management training.

Ohio courts are required to submit reports detailing the status of all pending cases to the Case Management Section. The section provides statistical report form training to judges and court staff and also analyzes, audits and publishes statistical data from the courts.

The Chief Justice of the Supreme Court is authorized by the Ohio Constitution to assign sitting and retired judges to preside in the courts of Ohio to ensure the timely and efficient administration of justice. The administration of the judicial assignment program is conducted through the Case Management Section.

During 2007, the Case Management Section presented three caseload management training seminars to various courts. Through the caseload

management courses, the section trained 194 attendees (13 of whom were judges) in the fundamentals of caseflow management and basic court performance measurement techniques using the National Center for State Court's CourTools concepts.

Caseflow management assistance was provided to courts in Clermont, Clark, Cuyahoga, Franklin, Highland, Mahoning, Montgomery, Morrow, Ross and Summit counties.

The section also collaborated with the Office of Information Technology to develop the core set of data elements that, when extracted from court case management systems and loaded into the Ohio Courts Network data warehouse, will enable the Supreme Court to obtain caseload statistics directly from the data warehouse without the need for manual reporting.

In addition to working on ways to enhance the collection of court caseload statistics, the Case Management Section worked on a system to transform raw statistical data into meaningful information to be used by Ohio's judiciary. This will allow judges and administrators to make better-informed caseflow management decisions. Chief among these is the implementation of a new business intelligence reporting tool recently acquired by the Supreme Court. In 2007, the Case Management Section, in collaboration with the Office of Information Technology, began to test and implement this new analysis method and reporting tool.

In 2007, the section also continued to supplementally fund retired and visiting judges, including processing \$3,077,026 in assignment compensation for local courts, a \$73,650 increase from 2006.

ADVISORY COMMITTEE ON CHILDREN, FAMILIES & THE COURTS

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co-chair

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Jill Beeler

Kathleen A. Clark
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Heather Sowald

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CHILDREN, FAMILIES & THE COURTS SECTION

The Children, Families & the Courts Section provides technical assistance, training and policy recommendations to improve court performance in cases involving children and families. The section staffs roundtable meetings allowing local court staff to discuss common issues and share perspectives on current practice needs. The Advisory Committee on Children, Families & the Courts makes policy recommendations to the Supreme Court of Ohio through the Children, Families & the Courts Section. Current projects include alternative responses to reports of child abuse, neglect and dependency; juvenile defendant access to legal counsel; adult guardianship standards; recruitment and retention of qualified counsel serving children and families; family law reform; and guardian *ad litem* standards.

In 2007, the section provided case management assistance to the Wayne County Probate/Juvenile Court, Greene County Domestic Relations Court and helped Champaign County prepare for its transition to a family court.

Ten Ohio counties were selected to participate in the innovative Ohio Alternative Response Pilot Project. The pilot project, which was authorized in 2006 by the Ohio General Assembly, is the result of a

joint effort by the Supreme Court and the Ohio Department of Job and Family Services (ODJFS) through the Advisory Committee on Children, Families & the Courts. The American Humane Association is the lead consultant assisting the 10 counties in designing an “Alternative Response Model” for Ohio. Alternative response is a form of practice in child protective services to allow for more than one method of response to accepted reports of suspected child abuse and/or neglect. Research demonstrates that over time, less court intervention is required by families aided by an alternative response system. The counties selected to participate in the pilot project include: Clark, Fairfield, Franklin, Greene, Guernsey, Licking, Lucas, Ross, Trumbull and Tuscarawas.

Other activities related to child welfare included a study of 2006 termination of parental rights appeals and the completion of a series of dependency docket caseflow management courses. The appellate case study follows a similar study conducted on 2002 cases. Fifty counties participated in the Dependency Docket Caseflow Management courses, which began in August 2005. Courts reported a reduction in cases that ran beyond time guidelines for abuse, neglect, dependency and permanent custody filings.

In 2007, the second edition of a “Desktop Guide for Juvenile Court Clerks” was updated by a committee of chief deputy clerks from juvenile courts and provided to each juvenile court in the state. The publication provides procedural guidance to clerks on the wide variety of tasks they are called upon to perform each day.

Through the Advisory Committee on Children, Families & Courts, the section oversaw a Standards of Practice Project. Juvenile courts in Delaware, Hamilton, Harrison, Lake and Perry counties conducted trial implementations of two sets of attorney practice standards — the American Bar Association’s Standards of Practice for Lawyers Representing Parents in Abuse and Neglect Cases and the Ohio Public Defender Commission’s Standards of Representation of Clients in Juvenile Delinquency Cases. The project will take place during 2008.

The section also is the lead coordinator planning the Ohio Summit on Children. Chief Justice Moyer and Governor Strickland will bring together teams from all 88 counties in May 2008 to examine the needs of children in their communities. The teams will consist of juvenile court judges, children services agency directors, funding authority representatives, social service providers and school representatives.

**ADVISORY COMMITTEE
ON DISPUTE RESOLUTION**

Jaqueline C. Hagerott,
Staff Liaison

Richard Altman

Amy Billiar

Robin Bozian

William Clark, *co-chair*

David A. Doyle

Dianne Goss

Hon. Stephen L. McIntosh

Roberta Mitchell

Hon. Joseph N. Monnin

Frank Motz, *co-chair*

John Polanski

Josh Stulberg

David A. Ward

Thomas Weeks

DISPUTE RESOLUTION SECTION

The purpose of the Dispute Resolution Section is to promote statewide rules and uniform standards concerning dispute resolution programs and to develop and deliver dispute resolution services to Ohio courts.

The section assists courts in developing and sustaining high-quality dispute resolution programs accessible to all citizens to maintain public confidence in the judicial system by handling disputes fairly and impartially, and to offer parties an opportunity to resolve their disputes quickly and economically. The section also provides high-quality technical assistance and training to judges, magistrates, court personnel, mediators, attorneys and other stakeholders in addition to roundtable events to share best practices and networking opportunities; conducts research; and evaluates court-connected mediation programs to monitor for quality and participant satisfaction.

In collaboration with the governor, attorney general, state treasurer, and representatives of lenders, bar associations, and other statewide stakeholders, the section began developing a model mediation program for foreclosure cases in late 2007. Local courts can implement the model as is or modify the program to meet the needs of the court and community.

The section also began data collection on the status of mediation programs in Ohio, expanded child protection and appellate court mediation programs, enhanced current programs and provided grant funding and development assistance for new and continued programs in 25 counties across Ohio.

The section conducted court-specific and regional roundtables to share best practices and provide networking opportunities for judges, magistrates, court personnel, mediators, attorneys and other stakeholders.

The section held trainings for child protection mediation, trauma and mediation, civil mediation with insurance representatives, domestic abuse issues for mediators and other professionals and the Uniform Mediation Act. In partnership with the Ohio Mediation Association and the Conference of Minority Professionals in Alternative Dispute Resolution, the section co-sponsored training for judges and other local officials with the Commission on Dispute Resolution and Conflict Management through the Conflict Resolution Services Program.

Further, the section maintained a national and international presence through the American Bar Association, Association of Family and Conciliation Courts and the Association for Conflict Resolution, and National Child Welfare Think Tank through membership, attendance, presentations, board membership and curriculum development. Finally, Program Manager Jacqueline Hagerott completed a presentation to a visiting Ukrainian delegation and was admitted to the U.S. Supreme Court bar.

SPECIALIZED DOCKETS SECTION

The Specialized Dockets Section promotes the creation of specialized dockets with the provision of technical support and assistance to individual trial courts in analyzing the need for, planning of, and implementation of specialized docket programs, including drug courts, mental health courts, DUI/OVI courts, re-entry courts, child support enforcement courts and sex offender courts. The section also designs, funds and hosts a variety of trainings and events for professionals with a stake in specialized docket programs. Additionally, the section provides staff support to the Advisory Committee on Mental Illness & the Courts.

During 2007, the Specialized Dockets staff provided direct technical assistance and support to several courts throughout Ohio in planning, implementing and operating specialized docket programs. In addition to supporting the 72 operating drug court programs, six new programs were developed with staff assistance — one each at the municipal and common pleas levels and four at the juvenile court level. Four new mental health courts were added in 2007 to complement the 28 operating programs — three at the municipal court level and one at the juvenile court level — along with one new municipal domestic violence court.

One of the primary methods of providing peer support and technical assistance to individuals who work with Ohio's specialized docket programs is the Ohio Specialized Dockets Practitioner Network, which is composed of 11 subnetworks that meet by discipline. These subnetwork meetings allow specialized docket practitioners to discuss the challenges and successes they face in their specific roles on the specialized docket court team. In addition, the subnetwork meetings offer opportunities for specialized docket professionals to provide program updates, discuss program operations and discover innovative and effective strategies employed by other specialized dockets. In 2007, 29 subnetwork meetings were organized and hosted by the staff of the specialized dockets section and co-sponsored by the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services.

In December 2007, the 4th Annual Ohio Specialized Dockets Practitioner Network Conference was hosted by the Supreme Court, in conjunction with the Ohio Departments of Mental Health and Alcohol and Drug Addiction Services. This conference attracted more than 240 judges, court staff and treatment personnel. The keynote speaker was Dr. Scott Miller, a nationally recognized expert in the field of co-occurring disorders, from the Institute for Therapeutic Change. The program included eight workshop tracks with 24 individual workshops on a variety of topics related to specialized dockets.

ADVISORY COMMITTEE ON MENTAL ILLNESS & THE COURTS

Melissa A. Knopp,
Staff Liaison

Kevin Aldridge
Leslie Alloway
Larry E. Beal
Chris Bowling
Susan Brannen
Sandra F. Cannon
Jeanne Anne Clement
Douglas V. DeVoe
Gayle Dittmer
Marla R. Dolchin
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Penny Frese
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Hon. Paul Kutscher Jr.
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Michael J. Lawson
Sally Luken
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James Mauro
Joani M. Moore
Mark R. Munetz
Debbie Nixon Hughes
Phillip Nunes
Amy C. O'Grady
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Lisa Patt-McDaniel
Christian Ritter
Mary Lou Rush
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Christina Shaynak-Diaz
Lisa Shoaf
Hon. Kenneth J. Spicer
Jonas Thom
Cristal Thomas
S. R. Thorward
Marc Warner
Winnifred Weeks
Michael S. Woody

The Specialized Dockets Section also brought in nationally recognized speakers to present at one-day workshops throughout the year on the topics of: The Neurobiology of Trauma and the Cycle of Violence, Evidence-Based Assessment and Supervision of Domestic Violence Defendants and Evidence-Based Approaches to Batterer Intervention Systems.

The Advisory Committee on Mental Illness & the Courts met quarterly in 2007. The following seven active subcommittees also met throughout the year: Juvenile Issues; Law Enforcement; Legislation; Probation and Treatment; Psychiatry and the Courts; Re-entry; and Research. Among the projects undertaken in 2007 by the advisory committee and its subcommittees were: a legislative proposal on juvenile competency, a training program for psychiatric residency students to learn about the court system, an in-depth training for probation officers with a specialized mental health caseload and creation of a research consultation network among professional university researchers to collaborate on comparative evaluations of Ohio's mental health court dockets.

The advisory committee also serves as a content working group providing input on re-entry and jail diversion issues as part of a multi-year, multimillion dollar grant received by the state of Ohio from the federal Substance Abuse Mental Health Services Administration to transform how mental health services are provided throughout the state, including in prisons and local jails. The Transformation State Incentive Grant (TSIG) was made to the Governor's Office and is administered through the Ohio Department of Mental Health.

JUDICIAL APPOINTMENTS 2007

HON. PATSY THOMAS

Franklin County Municipal Court
March 23, 2007

HON. FANON RUCKER

Hamilton County Municipal Court
April 9, 2007

HON. STEVEN TERRY

Cuyahoga County Court of Common Pleas
April 23, 2007

HON. CONNIE ZEMMELMAN

Lucas County Court of Common Pleas, Juvenile Division
May 14, 2007

HON. TARYN HEATH

Stark County Court of Common Pleas
June 21, 2007

HON. FRANCES MCGEE

Montgomery County Court of Common Pleas
June 21, 2007

HON. TIMOTHY CANNON

11th District Court of Appeals
July 27, 2007

HON. TIMOTHY FRANKEN

Mahoning County Court
Sept. 21, 2007

HON. D. SCOTT BOWLING

Lawrence County Court of Common Pleas
Sept. 13, 2007

HON. MARY WISEMAN

Montgomery County Court of Common Pleas
Oct. 22, 2007

HON. GLENN DERRYBERRY

Allen County Court of Common Pleas
Nov. 15, 2007

HON. MARK A. BELINKY

Mahoning County Court of Common Pleas, Probate Division
Nov. 20, 2007

Fiscal & Management Resources Division

Ronda E. Perri
Director

OFFICE OF FISCAL
& MANAGEMENT
RESOURCES

Ronda E. Perri
Director

OFFICE OF HUMAN
RESOURCES

Monica Hunyadi
Director



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

FISCAL & MANAGEMENT RESOURCES DIVISION 2007 STAFF

Ronda E. Perri
Director

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Michael L. Bracone II
Sherri A. Dembinski
Deborah S. Fagan
Teresa K. L. Fry
Linda Hodge
Karen L. Howard
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Elise C. Mason
Daniel B. Merrill III
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Elizabeth Minor
Anthony J. Mohorovich
Sharon M. Nessler
Rusti A. North
Kelly L. Pfeiffer
Lisa A. Sharron
Payal Thakur

OFFICE OF FISCAL & MANAGEMENT RESOURCES

The Office of Fiscal & Management Resources is the lead office in the division. The office is responsible for the Court's budget of more than \$139 million for fiscal year 2008, as appropriated through H.B. 119. The budget is used to support the payment of the salaries of the judges of the state, the salaries of the staffs of the courts of appeals, and operation of the Ohio Judicial Center, which houses the Supreme Court of Ohio and its affiliated offices.

The office also is responsible for ensuring proper internal controls are in place and administering relevant policies and guidelines, particularly as relating to purchasing, travel reimbursements and grants. Functions of the office include processing purchase requisitions and payment vouchers; budgeting, forecasting and analysis of revenues and expenditures; cash-flow management of non-general revenue fund monies; providing internal and external reporting to regulatory bodies as required; and completing an annual inventory of Court assets.

The office also provides payroll and benefits services for Court staff, the staff of state district courts of appeals and all Ohio judges. The office provides day-to-day support to Court staff and Ohio judges in all areas of human resource management.

The Office of Fiscal & Management Resources underwent a major financial system conversion in 2007, which was managed by the state's Office of Budget and Management (OBM). General ledger, accounts payable, accounts receivable and purchasing modules were implemented in July 2007 as part of the Ohio Administrative Knowledge System (OAKS)



The Progress of Industry, an 11-mural series depicting the dignity and hardship of labor, graces the walls of the North Hearing Room. The murals reflect the American Realism style of art and were created by artist John F. Holmer.

conversion. The office continues to work with OBM and the OAKS project team on testing, reporting and problem resolution. Timeliness of reporting, access to functionality, accuracy and reliability of data have been challenges.

The Office of Fiscal & Management Resources also worked with the auditor of state to conclude an audit of fiscal years 2004 through 2006. The audit review did not identify any matters required to be reported according to government auditing standards.

OFFICE OF HUMAN RESOURCES

The Office of Human Resources is responsible for implementing the employment policies of the Court, which include coordinating the employment process, maintaining position and salary classifications, supervising the performance evaluation process, providing staff training programs and ensuring the Court's compliance with federal and state employment laws.

Additionally, the Office of Human Resources realigned resources in 2007 to accommodate the labor-intensive structure of the new OAKS system. The staff spent triple the amount of previous time needed for processing payroll to ensure paycheck continuity and accuracy. The office also assisted the OAKS project team with conversion and upgrade issues and testing efforts. Input of position and incumbent data and report generation were expanded. There will be a continued focus on employee self-service, report generation and Human Resource Information System data population.

The Office of Human Resources in 2007 supported organizational restructuring by assisting Court leadership with rewriting position descriptions and aligning compensation levels with new duties and structure. The office provided training to update Court staff on policies and *Basics of Supervision*, while continuing its practice of offering a variety of health, wellness and benefits-related programs and activities. The office also assisted in updating administrative policies and procedures related to human resources.

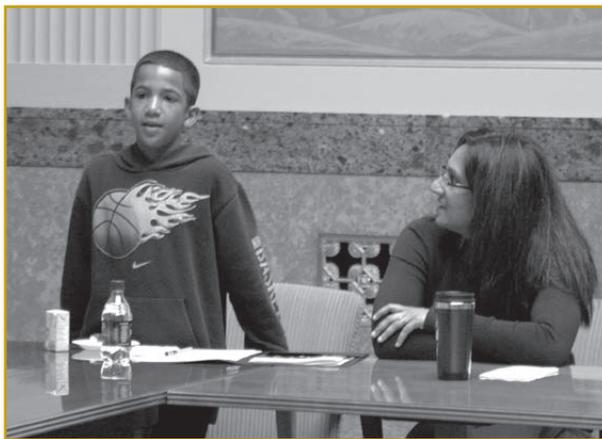
RECORDS MANAGEMENT CENTER

The Records Management Center is the Court's off-site records storage facility. The center operates under a comprehensive records management policy for retention and storage of the Court's records.

The center labeled, bar coded and entered more than 3,300 boxes and files into the records information management system for storage. The Records Management Center also recycled about 19 tons of paper and electronic storage media in accordance with the procedures to destroy records held beyond records retention requirements.



The Office of Human Resources hosts a new employee breakfast and orientation program to help familiarize new staff with the Court and its various divisions.



Each year, the Office of Human Resources sponsors the Take Your Child to Work Day program at the Court. The program gives employees' sons and daughters the opportunity to experience a day in the life of a Court employee. (LEFT) Children of Court staff introduce themselves during the meet and greet portion of the day's events.



Children of Supreme Court staff gather in the Courtroom to learn about Courtroom proceedings and various functions of Court offices during the Take Your Child to Work Day program.

JUDICIARY/SUPREME COURT BUDGET
Fiscal Years 2007 and 2008

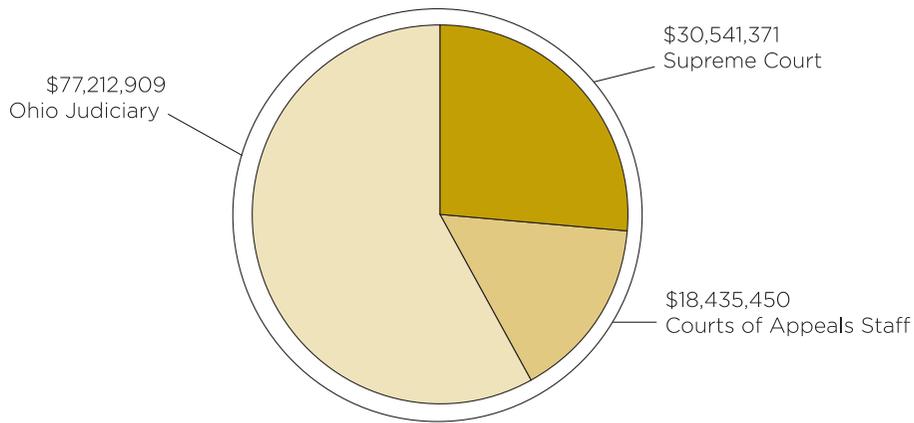
	Expenditures FY 2007	Percent of Total	Budgeted FY 2008	Percent of Total
OHIO JUDICIARY				
Courts of Appeals Judges	\$10,481,783	8.3	\$ 10,983,227	7.9
Trial Court Judges	66,731,126	52.9	70,069,730	50.7
TOTAL OHIO JUDICIARY	\$77,212,909	61.2	\$81,052,957	58.7
COURTS OF APPEALS STAFF	\$18,435,450	14.6	\$21,736,362	15.7
SUPREME COURT				
Justices and Staff	\$3,941,653	3.1	\$3,435,710	2.5
Administrative Division	2,977,155	2.4	2,394,847	1.7
Clerk's Division	916,153	0.7	1,057,979	0.8
Legal Resources Division	3,343,503	2.6	3,828,682	2.8
Fiscal & Management Resources Division	1,268,658	1.0	1,376,128	1.0
Information Technology Division	3,247,106	2.6	2,571,071	1.9
Facilities Management Division	5,151,974	4.1	5,676,207	4.1
Attorney Services Division	4,484,277	3.6	5,386,049	3.9
Judicial & Court Services Division	4,730,038	3.7	6,328,098	4.6
Ohio Courts Network Initiative	0	0	2,500,000	1.8
Commission on Legal Education Opportunity	0	0	250,000	0.2
Ohio Center for Law Related Education	222,615	0.2	229,290	0.2
Ohio Criminal Sentencing Commission	258,239	0.2	331,500	0.2
SUPREME COURT TOTAL	\$30,541,371	24.2	\$35,365,561	25.6
OHIO JUDICIARY/ SUPREME COURT TOTAL	\$126,189,730	100.0	\$138,154,880	100.0

JUDICIARY/SUPREME COURT

Fiscal Year 2007

Total Expenditures

\$126,189,730

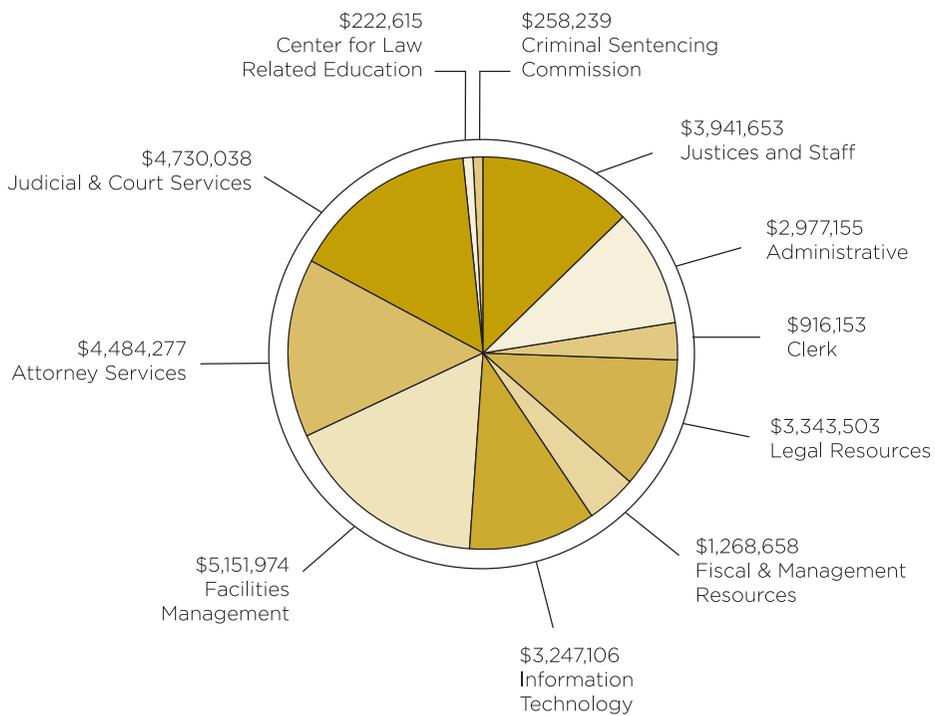


SUPREME COURT

Fiscal Year 2007

Expenditures

\$ 30,541,371



Information Technology Division

Robert D. Stuart
Director

OFFICE OF
INFORMATION
TECHNOLOGY
Robert D. Stuart
Director

OFFICE OF NETWORK
& TECHNOLOGY
RESOURCES
David Saffle
Director



The Information Technology Division is composed of the Office of Information Technology, which is the division's lead office, the Office of Network & Technology Resources and the Technology Services Section.

OFFICE OF INFORMATION TECHNOLOGY

The Information Technology Division is responsible for developing, implementing and maintaining the various information systems and applications used by the Court and its affiliated offices. Specifically, the Information Technology Division is responsible for the operation of the Court's information technology systems and processes, including the development and maintenance of the Court's computer networks, databases, software programs, copiers, telephones and audiovisual technologies, as well as designing and implementing the strategic and tactical acquisition plans for the purchase of technology resources.

Additionally, the Information Technology Division is responsible for the development and implementation of the Ohio Courts Network, which officially kicked off in May 2007 (*see story on page 16*). The division also provides guidance to other courts on technology-related matters, and facilitates the development of statewide IT standards for the courts of Ohio.

Outside of the Ohio Courts Network project, the Information Technology Division completed the following in 2007:

- Implemented a new Judicial College course management application.
- Completed the revision of the Office of the Clerk journal documents to allow the viewing of these documents on the Court's Web site.
- Implemented several enhancements to the Office of the Clerk case management system.
- Assisted the Human Resource and Fiscal & Management Resources offices in the transition to the OAKS administration system.
- Developed and implemented case management systems for the Mediation Section, the Clients' Security Fund and the Board on the Unauthorized Practice of Law.
- Continued the rollout and enhancements of the Appellate Case Management System (ACMS). The ACMS was in use by seven of the 12 appellate court districts as of the end of 2007, with 10 of 12 expected to be using it by the end of 2008.

INFORMATION TECHNOLOGY DIVISION 2007 STAFF

Robert D. Stuart
Director

Michael W. Bigham
Deborah S. Boyd
John I. Crossman
Jacob M. Delgado
Mark Dutton
Chere' E. Evans
Dana R. Gentry
John Hopper
Leonard A. Kail III
Anthony J. Kenzie
Loren J. McCauley
Edward L. McNachtan
Jennifer M. Middeler
Mary Beth Parisi
Brandee E. Preston
Megan M. Real
David Saffle
Sowjanya Valluri



Four bronze plaques located in the Civic Center Lobby portray tribal leaders often associated with Ohio: Pontiac, Tecumseh, Logan and Little Turtle. A fifth plaque depicts two children at work. The plaques were sculpted by Paul Fjelde.

-
- Initiated testing of a “hosted” version of the ACMS system whereby the hardware and software will reside at the Supreme Court and allow appeals courts to use the system via the Internet.
 - Replaced or upgraded most of the Court’s primary application and database servers.
 - Implemented a Citrix server and software. Citrix is a program allowing Windows applications and databases to run in a World Wide Web environment. This system will be used to host various applications that can be used by local courts via the Internet.
 - Began a project to redesign and replace Office of Bar Admissions technology systems.
 - Initiated a project to develop and install separate development, testing and production computer systems and created processes to manage them. This effort will increase the efficiency of IT development and safeguard the critical application production environment.
 - Centralized the storage of application source code using Microsoft SourceSafe.
 - Installed Microsoft ProClarity business intelligence reporting system to begin building dynamic statistics reporting capability for the Case Management Section. The reporting system will provide a greater ability to perform data analysis and eventually will be used to provide reports to courts through OCN.

OFFICE OF NETWORK & TECHNOLOGY RESOURCES

The division’s Office of Network & Technology Resources is responsible for managing the Court’s servers, desktop computers, laptop computers, computer network, network security, help desk, IT training classes, off-the-shelf software implementation, copiers, IT purchasing, audiovisual system, teleconferencing systems and telecommunications (voice, data and video).

TECHNOLOGY SERVICES SECTION

The Technology Services Section of the division is divided into two groups: the Technology Assistance Group and the Technology Policy & Planning Group. The role of the Technology Assistance Group is to provide project support for the Ohio Courts Network project and to assist other courts in the state with technology-related decisions and projects, such as case management system implementation and equipment purchases. The responsibility of the Technology Policy &

Planning Group is to facilitate the establishment of IT process and information exchange standards for all Ohio courts. This group is the Court's liaison for the Advisory Committee on Technology & the Courts.

Information Technology Committees and Commissions

During 2007, the Advisory Committee on Technology & the Courts and its work groups continued to provide direction and produce guidelines regarding technology standards for the courts of the state. The committee completed and proposed the following standards and guidebooks:

- Electronic Filing Standards
- Document Imaging Guidebook
- Traffic Additions to the Case Management System Functional Standards
- Courtroom Record Standards
- Authentication Standards for Electronic Signatures on Electronic Documents

In December 2007, the Supreme Court created the Commission on Technology & the Courts. This commission will assume the role of the Advisory Committee on Technology & the Courts in 2008, and that committee will be dissolved. This change is a testament to the value the committee brought to the courts of the state thus far, and the desire of the Supreme Court to make its functions permanent.

Facilities Management Division

Byron C. Wilson
Director

OFFICE OF FACILITIES
MANAGEMENT
Byron C. Wilson
Director

OFFICE OF COURT
SECURITY
James P. Cappelli
Director



The Facilities Management Division consists of two offices, the Office of Facilities Management and the Office of Court Security. All offices and work groups report to the director of Facilities Management, who provides oversight and administrative direction for the division.

OFFICE OF FACILITIES MANAGEMENT

The Office of Facilities Management consists of four work groups: the Mail Center, Building Maintenance, Housekeeping & Grounds and Meetings & Events.

MAIL CENTER

During 2007, Mail Center staff processed more than 315,000 pieces of mail bound for the U.S. Postal Service (USPS). Additionally, interoffice and express mail, as well as other mail, totaled more than 500,000 pieces.

Taking advantage of lower postal rates, the Mail Center used presort rates on about 153,000 pieces of USPS mail, saving the Court nearly \$10,000 in postage expenses.

BUILDING MAINTENANCE

The Building Maintenance Work Group supports the Ohio Judicial Center's basic infrastructure, as well as all emergency standby and response systems. In order to maintain and preserve the operating equipment within the building, the staff rely on a computerized work order system, which is the main database of all scheduled preventive maintenance tasks on each piece of equipment. The database also tracks a variety of service requests that are generated daily.

The building operations side of the group oversees construction projects inside and outside of the building, which in 2007 included the 12th Floor renovation project. Exterior resurfacing of marble and concrete work was performed in the fall of 2007 on the north and south plaza areas. Additionally, there were numerous tele/data projects throughout the building.



HOUSEKEEPING & GROUNDS

The Housekeeping & Grounds Work Group maintains the cleanliness and appearance of the Ohio Judicial Center's grounds, secured office areas and the Courtroom. In 2007, the work group began using equipment with "Green Cleaning Certification." The equipment provides a more efficient filtration system and a lower

FACILITIES MANAGEMENT DIVISION

2007 STAFF

Byron C. Wilson
Director

Benjamin M. Archibald
Betty M. Barringer
Robert J. Brown
Thomas J. Brown
Kenton Butcher
James P. Cappelli
Jacob Carner
Timothy J. Carter
Samuel Cicchino
James R. Cohagan
William B. Crawford Jr.
Roger D. Eden II
Ryan J. Fahle
Nelson R. Frantz
Anthony S. Harrington
Mary J. Harrison
Jane C. Holmes
Gregory Hutchins
Anthony T. Joyce
Stanley L. Landrum
Michael J. Lapaugh
Allegra S. Lewis
Michael Lee Mason
Roscoe S. Mayes
Steven L. Neal
Gerald F. Norris
Ian N. Palmer
Aritha L. Peaks
Joey L. Perkins
Michael A. Robison II
James J. Rose
Harold F. Rutherford
Ben J. Sawyer
David M. Short
George E. Smith
Robin H. Smith
Linda F. Sykes
Stephanie L. Tansill
Curtis L. Tatum
Kelly M. Terry
Jason L. Thomas
Richard L. Wardell
Vikie L. Wilson

Sculptor Alvin Meyer used the ornamental Beaux Arts style, incorporating symbolism and history, to carve the exterior building sculpture.

sound level while operating the equipment. The equipment provides a healthier work environment for staff, occupants and visitors.

MEETINGS & EVENTS

The Meetings & Events Work Group includes four members and is responsible for scheduling and planning conference rooms, special functions and supporting interior and riverfront events. The group also assists with off-site meetings, conferences and seminars on an as-needed basis for Ohio Judicial Center staff. Meetings & Events staff also set up the Courtroom, robing room, deliberation room and attorney waiting rooms when the Supreme Court is in session.

In 2007, the group set up 1,340 meetings and events, hosting nearly 20,000 participants. Meetings and conferences supported by this group included functions for professional organizations in the legal



Meetings & Events staff prepare the Dining Room for a luncheon.

community, such as the American Bar Association, Ohio State Bar Foundation, Columbus Bar Association, Ohio Association of Magistrates, Ohio Association for Court Administrators and the Ohio Association for Probate, Juvenile & Domestic Relation Court Judges. The American Institute of Architects also hosted several meetings in the building in 2007. Other conferences and events included the College of Trial Lawyers, Ohio Center for Court-Related Education's Government in Action Program, American Red Cross Blood Drives, Capital Law School Moot Court program, 50th Anniversary celebration for the Board of Commissioners on Grievances & Discipline

and the Conference of Court Public Information Officers, hosted by the Office of Public Information. The staff also assisted the Employee Events Committee in several programs throughout the year. Special events in 2007 included the swearing-in ceremonies for two Justices, a visit by Ukrainian judges and judicial delegates, and two bar admissions ceremonies. Riverfront events, coordinated with the city of Columbus and other organizers, included the Komen Columbus Race for the Cure, Columbus Arts Festival, Festival Latino, Pride March & Festival, Red White & Boom, Jazz & Rib Fest and First Night Columbus.

OFFICE OF COURT SECURITY

The Office of Court Security is responsible for security at the Ohio Judicial Center, as well as for providing security assessments at local courts and providing security consulting services for judges throughout the state. The office manages a grant program allocating available funds to assist local courts for bailiff training, physical security audits and deployable security equipment for short-term loans.

The Building Security Section is responsible for the safety and security of all employees and visitors to the Ohio Judicial Center, as well as round-the-clock physical security of the facility. Court security officers conducted more than 61,000 security screenings of visitors to the Ohio Judicial Center in 2007.

Further, the Court's marshal, in addition to his ceremonial duties in the Courtroom, is responsible for the personal security of the Justices while they are on official business within the state. The marshal also manages the Inappropriate Communications Program to coordinate and centralize the Court's knowledge of all forms of inappropriate communications throughout the Court.

Finally, under the leadership of Justice O'Connor, the Advisory Committee on Court Security & Emergency Preparedness met throughout 2007 and began drafting a report and recommendations, which will be released in 2008.

ADVISORY COMMITTEE ON COURT SECURITY & EMERGENCY PREPAREDNESS

James P. Cappelli,
Staff Liaison

Frederick D. Benton Jr.
Walter Brown
Tom Chidester
Donald W. Colby
Kurt Douglass
James W. Dwertman
Peter J. Elliott
Ron Ferrell
Nancy McClatchy
Hon. Matthew W.
McFarland
Hon. Deborah J. Nicastro
Hon. Maureen O'Connor,
chair
Hon. Mike Powell
Hon. Dana S. Preisse
Ken Roll
George A. Romanoski
Dottie Tuttle
James M. Wahrlab

Affiliated Offices

OFFICE OF DISCIPLINARY COUNSEL

Jonathan E. Coughlan
Disciplinary Counsel

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

Jonathan W. Marshall
Secretary

CLIENTS' SECURITY FUND

Janet Green Marbley
Administrator

OHIO CRIMINAL SENTENCING COMMISSION

David Diroll
Executive Director



The Supreme Court of Ohio has the constitutional responsibility to oversee the practice of law in the state and has one of the most comprehensive disciplinary systems of any state in the nation. The Court has established three offices — Office of Disciplinary Counsel, Board of Commissioners on Grievances & Discipline, and the Clients' Security Fund — to exercise independent authority to assist the Court in meeting its responsibility as set forth in Section 5(b), Article IV, of the Ohio Constitution.

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

OFFICE OF DISCIPLINARY COUNSEL

The Office of Disciplinary Counsel investigates allegations and initiates complaints concerning ethical misconduct and/or mental illness of judges or attorneys under the Code of Professional Responsibility, the Rules of Professional Conduct, the Code of Judicial Conduct, and rules governing the Unauthorized Practice of Law, pursuant to the Supreme Court of Ohio Rules for the Government of the Bar and the Government of the Judiciary.

The current Disciplinary Counsel staff includes nine attorneys, one administrative officer, one administrative assistant, two paralegals, two full-time and one part-time investigators, four legal secretaries, one receptionist, one clerical-support staff member and one part-time student law clerk.

During calendar year 2007, the Office of Disciplinary Counsel received 3,502 matters for consideration. These included 2,467 grievances filed against attorneys, and 572 grievances filed against judges. Of the two categories, 1,817 grievances were dismissed at intake upon initial review and 1,220 grievance files were opened for investigation. The Disciplinary Counsel also received 331 appeals of grievances previously dismissed by certified grievance committees at the local bar associations, 69 allegations of the unauthorized practice of law and four reciprocal cases involving attorneys disciplined in another jurisdiction. Additionally, 24 resignation applications were received for review by the office, and 10 resignation cases were closed in 2007.

In 2007, Disciplinary Counsel attorneys appeared in 22 hearings before panels of the Board of Commissioners on Grievances & Discipline. They also participated in eight oral arguments before the Justices of the Supreme Court of Ohio.



Mosaics created by artist Rudolph Scheffler adorn the north and south stairwells on the 1st Floor with images of agriculture and industry, the core sources of income for the Ohio economy in the 1930s.

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE 2007 STAFF

Jonathan Marshall
Secretary

Jayme L. Barlow
Anne M. Butcher
Ruth B. Dangel
Michele L. Pennington

CLIENTS' SECURITY FUND 2007 STAFF

Janet G. Marbley
Administrator

Meletha Dawson
Pamela Leslie
Abigail L. Minnix

OFFICE OF DISCIPLINARY COUNSEL 2007 STAFF

Jonathan E. Coughlan
Disciplinary Counsel

Paula J. Adams
Stacy Beckman
Robert R. Berger
Lori J. Brown
Joseph M. Caligiuri
Carol A. Costa
Cheryl A. Dean
Brenda M. English
Megan M. Goeser
Linda S. Hardesty-Fish
Heather L. Hissom
Laura K. Johnston
Joel S. Kent
Philip A. King
Michael J. Kozanecki
Brian J. Leahy
Randy T. McGough
Christine McKrimmon
James R. McMahon
Karen H. Osmond
Mischelle L. Russell
Shannon B. Scheid
Brian E. Shinn
Holly A. Smith
Amy C. Stone

CRIMINAL SENTENCING COMMISSION 2007 STAFF

David J. Diroll
Director

Scott A. Anderson
Cynthia J. Ward
Shawn P. Welch

This office conducted the annual Fall Bar Counsel Seminar on Oct. 25, 2007, which had 19 participants, primarily representing the certified grievance committees of the local bar associations across Ohio.

Jonathan E. Coughlan was elected vice-president of the Board of Directors of the Association of Judicial Disciplinary Counsel. He also served on the Task Force on the Code of Judicial Conduct. Amy C. Stone served as chair of the Unlicensed Practice of Law Central Registry Work Group, which is sponsored by the Supreme Court Board on the Unauthorized Practice of Law. Finally, Robert R. Berger served as a member of the Guidelines and Publications Work Group of the Court's Advisory Committee on Technology & the Courts.

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

The Board of Commissioners on Grievances & Discipline was established by Rule V of the Rules for the Government of the Bar and is charged with administering, interpreting and enforcing Rule V to provide lawyer and judge discipline for ethical misconduct. The board also serves under state law as the ethics commission for the filing of more than 1,800 financial disclosure statements required of Ohio judges, judicial candidates and magistrates.



Board members conduct a hearing at the Ohio Judicial Center.

In 2007, the board added four new members appointed by the Supreme Court of Ohio. The board met on eight days and received 105 formal complaints filed by the Office of Disciplinary Counsel and the certified grievance committees of local bar associations. The board held 82 hearings and certified 70 matters to the Supreme Court, disposing of 92 cases. Thirteen Ohio lawyers resigned from the practice of law with discipline pending as a result of disciplinary investigations and the filing of formal

complaints. There were 115 matters pending on the board's docket at the end of the year.

Five present and former board members and Secretary Jonathan W. Marshall sat on the Supreme Court Task Force on Rules of Professional Conduct, appointed by Chief Justice Moyer. Ohio's new Rules of Professional Conduct became effective on Feb. 1, 2007, and the board's staff devoted significant time to educating the bench and bar of the impact of the new lawyer rules.

In the summer of 2007, the Chief Justice appointed a statewide task force to study the new American Bar Association (ABA) Code of Judicial Conduct. Seven members of the task force are current or former board members; the board secretary also is a member. The

task force met four times during 2007, under the direction of its chair, retired Judge Thomas F. Bryant.

The board received 37 requests for advisory opinions and issued seven opinions on ethical questions arising under the Rules of Professional Conduct, Code of Judicial Conduct, Rules for the Government of the Bar, Rules for the Government of the Judiciary and the Ohio ethics law.

In 2007 the board began rendering advice as to the application of new Ohio Rules of Professional Conduct. The board has issued 325 advisory opinions since it was given such authority in 1987. All advisory opinions are available on the Court's Web site. The ABA/BNA *Lawyer's Manual on Professional Conduct* reported and discussed five of the board's advisory opinions. In addition to advisory opinions, Staff Counsel Ruth B. Dangel issued 19 staff letters addressing various ethical issues. The board's legal staff responded to more than 1,700 telephone inquiries from judges, lawyers, reporters and members of the public regarding ethics, lawyer discipline and judicial campaign conduct issues.

The board's staff assisted the certified grievance committees in documenting requests for reimbursement of all disciplinary-related expenses, both on a quarterly and annual basis.

The board, in connection with the University of Akron's law school and the Ohio State Bar Association, sponsored two statewide disciplinary seminars for certified grievance committees and interested lawyers. The board's legal staff also taught five courses on campaign law and ethics required of Ohio judicial candidates under Canon 7 and two courses for attorneys in public practice.

The board participated in 34 continuing legal education programs for board members, Ohio justices and judges, their spouses, foreign judges, lawyers, judicial candidates, public employees, court personnel and law students.

In November 2007, the Supreme Court hosted the commemoration of the creation of the board with an event of celebration at the Ohio Judicial Center. Dennis W. Archer, former President of the ABA, delivered the keynote address, and the Supreme Court recognized the 50-year history and dedicated work of the present and former members of the board (*see story on page 18*).

**BOARD OF
COMMISSIONERS OF THE
CLIENTS' SECURITY FUND**

Luis M. Alcalde
Hon. Patricia Blackmon
Kenneth R. Donchatz
Edward G. Hack
William S. Newcomb Jr.,
chair
Jerome Phillips
Clifton L. Spinner

CLIENTS' SECURITY FUND

The Clients' Security Fund was created in 1985 by Rule VIII of the Supreme Court Rules for the Government of the Bar. Its purpose is to reimburse losses to legal clients as a result of the dishonest conduct of licensed Ohio attorneys.

The Clients' Security Fund continues to achieve its goal of providing reimbursement to law clients who have been financially harmed by the dishonest conduct of a licensed Ohio attorney. During fiscal year 2007, the fund received 256 new applications for reimbursement.

Additionally, the Clients' Security Fund Board of Commissioners met four times during 2007, and determined 118 claims were eligible for reimbursement. A total of 32 attorneys were involved in claims during fiscal year 2007, which affirms that the overwhelming majority of Ohio lawyers observe high standards of integrity when entrusted with client money or property. The board awarded \$890,173 in reimbursement in 2007. Since its inception, the Clients' Security Fund has awarded more than \$12 million to 1,567 former law clients.

None of the funds used to reimburse clients are public monies. All Clients' Security Fund reimbursements are funded by registration fees paid by every Ohio attorney.

CRIMINAL SENTENCING COMMISSION

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

In 2007, the Criminal Sentencing Commission continued work to develop comprehensive proposals for the General Assembly concerning the Criminal Code and sentencing statutes. Major topics in 2007 included code simplification and sexual offenses.

Commission members and staff remained active as faculty for the Judicial College and other groups and in advising legislators, judges, prosecutors, defenders and others on sentencing matters, particularly regarding the new asset forfeiture statutes that were enacted based on the commission's recommendations.

The commission also began a major project to streamline the Criminal Code. The goal is to make the code more workable for criminal justice practitioners, including judges, prosecutors, defenders, and to produce a code that can be readily understood by the defendants and victims directly affected by it.

Late in 2006, the General Assembly adopted the commission's comprehensive rewrite of Ohio's laws governing the forfeiture of assets linked to racketeering, drug offenses, gang activity and similar matters. The commission staff prepared training materials and helped to implement the new law, which took effect in July 2007.

In the spring, the commission issued a report recapitulating a decade of sentencing reform for adult felons, adult misdemeanants, juvenile offenders, traffic law and asset forfeiture.

In 2007, the commission continued to monitor and discuss sexual assault and impaired driving legislation and the prison crowding situation.

OHIO CRIMINAL SENTENCING COMMISSION

David Diroll,
Executive Director

David H. Bodiker
Paula Brown
Terry Collins
Hon. William J. Corzine
Hon. Robert C. DeLamatre
Michael Epperson
William R. Gallagher
Hon. Timothy Grendell
Hon. Frederick C. Hany II
Staci Kitchen
Hon. Robert E. Latta
Hon. Lance Mason
Paul McClellan
Hon. Thomas J. Moyer,
chair
Hon. Andrew Nastoff
Hon. Michael O'Brien
Hon. Colleen Mary O'Toole
Hon. Bob Proud
Hon. Reginald J. Routson
Hon. Kenneth Spanagel
Tom Stickrath
Yeura Rommel Venters
Hon. David Warren
Hon. David J. Westrick
Hon. Donald A. White
Hon. Stephanie Wyler

OHIO CRIMINAL SENTENCING ADVISORY COMMITTEE

Monda DeWeese
Eugene Gallo
Hon. Burt Griffin
Lynn Grimshaw
John R. Guldin
James Lawrence
John Leutz
Kenneth J. Lusnia
Hon. Steve McIntosh
John Madigan
Cynthia Mausser,
chair
Karhlton Moore
Mark Owens
Gary Yates

VISITING JUDGES

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

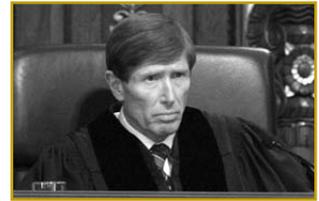
The Court thanks the court of appeals judges who served as visiting judges for Supreme Court oral arguments in 2007.



Hon. Howard Sunderman
1st District Court of Appeals
Case no. 2006-0550
State v. Boczar
Jan. 9



Hon. Roger L. Kline
4th District Court of Appeals
Case nos. 2006-0294 & 2006-0298
State v. Crager
Jan. 24



Hon. Lee H. Hildebrandt Jr.
1st District Court of Appeals
Case no. 2006-0324
State v. Clevenger
Feb. 13



Hon. Mary DeGenaro
7th District Court of Appeals
Case no. 2006-0405
*Geretz et al. v. Dir., Ohio Department of
Job & Family Services, et al.*
Feb. 27



Hon. Susan Brown
10th District Court of Appeals
Case nos. 2006-0673 & 2006-0798
In Re: S.J.K.
Feb. 28



Hon. William J. Skow
6th District Court of Appeals
Case no. 2006-0875
State v. Williams
March 14



Hon. William Hoffman
5th District Court of Appeals
Case nos. 2005-1593 & 2005-1926
LeRoy v. Allen, Yurasek & Merklin
April 3



Hon. Colleen Mary O'Toole
11th District Court of Appeals
Case no. 2006-0295
State v. White
May 1



Hon. Mark Pietrykowski
6th District Court of Appeals
Case no. 2006-1250
Davis v. Davis
May 2



Hon. Stephen W. Powell
 12th District Court of Appeals
 Case nos. 2006-1293 & 2006-1488
State v. Muttart
 May 23



Hon. Beth Whitmore
 9th District Court of Appeals
 Case nos. 2006-1293 & 2006-1488
State v. Muttart
 May 23



Hon. Cynthia Rice
 11th District Court of Appeals
 Case no. 2006-1262
*Houck v. Bd. of Park Commrs. of the
 Huron City Park Dist.*
 May 24



Hon. Julie Edwards
 5th District Court of Appeals
 Case no. 2006-1155
Doe v. Archdiocese of Cincinnati
 June 5



Hon. Patrick M. McGrath
 10th District Court of Appeals
 Case no. 2006-0185
State v. Siler
 June 5



Hon. Patricia Blackmon
 8th District Court of Appeals
 Case nos. 2006-1815 & 2006-1853
Fisher v. Hasenjager
 June 6



Hon. Peggy Bryant
 10th District Court of Appeals
 Case nos. 2006-1061 & 2006-1069
Minister Farmer's Coop. v. Meyer
 June 6



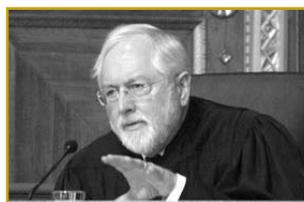
Hon. Matthew W. McFarland
 4th District Court of Appeals
 Case no. 2006-2265
Mendenhall v. Akron
 Sept. 18



Hon. Joseph J. Vukovich
 7th District Court of Appeals
 Case no. 2006-1808
Talik v. Fed. Marine Terminals, Inc.
 Sept. 18



Hon. James A. Brogan
 2nd District Court of Appeals
 Case no. 2006-1811
Paterek v. Petersen & Ibold
 Sept. 19



Hon. William H. Wolff Jr.
 2nd District Court of Appeals
 Case nos. 2006-2139 & 2006-2250
State v. Colon
 Nov. 7

Opinion Summaries

The following is a chronological list of the merit decisions with opinions decided by the Supreme Court of Ohio in 2007 that were summarized by the Office of Public Information. Lawyer and judicial discipline cases are not included. The full text of these and all 2007 opinions is available online at www.supremecourtofohio.gov.

Majority opinion authors are in boldface. An * indicates that Justice Robert R. Cupp, whose term began Jan. 2, 2007, did not participate in the consideration or decision of the case.



JANUARY

*In re Estate of Holycross**

Case no. 2005-2281

Web cite 2007-Ohio-1

R.C. 1339.63 does not apply to an insurance contract entered prior to May 31, 1991, the effective date of the statute, irrespective of the date of the divorce, dissolution, or annulment. (*Aetna Life Ins. Co. v. Schilling* (1993) 67 Ohio St.3d 164, 616 N.E.2d 893, construed and applied.)

Champaign App. No. 2005 CA 1,

2005-Ohio-5582. Judgment affirmed.

Moyer, C.J., Farmer, **Lundberg Stratton**,

O'Donnell and Lanzinger, JJ., concur.

Pfeifer and O'Connor, JJ., concur in

judgment only.

Sheila G. Farmer, J., of the 5th Appellate

District, was assigned to sit for Resnick,

J., whose term ended on Jan. 1, 2007.

Strongsville Bd. of Edn.

*v. Cuyahoga Cty. Bd. of Revision**

Case no. 2005-1638

Web cite 2007-Ohio-6

Affirms the valuation by the Board of Tax Appeals of a piece of real property in Strongsville.

Board of Tax Appeals, Nos. 2003-V-686 and 2003-V-1617. Decision affirmed.

Moyer, C.J., Waite, Pfeifer, Lundberg

Stratton, O'Connor, O'Donnell and

Lanzinger, JJ., concur.

Cheryl L. Waite, J.,

of the 7th Appellate

District, sitting for

Resnick, J., whose term

ended on Jan. 1, 2007.

*In re Adoption of Walters**

Case nos. 2006-00613

and 2006-0614

Web cite 2007-Ohio-7

(1). R.C. 3107.11(A) does not require the notice of a hearing on an adoption

petition to include language that both the consent and best-interests requirements will be addressed at the hearing. (2). One hearing to address both requirements is sufficient, provided notice of the adoption hearing pursuant to R.C. 3107.11(A) is afforded the biological parent. (3). When, at the discretion of the court, separate hearings take place to address the consent requirement and the best-interests requirement of R.C. 3107.14(C), notice of each shall be given to the biological parent. Fairfield App. Nos. 2005-CA-65 and 2005-CA-66, 2006-Ohio-631. Judgment affirmed.

Moyer, C.J., Travis, Pfeifer, Lundberg

Stratton, **O'Connor**, O'Donnell and

Lanzinger, JJ., concur.

Alan C. Travis, J., of the 10th Appellate

District, sitting for Resnick, J., whose

term ended on Jan. 1, 2007.

*Discount Cellular Inc. v. Pub. Util. Comm.**

Case nos. 2005-2209, 2005-2368, 2005-2369 and 2005-2370

Web cite 2007-Ohio-53

Affirms PUCO dismissals of complaints by independent cellular telephone service resellers against wholesalers asserting wholesalers violated PUCO rules that require sales of airtime to resellers under same terms and conditions as those to public.

Public Utilities Commission, Nos. 04-236-RC-CSS, 05-190-RC-CSS, 05-811-RC-CSS, and 05-812-RC-CSS. Orders affirmed.

Moyer, C.J., Klatt, **Lundberg Stratton**,

O'Connor, O'Donnell and Lanzinger, JJ.,

concur.

Pfeifer, J., concurs in judgment only.

William A. Klatt, J., of the 10th Appellate

District, was assigned to sit for Resnick,

J., whose term ended on Jan. 1, 2007.



FEBRUARY

Preferred Capital Inc.

*v. Power Engineering Group Inc.**

Case no. 2005-2134

Web cite 2007-Ohio-257

(1). In a contract between two commercial entities: a forum-selection clause with no reference to a specific jurisdiction or jurisdictions is valid absent a finding of fraud or overreaching or a finding that enforcement of the clause would be unreasonable or unjust (*Kennecorp Mtge. Brokers Inc. v. Country Club Convalescent Hosp. Inc.* (1993), 66 Ohio St.3d 173, 610 N.E.2d 987, syllabus, followed). (2). A forum-selection clause may be held unreasonable if it would be against public policy to enforce it.

Summit App. Nos. 22475, 22476, 22477, 22478, 22485, 22486, 22487, 22488, 22489, 22497, 22499, 22506 and 22513, 163 Ohio App.3d 522, 2005-Ohio-5113. Judgment reversed.

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

Pfeifer, J., concurs in judgment only.

Lundberg Stratton and Lanzinger, JJ., dissent.

John F. Boggins, J., of the 5th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Pelfrey**

Case nos. 2005-2075 and 2005-2211

Web cite 2006-Ohio-256

Pursuant to the clear language of R.C. 2945.75, a verdict form signed by a jury must include either the degree of the offense of which the defendant is convicted or a statement that an aggravating element has been found to justify convicting a defendant of a greater degree of a criminal offense. Montgomery App. No. 19955, 2005-Ohio-5006. Judgment affirmed.

Moyer, C.J., Gallagher, Pfeifer, O'Connor and Lanzinger, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., dissent.

Sean C. Gallagher, J., of the 8th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Morrow Cty. Airport Auth. v. Whetstone Flyers**

Case no. 2005-1802

Web cite 2007-Ohio-255

Reverses and remands a court of appeals decision that concluded a contract between two business entities was void because it was entered into in violation of R.C. 308.04 and 2921.42.

Morrow App. No. 2004 CA 0006, 162 Ohio App.3d 624, 2005-Ohio-4314. Judgment reversed and cause remanded.

Moyer, C.J., Waite, **Pfeifer**, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

O'Donnell, J., concurs in judgment only.

Cheryl L. Waite, J., of the 7th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Palmer**

Case nos. 2006-0022 and 2006-0370

Web cite 2007-Ohio-374

(1). The failure of a criminal defendant to respond within a reasonable time to a prosecution request for reciprocal discovery constitutes neglect that tolls the running of speedy-trial time pursuant to R.C. 2945.72(D). (2). The tolling of statutory speedy-trial time based on a defendant's neglect in failing to respond within a reasonable time to a prosecution request for discovery is not dependent upon the filing of a motion to compel discovery by the prosecution (*Lakewood v. Papadelis* [1987], 32 Ohio St.3d 1, 511 N.E. 2d 1138, reaffirmed and followed). (3). A trial court shall determine the date by which a defendant should reasonably have responded to a reciprocal discovery request based on the totality of the facts and circumstances of the

case, including the time established by local rule, if applicable.

Portage App. No. 2004-P-0106, 2005-Ohio-6710. Judgment reversed.

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

Lanzinger, J., concurs in judgment only. Peter B. Abele, J., of the 4th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Buzzard**

Case no. 2005-2061

Web cite 2007-Ohio-373

Holds that a police officer's peek through a gap in locked garage doors did not constitute an illegal search.

Crawford App. No. 3-04-18, 163 Ohio App.3d 591, 2005-Ohio-5270. Judgment reversed.

Farmer, Lundberg Stratton, **O'Connor**, O'Donnell and Lanzinger, JJ., concur.

Moyer, C.J., and Pfeifer, J., concur in judgment only.

Sheila G. Farmer, J., of the 5th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Oliver**

Case no. 2005-1967

Web cite 2007-Ohio-372

Remands case to trial court for reconsideration in light of *Hudson v.*

Michigan (2006), 547 U.S. 586, 126 S.Ct. 2159, 165, L.Ed.2d 56.

Cause remanded to the trial court.

Moyer, C.J., Harsha, Lundberg Stratton, **O'Connor** and O'Donnell, JJ., concur.

Pfeifer, J., dissents.

Lanzinger, J., would dismiss the appeal as having been improvidently accepted.

William H. Harsha, J., of the 4th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Lowe**

Case no. 2005-1843

Web cite 2007-Ohio-606.

R.C. 2907.03(A) (5) is constitutional as applied to consensual sexual conduct between a step-parent and adult stepchild, since it bears a rational relationship to the state's legitimate interest in protecting the family.

Stark App. No. 2004CA00292, 2005-Ohio-4274. Judgment affirmed.

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

Pfeifer, J., dissents.

James J. Sweeney, J., of the 8th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Gehm v. Timberline Post & Frame**

Case nos. 2005-2137 and 2005-2384

Web cite 2007-Ohio-607.

(1). A motion to intervene for the purpose of establishing a record in a separate action is not an ancillary proceeding to an action and does not qualify as a provisional remedy for the purposes of R.C. 2505.02. (2).

When a party has sought and been denied intervention, collateral estoppel will not prohibit future litigation of similar issues. *Howell v. Richardson* (1989), 45 Ohio St.3d 365, 544 N.E.2d 878 construed. (3). The denial of a motion to intervene, when the purpose for which intervention was sought may be litigated in another action, does not affect a substantial right under R.C. 2505.02(b)(1) that determines the action and prevents the judgment.

Summit App. No. 22479, 2005-Ohio-5222. Judgment affirmed.

Moyer, C.J., Harsha, Pfeifer, Lundberg Stratton, **O'Connor** and Lanzinger, JJ., concur.

O'Donnell, J., dissents.

William H. Harsha, J., of the 4th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Am. Interstate Ins. Co. v. G & H Serv. Ctr.**

Case no. 2006-0051

Web cite 2007-Ohio-608.

Subrogation claims arising from workers' compensation payments are governed by the laws of the state in which compensation was paid. (Restatement of the Law 2d, Conflict of Laws [1971], Section 185, applied.)

Shelby App. No. 17-05-08, 165 Ohio App.3d 104, 2005-Ohio-5753. Judgment affirmed.

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

Diane V. Grendell, J., of the 11th

Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

MARCH

*State v. Evans **

Case no. 2005-1692

Web cite 2007-Ohio-861

(1). An appellate court may not vacate and remand an entire sentence imposed upon a defendant when the error in sentencing pertains only to a sanction imposed for one specification. (2). App.R. 12(A)(1)(c) requires an appellate court to decide each assignment of error and give written reasons for its decision unless the assignment of error is made moot by a ruling on another assignment of error.

Cuyahoga App. No. 85396, 2005-Ohio-3847. Cause remanded to the court of appeals for further consideration.

Moyer, C.J., Lundberg Stratton, O'Connor and **O'Donnell, JJ.**, concur. Donovan and Lanzinger, JJ., concur separately.

Pfeifer, J., dissents.

Mary E. Donovan, J., of the 2nd Appellate

District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

State ex rel. Beane v. Dayton

Case no. 2006-1929

Web cite 2007-Ohio-811

Dismissed a mandamus action by a Dayton police officer who sought to compel the city of Dayton to comply with a recently enacted state law.

In Mandamus. Cause dismissed. Opinion issued **per curiam**.

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

Pfeifer and Lanzinger, JJ., concur in judgment only.

*Girl Scouts-Great Trail Council v. Levin**

Case no. 2006-0266.

Web cite 2007-Ohio-972

Affirms a Board of Tax Appeals holding that the Girl Scouts-Great Trail Council used its Stark County property for charitable purposes and, therefore, was entitled to exemption from real estate tax in accordance with R.C. 5709.12(B). Board of Tax Appeals, No. 2004-R-166. Decision affirmed.

Grendell, Pfeifer, Lundberg Stratton, O'Connor, **O'Donnell** and Lanzinger, JJ., concur.

Moyer, C.J., dissents.

Diane V. Grendell, J., of the 11th

Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Fehrenbach v. O'Malley**

Case nos. 2005-2283 and 2005-2301

Web cite 2007-Ohio-971

Because a parent's claim for loss of consortium against a third party for injuries to the parent's minor child is an interest that is "joint and inseparable" from the child's own claim, the parent's claim may be tolled

during the child's disability. (R.C. 2305.16, applied.)
Hamilton App. No. C-040128, 164 Ohio App.3d 80, 2005-Ohio-5554. Judgment affirmed.

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

Stephen R. Shaw, J., of the 3rd Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State Auto. Ins. Co. v. Pasquale**

Case no. 2005-2047

Web cite. 2007-Ohio-970

An insurance policy may exclude off-road vehicles from uninsured- and underinsured-motorist coverage under former R. C. 3937.18 as amended by 1997 Am.Sub.H.B. No. 261.

Lake App. No. 2004-L-002, 163 Ohio App.3d 381, 2005-Ohio-4897. Judgment reversed.

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

Pfeifer, J., dissents.

Donna J. Carr, J., of the 9th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*In re D.A.**

Case no. 2006-0514

Web cite 2007-Ohio-1105

When determining the best interest of a child under R.C. 2151.414(D) at a permanent-custody hearing, a trial court may not base its decision solely on a limited cognitive abilities of the parents.

Tuscarawas App. Nos. 2005AP06-0044 and 2005AP07-0049, 2006-Ohio-431. Judgment reversed.

Donofrio, Pfeifer, Lundberg Stratton, O'Donnell and **Lanzinger**, JJ., concur.

Moyer, C.J., and O'Connor, J., concur in part and dissent in part.

Gene Donofrio, J., of the 7th Appellate

District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Blue Ash v. Kavanagh**

Case no. 2005-2149

2007-Ohio-1103

Holds that the deployment of a narcotics-detection dog while awaiting lawful impoundment of a vehicle during a lawful traffic stop did not prolong the seizure beyond the time reasonably required to complete the traffic citation.

Hamilton App. No. C-040767. Judgment reversed and cause remanded.

Moyer, C.J., Carr, **Lundberg Stratton** and O'Connor, JJ., concur.

O'Donnell and Lanzinger, JJ., would dismiss the appeal as having been improvidently accepted.

Pfeifer, J., dissents.

Donna J. Carr, J., of the 9th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

APRIL

*State v. Cunningham**

Case no. 2005-1780

Web cite 2007-Ohio-1245

(1). R.C. 2953.08(B)(2) does not authorize a prosecuting attorney to appeal the modification of a sentence granting judicial release for a felony of the third, fourth, or fifth degree. (2). Where an eligible inmate has timely filed a motion seeking judicial release pursuant to R.C. 2929.20 involving a felony of the fifth degree, but later withdraws that motion, an order of the trial court reinstating that motion is not an abuse of discretion, and a judgment entry granting it is not contrary to the law.

Cuyahoga App. No. 85342, 2005-Ohio-3840. Judgment affirmed.

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

Donna J. Carr, J., of the 9th Appellate

District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Buehler**

Case no. 2005-2336

Web cite 2007-Ohio-1246

(1). A careful, commonsense reading of R.C. 2953.74(C) in pari materia with R.C. 2953.75 and 2953.73 and the remainder of R.C. 2953.74 illustrates the intent of the General Assembly to authorize the trial court to exercise its discretion in how to proceed when ruling on an eligible inmate's application for DNA testing. (2). When an eligible inmate files an application for DNA testing pursuant to R.C. 2953.73, a trial court should exercise its discretion based upon the facts and circumstances presented in the case as to whether it will first determine whether the eligible inmate has demonstrated the DNA testing would be outcome-determinative, or whether it should order the prosecuting attorney to prepare and file a DNA evidence report pursuant to R.C. 2953.75.

Cuyahoga App. No. 85796, 164 Ohio App.3d 209, 2005-Ohio-5717. Judgment reversed and judgment of the trial court reinstated.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur. Harsha, J., concurs in judgment only. Lanzinger, J., dissents. William H. Harsha, J., of the 4th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

Lorain Cty. Aud.

*v. Ohio Unemp. Comp. Rev. Comm.**

Case no. 2005-2359 and 2005-2375

Web cite 2007-Ohio-1247

(1). For purposes of eligibility for unemployment benefits, an employee who has worked the maximum number of hours under an intermittent-employment contract is not discharged for just cause and does not

become voluntarily unemployed as described in R.C. 4141.29(D)(2)(a). (2). A formal discharge is not required for a successful claim of unemployment benefits.

Lorain App. No. 05CA008679, 2005-Ohio-5807. Judgment reversed.

Pfeifer, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Moyer, C.J., Bressler and Lundberg Stratton, JJ., dissent.

H. J. Bressler, J., of the 12th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Mid-American Fire & Cas. Co. v. Heasley**

Case no. 2005-2399 and 2006-0249

Web cite 2007-Ohio-1248.

(1). An automobile-liability insurer cannot maintain a declaratory judgment action to determine the rights of a party under its insurance contract if that party is barred from seeking insurance coverage by controlling legal authority. (2). Dismissal of a declaratory judgment action is reviewed under an abuse-of-discretion standard.

(*Bilyeu v. Motorists Mut. Ins. Co.* [1973], 36 Ohio St.2d 35, 37, 65 O.O.2d 179, 303 N.E. 2d 871, followed.)

Lake App. No. 2004-L-115, 2005-Ohio-6072. Judgment affirmed.

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

Pfeifer, J., concurs in judgment only.

O'Donnell, J., dissents and would dismiss the cause as having been improvidently accepted.

James E. Walsh, J., of the 12th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

State v. Boczar

Case no. 2006-0550

Web cite 2007-Ohio-1251

R.C. 4511.19(D)(4)(b), which provides that the results of field sobriety tests are admissible if the tests are administered

in substantial compliance with testing standards, is constitutional.
Ashtabula App. No. 2004-A-0063, 2005-Ohio-6910. Judgment affirmed.

Moyer, C.J., **Lundberg Stratton**, O'Connor, O'Donnell, Lanzinger and Sundermann, JJ., concur.
Pfeifer, J., concurs in judgment only.
J. Howard Sundermann Jr., J., of the 1st Appellate District, sitting for Cupp, J.

*Vectren Energy Delivery of Ohio Inc., v. Pub. Util. Comm.**

Case no. 2006-0367
Web cite 2007-Ohio-1386
Affirms PUCO orders requiring \$6.5 million in refunds by Vectren Energy Delivery of Ohio to its customers for gas cost-recovery overcharges during the 2001 and 2002 winter heating seasons.
Public Utilities Commission, No. 02-220-GA-GCR. Orders affirmed.

Moyer, C.J., Slaby, **Pfeifer**, O'Connor, O'Donnell and Lanzinger, JJ., concur.
Lundberg Stratton, J., concurs in part and dissents in part.
Lynn C. Slaby, J., of the 9th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Brooke**

Case no. 2006-0015.
Web cite 2007-Ohio-1533
(1). For purposes of penalty enhancement in later convictions under R.C. 4511.19, when the defendant presents a prima facie showing that prior convictions were unconstitutional because they were uncounseled and resulted in confinement, the burden shifts to the state to prove the right to counsel was properly waived. (2). Waiver of counsel must be made on the record in open court, and in cases involving serious offenses where the penalty includes confinement for more than six months, the waiver also must be in writing and filed with

the court. (Crim.R. 44[C], applied.)
Lake App. No. 2004-L-088, 165 Ohio App.3d 409, 2005-Ohio-6161. Judgment affirmed in part and reversed in part, and cause remanded.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor and **Lanzinger**, JJ., concur.
Slaby and O'Donnell, JJ., concur in judgment only.
Lynn C. Slaby, J., of the 9th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Parker**

Case no. 2006-0236.
Web cite 2007-Ohio-1534
(1). When multiple charges arise from a criminal incident and share a common litigation history, pretrial incarceration on the multiple charges constitutes incarceration on the "pending charge" for the purposes of the triple-count provision of the speedy-trial statute, R.C. 2945.71(E).
(2). Criminal charges arising out of the same criminal incident and brought simultaneously will always be deemed to have a "common litigation history" for the purposes of establishing incarceration solely on the "pending charge" within the meaning of R.C. 2945.71(E), even if they are prosecuted in separate jurisdictions.
Ashtabula App. No. 2004-A-004, 2005-Ohio-6908. Judgment affirmed.

Moyer, C.J., French, Pfeifer, **O'Connor** and Lanzinger, JJ., concur.
Lundberg Stratton and O'Donnell, JJ., dissent.
Judith L. French, J., of the 10th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Dugan & Meyers Constr. Co., Inc. v. Ohio Dept. of Adm. Servs.**

Case no. 2005-1698
Web cite 2007-Ohio-1687
A no-damages-for-delay clause in a 1997

public construction contract is legal, valid and enforceable.

Franklin App. No. 03AP-1194, 2005-Ohio-3810. Judgment affirmed.

Moyer, C.J., Moore, Lundberg Stratton, O'Donnell and Lanzinger, JJ., concur. O'Connor, J., concurs in judgment only. Pfeifer, J., dissents.

Carla D. Moore, J., of the 9th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Penrod v. Ohio Dept. of Admin. Servs.**

Case nos. 2005-2373 and 2005-2374

Web cite 2007-Ohio-1688

Holds that abolishment of a state employee's position was not accomplished consistent with the requirements of former R.C. 124.321(D).

Franklin App. No. 04AP-1118, 2005-Ohio-5836 and 2005-Ohio-6611. Judgment affirmed.

Shaw, Pfeifer, **O'Connor** and Lanzinger, JJ., concur.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

Stephen R. Shaw, J., of the 3rd Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

MAY

*State v. Sterling**

Case no. 2005-2388

Web cite 2007-Ohio-1790

(1). Because R.C. 2953.85(D) provides that a prosecuting attorney's decision to disagree with an inmate's request for DNA testing is final and not appealable by any person to any court and further directs that no court shall have authority, without agreement of the prosecutor, to order DNA testing, it interferes with the exercise of judicial authority, violates the doctrine of separation of powers, and is unconstitutional. (2). R.C. 2953.82(D) is capable of being severed from the rest of the statute.

Ashtabula App. No. 2003-A-0135, 2005-Ohio-6081. Judgment affirmed and cause remanded for further proceedings.

Moyer, C.J., Gallagher, Pfeifer, Lundberg Stratton, **O'Donnell** and Lanzinger, JJ., concur.

O'Connor, J., not participating.

Sean C. Gallagher, J., of the 8th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Cramer v. Auglaize Acres**

Case no. 2005-1629

Web cite 2007-Ohio-1946

Former R.C. 3721.17(I)(1) specifically abrogates governmental immunity and grants a cause of action to residents of unlicensed county nursing homes against a political subdivision for violations of R.C. 3721.10 through 3721.17, the Ohio Nursing Home Patients' Bill of Rights.

Auglaize App. No. 2-04-39, 2005-Ohio-3609. Judgment affirmed in part and reversed in part.

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

Carla D. Moore, J., of the 9th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

Summit Cty. Children Servs. Bd.

v. Communication Workers of Am., Local 4546

Case no. 2006-0567

Web cite 2007-Ohio-1949

Holds that an arbitrator may use a test for good cause that considers an employee's record of service and other mitigating circumstances in the absence of a definition of "good cause" in a collective-bargaining agreement.

Summit App. No. 22697, 2006-Ohio-389. Judgment reversed.

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

State v. Taylor

Case no. 2006-0568

Web cite 2007-Ohio-1950

An attempted possession of illegal drugs is a drug-abuse offense, and an individual convicted of an attempted drug-abuse offense is subject to the mandatory sentencing provisions of R.C. 2925.11. Montgomery App. Nos. 20649, 20654, and 20655, 2006-Ohio-313. Judgment reversed.

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

Lundberg Stratton, J., dissents.

*Elston v. Howland Local Schools**

Case nos. 2005-1993 and 2005-2032

Web cite 2007-Ohio-2070

Pursuant to R.C. 2744.03(A)(5), a political subdivision is immune from liability if the injury complained of resulted from an individual employee's exercise of judgment or discretion in determining how to use equipment or facilities unless that judgment or discretion was exercised with malicious purpose, in bad faith or in a wanton or reckless manner, because a political subdivision can act only through its employees.

Trumbull App. No. 2004-T-0092, 2005-Ohio-4765. Judgment reversed and judgment of the trial court reinstated.

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

Pfeifer, J., dissents.

William H. Wolff Jr., J., of the 2nd Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*Bellman v. Am. Internatl. Group**

Case no. 2005-2162

Web cite 2007-Ohio-2071

(1). The date of a written settlement agreement becomes the date from which

post-settlement interest accrues, unless the parties to such a settlement agreement negotiate a different due and payable date and incorporate that into the written settlement agreement. (2). A claim for post-settlement interest is properly brought as a post-decree motion against the tortfeasor and properly filed in the underlying action. Lucas App. No. L-03-1301, 163 Ohio App.3d 540, 2005-Ohio-5250. Judgment affirmed.

Moyer, C.J., Walsh, Lundberg Stratton, O'Connor, **O'Donnell** and Wise, JJ., concur.

Pfeifer, J., concurs in judgment only.

James E. Walsh, J., of the 12th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

John W. Wise, J., of the 5th Appellate District, was assigned to sit for Lanzinger, J.

*Shaker Hts. v. Mosely**

Case no. 2005-2411

Web cite 2007-Ohio-2072

Minor misdemeanor conduct under 2917.11(A)(1) is a lesser included offense of domestic violence under Shaker Heights Codified Ordinance 737.14(c) and R.C. 2919(C). (*State v. Deem* [1988], 40 Ohio St.3d 205, 533 N.E.2d 294, applied.)

Cuyahoga App. No. 85227, 2005-Ohio-5433. Judgment affirmed.

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

Lisa Sadler, J., of the 10th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

Hoffman v. State Med. Bd. of Ohio

Case no. 2005-1754

Web cite 2007-Ohio-2201

(1). Ohio Adm. Code 4731-24-04(A), which prohibits anesthesiologist assistants from performing epidural and spinal anesthetic procedures, is invalid because it conflicts

with R.C. 4760.09. (2). The term “assist” as used in 4760.09 means “to carry out procedures as requested by the supervising anesthesiologist.”

Franklin App. No. 04AP-839, 2005-Ohio-3682. Judgment reversed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O’Connor, O’Donnell, **Lanzinger** and Cupp, JJ., concur.

*State v. Wilson**

Case no. 2005-2186

Web cite 2007-Ohio-2202

Because sex-offender-classification proceedings (R.C. 2950) are civil in nature, a trial court’s determination in a sex-offender-classification hearing must be reviewed under a civil manifest-weight-of-the-evidence standard and may not be disturbed when the judge’s findings are supported by some competent, credible evidence.

Cuyahoga App. No. 85015, 2005-Ohio-4994. Judgment reversed.

Moyer, C.J., Pfeifer, **Lundberg Stratton** and O’Donnell, JJ., concur.

Donovan, O’Connor and Lanzinger, JJ., concur in part and dissent in part.

Mary E. Donovan, J., of the 2nd Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Batchili**

Case no. 2005-2420

Web cite 2007-Ohio-2204.

(1). A traffic stop is not unconstitutionally prolonged when permissible background checks have been diligently undertaken and not yet completed at the time a drug dog alerts on the vehicle. (2). The “reasonable and articulable” standard applied to a prolonged traffic stop encompasses the totality of the circumstances, and a court may not evaluate in isolation each articulated reason for the stop. *United States v. Arvizu* (2002), 534 U.S. 266, 274, 122 S.Ct. 744, 151 L.Ed.2d 740, applied.

(3). The constitutionality of a prolonged traffic stop does not depend on the issuance of a citation.

Lucas App. No. L-04-1039, 2005-Ohio-6001. Judgment reversed and cause remanded.

Moyer, C.J., Walsh, Lundberg Stratton, **O’Connor** and Lanzinger, JJ., concur. Pfeifer, J., dissents.

O’Donnell, J., would dismiss the cause as having been improvidently accepted.

James E. Walsh, J., of the 12th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*In re Brayden James**

Case no. 2005-1994

Web cite 2007-Ohio-2335

(1). R.C. 3109.04(E)(91)(a) precludes a trial court from modifying a prior decree allocating parental rights and responsibilities unless it finds, based on facts that have arisen since the time of the decree or were unknown to it at that time, not only that a change has occurred in circumstances of the child, the child’s residential parent, or either parent subject to a shared-parenting decree, but also that the modification of the prior custody decree is necessary to serve the best interest of the child. (2). The provisions of R.C. 3109.04(E)(1)(a) promote stability in the development of children are not unconstitutional as applied where a noncustodial parent has not evidenced that a change has occurred in the circumstances of the child.

Hamilton App. No. C-040533, 163 Ohio App.3d 442, 2005-Ohio-4847. Judgment reversed and cause remanded.

Moyer, C.J., O’Connor, **O’Donnell** and Lanzinger, JJ., concur.

Wolff, Pfeifer and Lundberg Stratton, JJ., dissent.

William H. Wolff, J., of the 2nd Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

JUNE

*Welling v. Weinfeld**

Case no. 2005-1964

Web cite 2007-Ohio-2451

One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of privacy if (a) the false light in which the other was placed would be highly offensive to a reasonable person and (b) the actor had knowledge of or acted in reckless disregard to the falsity of the publicized matter and the false light in which the other would be placed. (Restatement of the Law 2d, Torts [1977], Section 652[E], adopted.)

Stark App. No. 2004CA00340, 2005-Ohio-4721. Judgment reversed and cause remanded.

Moyer, C.J., Sweeney, **Pfeifer**, Lundberg Stratton and O'Donnell, JJ., concur.

O'Connor and Lanzinger, JJ., dissent and would dismiss the cause as having been improvidently accepted.

James J. Sweeney, J., of the 8th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

Miller v. First Internatl. Fid. & Trust Bldg. Ltd.

Case no. 2006-0373

Web cite 2007-Ohio-2457

A journalized jury verdict is not a final, appealable order when a motion for prejudgment interest has been filed and remains pending.

Lucas App. No. L-05-1311, 2006-Ohio-187.

Judgment affirmed.

Moyer, C.J., **Pfeifer**, O'Connor and Cupp, JJ., concur.

Lundberg Stratton, O'Donnell and Lanzinger, JJ., dissent.

Ohio Academy of Nursing Homes

v. Ohio Dept. of Job & Family Servs.

Case no. 2006-0275

Web cite 2007-Ohio-2620

When a state agency's decision is discretionary and by statute not subject to appeal, an action in mandamus is the sole avenue of relief available to a party challenging the agency's decision.

Franklin App. No. 05AP-562, 164 Ohio App.3d 808, 2005-Ohio-6888. Judgment affirmed.

Moyer, C.J., **O'Connor**, O'Donnell and Cupp, JJ., concur.
Pfeifer, Lundberg Stratton and Lanzinger, JJ., concur in part and dissent in part.

In re S.J.K.

Case nos. 2006-0673 and 2006-0798

Web cite 2007-Ohio-2621

The imposition of points on a traffic offender's driving record is a statutorily imposed penalty sufficient to create a collateral disability as a result of the judgment and preserves the justiciability of an appeal even if the offender has voluntarily satisfied the judgment.

Summit App. No. 22721, 2006-Ohio-653.

Judgment reversed.

Moyer, C.J., Pfeifer, **Lundberg Stratton**, Brown and O'Donnell, JJ., concur.
Lanzinger and Cupp, JJ., dissent.
Susan Brown, J., of the 10th Appellate District, sitting for O'Connor, J.

Hughes v. Ohio Dept. of Commerce

Case no. 2006-0107

Web cite 2007-Ohio-2877

(1). An administrative agency must strictly comply with the procedural requirements of R.C. 119.09 for serving the final order of adjudication upon the party affected by it before the 15-day appeal period prescribed in R.C. 119.12 commences (R.C. 119.09; *Sun Refining & Marketing Co. v. Brennan* [1987],

31 Ohio St.3d 306, 31 OBR 584, 511 N.E.2d 112, followed). (2). A party aggrieved by an administrative agency's order must file the original notice of appeal with the agency and a copy with the court of common pleas. R.C. 119.12.

Franklin App. No. 04AP-1386, 2005-Ohio-6368. Judgment reversed and cause dismissed.

Moyer, C.J., Lundberg Stratton, O'Connor and **Lanzinger, JJ.**, concur. Pfeifer, J., concurs in part and dissents in part.

O'Donnell and Cupp, JJ., dissent.

Olynk v. Scoles

Case nos. 2006-0235 and 2006-0310

Web cite 2007-Ohio-2878

The double-dismissal rule of Civ.R. 41 (A) (1) applies only when both dismissals were notice dismissals under Civ.R. 41 (A)(1)(a). Cuyahoga App. No. 86009, 2005-Ohio-6632. Judgment affirmed.

Moyer, C.J., Lundberg Stratton, **O'Connor**, Lanzinger and Cupp, JJ., concur. Pfeifer, J., concurs in the syllabus and the judgment. O'Donnell, J., dissents and would dismiss the appeal as having been improvidently accepted.

In re H.W.

Case no. 2006-0676

Web cite 2007-Ohio-2879

A trial court does not abuse its discretion when, after a minor parent or parents involved in a custody proceeding and who were minors at the onset reach the age of majority, the court removes as parties to the action the child's grandparents who have no independent legal interest or rights in the proceeding.

Ashtabula App. No. 2005-A-0067, 2006-Ohio-739. Judgment reversed.

Moyer, C.J., Lundberg Stratton,

O'Connor, O'Donnell, **Lanzinger** and Cupp, JJ., concur. Pfeifer, J., concurs in part and dissents in part.

JULY

Natl. City Commercial Capital Corp.

*v. AAAA At Your Serv. Inc.**

Case no. 2006-0169

Web cite 2007-Ohio-2942

Concludes that a dismissal other than on the merits that prevents re-filing in the trial court is a final, appealable order.

Butler App. No. CA2005-08-219. Judgment affirmed and cause remanded.

Moyer, C.J., Calabrese, **Pfeifer**, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

O'Donnell, J., dissents.

Anthony O. Calabrese Jr., J., of the 8th

Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

LeRoy v. Allen, Yurasek & Merklin

Case no. 2005-1593 and 2005-1926

Web cite 2007-Ohio-3608

Finds that a complaint in a legal malpractice action filed by plaintiffs outside the attorney-client relationship stated a cognizable claim. Union App. No. 14-04-49, 162 Ohio App.3d 155, 2005-Ohio-4452. Judgment affirmed in part and reversed in part, and cause remanded to the trial court.

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

William B. Hoffman, J., of the 5th

Appellate District, sitting for Cupp, J.

*State v. Dillon**

Case no. 2005-2350

Web cite 2007-Ohio-3617

An inmate's awareness of a pending indictment and of his right to request trial

on the pending charges does not satisfy the notification requirements of R.C. 2941.401, which requires a warden or prison superintendent to notify a prisoner “in writing of the source and contents of any untried indictment” and of his right “to make a request for final disposition thereof.” (R.C. 2941.401, construed and applied.) Delaware App. No. 2005CAA02012, 2005-Ohio-5938. Judgment affirmed.

Moyer, C.J., Rogers, **Pfeifer**, Lundberg Stratton, O’Connor, and Lanzinger, JJ., concur.

O’Donnell, J., dissents.

Richard M. Rogers, J., of the 3rd Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

Curl v. Volkswagen of Am., Inc.

Case no. 2006-0115

Web cite 2007-Ohio-3609

(1). In Ohio, purchasers of automobiles may assert a contract claim for breach of implied warranty of merchantability, pursuant to the Magnuson-Moss Warranty Act, only against parties with whom they are in privity of contract. (2). The term new motor vehicle, as used in R. C. 1345.72, refers to a vehicle within the period of one year following the date of its original delivery or during the first 18,000 miles of its operation, whichever occurs earlier.

Trumbull App. No. 2004-T-0112, 2005-Ohio-6420. Judgment reversed.

Moyer, C.J., Lundberg Stratton, O’Connor, **O’Donnell** and Cupp, JJ., concur.

Lanzinger, J., concurs in judgment only.

Pfeifer, J., concurs in part and dissents in part.

*State v. Tooley**

2006-0105 and 2006-0216

Web cite 2007-Ohio-3698

(1). The permissive inference of R.C. 2907.322(B)(3) does not render R. C. 2907.322(A)(5) unconstitutionally overbroad by equating virtual child pornography, which is protected under the First Amendment, with pornography that involves real children, which is not protected (*Ashcroft v. The Free Speech Coalition*. [2002], 535 U.S. 234, 122 S.Ct. 1389, 152 L.Ed.2d 403, followed). (2). Application of the culpable mental state of recklessness to R.C. 2907.323(A)(3), which prohibits possession of certain images of minors in a state of nudity, does not render the statute unconstitutionally overbroad (*Osborne v. Ohio* [1990], 495 U.S. 103, 110, 110 S.Ct. 1691, 109 L.Ed.2d 98, followed). (3). The state must prove all elements beyond a reasonable doubt, including that a real child is depicted, to support a conviction for possession of child pornography under either R.C. 2907.322 or 2907.323. Portage App. No. 2004-P-0064, 2005-Ohio-6709. Certified questions answered in the negative, judgment of the court of appeals reversed, and cause remanded to the trial court.

Moyer, C.J., Sadler, Pfeifer, O’Connor, O’Donnell and **Lanzinger**, JJ., concur. Lundberg Stratton, J., concurs separately. Lisa Sadler, J., of the 10th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

*State v. Carswell**

Case no. 2006-0151

Web cite 2007-Ohio-3723

The term “living as a spouse” as defined in R.C. 2919.25 merely identifies a particular class of persons for the purposes of the domestic-violence statutes. It does not create or recognize a legal relationship that approximates the designs, qualities, or significance of marriage, as prohibited by Section 11, Article XV, of the Ohio

Constitution.

Warren App. No. CA2005-04-047, 2005-Ohio-6547. Judgment affirmed.

Moyer, C.J., French, Lundberg Stratton and O'Connor, JJ., concur.

Pfeifer, J., concurs in syllabus and judgment only.

O'Donnell, J., concurs separately.

Lanzinger, J., dissents.

Judith L. French, J., of the 10th Appellate District, was assigned to sit for Resnick, J., whose term ended on Jan. 1, 2007.

Celmer v. Rodgers

Case no. 2006-0305

Web cite 2007-Ohio-3697

In a medical malpractice action where trial continuances requested by the defense and the insolvency of a defendant's carrier delay trial for such time as the plaintiff's medical expert no longer devotes one-half of his professional time to the active clinical practice of medicine, and where the medical expert is not a professional witness, a trial court has discretion to permit that witness to testify as an expert at trial. (Evid.R. 601 [D], construed.)

Trumbull App. No. 2004-T-0074, 2005-Ohio-7054. Judgment affirmed.

Pfeifer, Lundberg Stratton and

O'Donnell, JJ., concur.

Lanzinger, J., concurs in syllabus and judgment only.

Moyer, C.J., O'Connor and Cupp, JJ., dissent.

AUGUST

Toledo v. Tellings

Case no. 2006-0690

Web cite 2007-Ohio-3724

The state of Ohio and the city of Toledo have a legitimate interest in protecting citizens from the dangers associated with pit bulls, and R.C. 955.11 (A) (4) (a) (iii) and 955.22 and Toledo Municipal Code 505.14 are rationally related to that interest and are

constitutional.

Lucas App. No. L-04-1224, 2006-Ohio-975. Judgment reversed.

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

O'Connor, J., concurs in judgment only.

State ex rel. Ohio Gen. Assembly v. Brunner

Case no. 2007-0209

Web cite 2007-Ohio-3780

Under Section 16, Article II, of the Ohio Constitution, when the General Assembly adjourns sine die, preventing the return of a bill to the General Assembly, the bill "becomes law unless, within ten days after such adjournment," it is filed by the governor with the governor's objections in writing, in the office of the secretary of state. (Section 16, Article II, Ohio Constitution, applied.)

In Mandamus. Writ granted.

Moyer, C.J., Lundberg Stratton,

O'Connor and **Cupp**, JJ., concur.

O'Donnell, J., concurs in judgment.

Pfeifer and Lanzinger, JJ., dissent.

Bellville v. Kieffaber

Case no. 2006-0824.

Web cite 2007-Ohio-3763

A citation for speeding that contains notice of both the prima facie offense and the basic facts supporting the charge includes the necessary elements of the offense even if the citation does not also allege that the speed is unreasonable for existing conditions. The driver may rebut or negate the prima facie case with evidence that the speed was neither excessive nor unreasonable. (*Cleveland v. Keah* [1952], 157 Ohio St. 331, 47 O.O. 195, 105 N.E.2d 402, approved and followed.) Richland App. No. 2005CA0061, 2005-Ohio-6879. Judgment affirmed.

Moyer, C.J., Pfeifer, Lundberg Stratton,

O'Connor, O'Donnell, Lanzinger and

Cupp, JJ., concur.

Glozzo v. Univ. Urologists of Cleveland Inc.

Case no. 2006-1166

Web cite 2007-Ohio-3762

When the affirmative defense of insufficiency of service of process is properly raised and properly preserved, a party's active participation in the litigation of a case does not constitute waiver of that defense.

(*First Bank of Marietta v. Cline* [1984], 12 Ohio St.3d 317, 12 OBR 388, 466 N.E.2d 567, applied.)

Cuyahoga App. No. 86371, 2006-Ohio-1726. Judgment reversed.

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

Snyder v. Am. Family Ins. Co.

Case no. 2006-0223

Web cite 2007-Ohio-4004

Concludes that R.C. 3937.18 does not prohibit enforcement of a policy that excludes claims for uninsured motorist benefits when the tortfeasor is statutorily immune from liability.

Franklin App. No. 05AP-116, 2005-Ohio-6751. Judgment affirmed.

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

State v. Clevenger

Case no. 2006-0324

Web cite 2007-Ohio-4006

(1). A trial court may not suspend court costs previously imposed on a criminal defendant absent statutory authority. (2). A trial court may waive the payment of court costs previously imposed on a criminal defendant only upon statutory authority and only if the defendant moves for waiver of costs at the time of sentencing.

Trumbull App. No. 2004-T-0130, 2006-Ohio-128. Judgment affirmed in part and reversed

in part.

Moyer, C.J., Pfeifer, Lundberg Stratton, Hildebrandt, O'Donnell, Lanzinger and **Cupp**, JJ., concur.

Lee H. Hildebrandt Jr., J., of the 1st Appellate District, was assigned to sit for O'Connor, J.

Froehlich v. Ohio Dept. of Mental Health

Case no. 2006-0330.

Web cite 2007-Ohio-4161

When criminal proceedings terminate in favor of an accused upon a no-bill of indictment, the one-year statute of limitations for malicious prosecution is not extended by continuing conversations with a prosecutor about additional criminal charges.

(Restatement of Law 2d, Torts [1977].

Section 659(b), followed.)

Franklin App. No. 05AP-129, 2005-Ohio-7026. Judgment affirmed.

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

State v. Consilio

Case no. 2006-0657

Web cite 2007-Ohio-4163

(1). A statute must clearly proclaim its own retroactivity to overcome the presumption of prospective application. Retroactivity is not to be inferred (*Kelley v. State* [1916], 94 Ohio St. 331, 114 N.E. 255, followed). (2). Because the H.B. 525 version of R.C. 2901.07(B) (3)(a) lacked express language making it retroactive, that version may be applied only prospectively to individuals who were convicted of or pleaded guilty to a qualifying offense and were placed on supervised release after its effective date.

Summit App. No. 22761, 2006-Ohio-649. Judgment affirmed.

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

Cupp, J., concurs in syllabus and judgment only.

Lundberg Stratton, O'Connor and Lanzinger, JJ., dissent.

Elyria Foundry Co. v. Pub. Util. Comm.

Case no. 2006-0830

Web cite 2007-Ohio-4164

Upholds rulings by the Public Utilities Commission that approve several provisions of rate plans by the Cleveland Electric Illuminating Co., Ohio Edison and Toledo Edison, but voids portions of the rulings authorizing the utilities to defer accounting for excess fuel costs incurred for power generation and recover them later by increasing rates for power distribution. Public Utilities Commission, Nos. 05-704-EL-ATA, 05-1125-EL-ATA, 05-1126-EL-AAM, and 05-1127-EL-UNC. Orders affirmed in part and reversed in part, and cause remanded.

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

State ex rel. Ohio Gen. Assembly v. Brunner

Case no. 2007-0209

Web cite 2007-Ohio-4460

In Mandamus. Reported at 114 Ohio St.3d 386, 2007-Ohio-3780, 872 N.E.2d 912. On motion for reconsideration. Reconsideration granted to the following extent: The opinion issued on Aug. 1, 2007, is modified to clarify that citizens seeking the repeal of Am.Sub.S.B. No. 117 have 90 days from Aug. 1, 2007, to file referendum petitions with the secretary of state. 115 Ohio St.3d 103, 2007-Ohio-4460, 873 N.E.2d 1232. Opinion issued **per curiam**.

Moyer, C.J., Lundberg Stratton and O'Connor, JJ., concur.
Lanzinger, J., concurs in judgment only.
Pfeifer, J., concurs in part and dissents in part.
O'Donnell and Cupp, JJ., dissent.

SEPTEMBER

State v. Lomax

Case no. 2006-0899

Web cite 2007-Ohio-4277

(1). A waiver of the right to a trial by jury must not only be made in writing, signed by the defendant and filed as a part of the record, but also must be made in open court (R.C. 2945.05, applied). (2). To satisfy the "in open court" requirement in R.C. 2945.05, there must be some evidence in the record that the defendant, while in the courtroom and in the presence of counsel, if any, acknowledged the jury waiver in trial court.

Hamilton App. No. C-040450, 166 Ohio App.3d 555, 2006-Ohio-1373. Judgment affirmed.

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

Culbreath v. Golding Ents. L.L.C.

Case no. 2006-1302

Web cite 2007-Ohio-4278

(1). Section 227(b), Title 47, U.S. Code, does not provide a private right of action for violations of Section 68.318(d), Title 47, C.F.R. (2). As used in R.C. 1345.01(A), "individual" means "natural person." (3). The sending to and receipt by an individual of an unsolicited facsimile advertisement is not a violation of the Ohio Consumer Sales Practices Act unless the facsimile is deceptive, unfair or unconscionable.

Franklin App. No. 05AP-1230, 2006-Ohio-2606. Judgment affirmed.

Moyer, C.J., Lundberg Stratton, **O'Connor**, O'Donnell, Lanzinger and Cupp, JJ., concur.
Pfeifer, J., concurs in judgment only.

In re Guardianship of Hollins

Case no. 2006-1137

Web cite 2007-Ohio-4555

When a guardianship is predicated exclusively on a ward's minor status, the guardian's power and the probate court's jurisdiction both terminate when the ward reaches the age of majority.

Cuyahoga App. Nos. 86412 and 86574, 2006-Ohio-1543. Judgment affirmed.

Moyer, C.J., Pfeifer, O'Connor, **Lanzinger** and Cupp, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., dissent.

Peters v. Columbus Steel Castings Co.

Case no. 2006-0507

Web cite 2007-Ohio-4787

(1). A survival action brought to recover for a decedent's own injuries before his or her death is independent from a wrongful-death action seeking damages for the injuries that the decedent's beneficiaries suffer as a result of the death, even though the same nominal party prosecutes both actions. (2). A decedent cannot bind his or her beneficiaries to arbitrate their wrongful death claims.

Franklin App. No. 05AP-308, 2006-Ohio-382. Judgment affirmed.

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

Hall v. Banc One Mgt. Corp.

Case no. 2006-0703

Web cite 2007-Ohio-4640

The principal challenges to prospective jurors incorporated into R.C. 2313.42(A) through (I), which are tried to the court, establish a conclusive presumption of disqualification if found valid. The court must dismiss the prospective juror and may not rehabilitate or exercise discretion to seat the prospective juror upon the prospective juror's pledge of fairness.

Franklin App. No. 04AP-905, 2006-Ohio-913. Judgment reversed and cause remanded to the trial court for further proceedings.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, **O'Donnell**, and Cupp, JJ., concur.

Lanzinger, J., dissents.

State v. Payne

Case no. 2006-1245 and 2006-1383

Web cite 2007-Ohio-4642

Holds that a lack of an objection in the trial court forfeits the *Blakely* issue for purposes of appeal when the sentencing occurs after the announcement of *Blakely v. Washington* (2004), 542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed. 2d 403.

Franklin App. No. 05AP-517, 2006-Ohio-2552. Judgment affirmed.

Lundberg Stratton, **O'Connor**, O'Donnell, and Lanzinger, JJ., concur.

Moyer, C.J., and Cupp, J., concur in part and dissent in part.

Pfeifer, J., dissents.

State ex rel. Dispatch Printing Co. v. Geer

Case no. 2007-0323

Web cite 2007-Ohio-4643

Prevents the Franklin County Juvenile Court from issuing orders prohibiting news media from photographing the faces of juvenile defendants without first conducting an evidentiary hearing and making required findings.

In Prohibition. Writ granted.

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

Pfeifer, J., dissents.

In re C.S.

Case no. 2006-1074

Web cite 2007-Ohio-4919

(1). The word "represent" in the fifth sentence of R.C. 2151.352 means to counsel or advise the juvenile in a delinquency

proceeding. (2). In a delinquency proceeding, a juvenile may waive his constitutional right to counsel, subject to certain standards, if he is counseled and advised by his parent, custodian or guardian. If the juvenile is not counseled by his parent, guardian or custodian and has not consulted with an attorney, he may not waive his right to counsel. (3). A totality-of-the-circumstances analysis is the proper test to be used in ascertaining whether there has been a valid waiver of counsel by a juvenile. (4). In determining whether a juvenile's waiver of counsel in a delinquency case is valid under the totality of the circumstances, the court must consider the age, intelligence and education of the juvenile; the juvenile's background and experience generally and in the court system specifically; the presence or absence of the juvenile's parent, guardian or custodian; the language used by the court in describing the juvenile's rights; the juvenile's conduct; the juvenile's emotional stability; and the complexity of the proceeding. (5). In a delinquency case, a judge, acting as *parens patriae*, has the inherent authority to appoint counsel for the juvenile to determine whether he should waive his rights. (6). In a juvenile delinquency case, the preferred practice is strict compliance with Juv.R. 29(D). If the trial court substantially complies with Juv.R. 29(D) in accepting an admission by a juvenile the plea will be deemed voluntary absent a showing of prejudice by the juvenile or a showing that the totality of the circumstances does not support a finding of a valid waiver. Licking App. No. 2005-CA-93, 2006-Ohio-1920. Judgment reversed and cause remanded.

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

Leininger v. Pioneer Natl. Latex

Case no. 2006-1304

Web cite 2007-Ohio-4921

A common-law tort claim for wrongful discharge based on Ohio's public policy against age discrimination does not exist, because the remedies in R.C. 4112 provide complete relief for a statutory claim for age discrimination.

Ashland App. No. 05-COA-048, 2006-Ohio-2673. Judgment reversed.

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

State v. Hassler

Case no. 2006-1517

Web cite 2007-Ohio-4947

A blood sample taken outside the time frame set out in R.C. 4511.19(D) is admissible to prove that a person is under the influence of alcohol as proscribed by R.C. 4511.19(A)(1)(a) in the prosecution for a violation of R.C. 2903.06, provided that the administrative requirements of R.C. 4511.19(D) are substantially complied with and expert testimony is offered.

Delaware App. No. 05 CAA11 0078, 2006-Ohio-3397. Judgment reversed and cause remanded.

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

State ex rel. Gross v. Indus. Comm.

Case no. 2005-1689

Web cite 2007-Ohio-4916

On motion for reconsideration, vacates December 2006 decision in *State ex rel. Gross v. Indus. Comm.*, 112 Ohio St. 3d 65, 2006-Ohio-6500, 858 N.E.2d 335, and affirms court of appeals judgment granting writ of mandamus ordering Industrial Commission to reinstate total temporary disability

benefits for a fast-food worker injured as a result of his own workplace safety violation. Franklin App. No. 04AP-756, 2005-Ohio-3936. Reported at 112 Ohio St.3d 65, 2006-Ohio-6500, 858 N.E.2d 335. On motion for reconsideration. Reconsideration granted. See opinion dated this day at 115 Ohio St.3d 249, 2007-Ohio-4916, 874 N.E.2d 1162.

Moyer, C.J., and Pfeifer, **Lundberg Stratton**, O'Donnell, and Cupp, JJ., concur.

O'Connor and Lanzinger, JJ., dissent.

OCTOBER

State v. Mundt

Case no. 2005-0192

Web cite 2007-Ohio-4836

Affirms the convictions and death sentence of Frederick Mundt for the kidnapping, rape and aggravated murder of the 7-year-old daughter of Mundt's girlfriend in March 2004.

Noble C.P. No. CRI 204-2002CR. Judgment affirmed.

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

Terry v. Caputo

Case no. 2006-0705

Web cite 2007-Ohio-5023

(1). To present a prima facie case involving an injury caused by exposure to mold or other toxic substance, a claimant must establish (1) that the toxin is capable of causing the medical condition or ailment (general causation), and (2) that the toxic substance in fact caused the claimant's medical condition (specific causation). (2). Establishing general causation and specific causation in cases involving exposure to mold or other toxic substances involves a scientific inquiry, and thus causation must be established by the testimony of a medical expert. (3). Without expert testimony to

establish both general causation and specific causation, a claimant cannot establish a prima facie case of exposure to mold or other toxic substance.

Ottawa App. No. OT-05-009, 165 Ohio App.3d 638, 2006-Ohio-866. Judgment affirmed in part and reversed in part.

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

Pfeifer, J., dissents.

State v. Brown

Case no. 2005-0749

Web cite 2007-Ohio-4837

Vacates the aggravated murder conviction and death sentence of Vernon Brown for the January 2004 shooting death of Duane Roan, citing ineffective assistance of trial counsel and prosecutorial error for withholding evidence favorable to the defense.

Cuyahoga C.P. No. CR 447563. Judgment vacated and cause remanded.

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

Proctor v. Kardassilaris

Case nos. 2006-1242 and 2006-1243

Web cite 2007-Ohio-4838

Subject only to the specifically denied exceptions in the statute, R.C. 5501.22 requires individuals to prosecute all claims for relief against the director of transportation in Franklin County, even those that could be brought as counterclaims under Civ.R. 13.

Trumbull App. No. 2005-T-0026, 2006-Ohio-2385, and Trumbull App. No. 2005-T-0027, 2006-Ohio-6171. Judgments affirmed.

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

Pfeifer, J., dissents.

Hubbell v. Xenia

Case nos. 2006-1528 and 2006-1589

Web cite 2007-Ohio-4839

When a trial court denies a motion in which a political subdivision or its employee seeks immunity under R.C. 2744, that order denies the benefit of alleged immunity and is therefore a final, appealable order pursuant to R.C. 2477.02(C).

Greene App. No. 2005 CA 99, 167 Ohio App.3d 294, 2006-Ohio-3369. Judgment reversed and cause remanded.

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

In re Adams

Case no. 2006-1695

Web cite 2007-Ohio-4840

A trial court order denying the motion of a children-services agency to modify temporary custody to permanent custody and continuing temporary custody is not a final, appealable order under R.C. 2505.02(B)(1) or (2).

Cuyahoga App. No. 87881. Judgment affirmed.

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

State v. Frazier

Case no. 2005-1316.

Web cite 2007-Ohio-5048

Affirms the conviction and death sentence of James Frazier of Toledo for the aggravated murder of a disabled woman during the March 2004 robbery of her apartment. Lucas C.P. No CR04-1509. Judgment affirmed.

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

Davis v. Davis

Case no. 2006-1250

Web cite 2007-Ohio-5049

A high school that has been recognized by another state and accredited by non-Ohio entities need not also have been approved by the state of Ohio in order to be a "recognized and accredited" high school as contemplated by R.C. 3103.03(B).

Geauga App. No. 2005-G-2646, 167 Ohio App.3d 319, 2006-Ohio-2393. Judgment reversed and cause remanded.

Moyer, C.J., Pfeifer, Lundberg Stratton, Pietrykowski, **O'Donnell** and Cupp, JJ., concur.

Lanzinger, J., concurs in judgment only. Mark L. Pietrykowski, J., of the 6th Appellate District, sitting for O'Connor, J.

State v. Geeslin

Case no. 2006-0882

Web cite 2007-Ohio-5239

Unless a defendant can show the state acted in bad faith, the state's failure to preserve potentially useful evidence does not violate a defendant's due process rights. (*Arizona v. Youngblood* [1988], 488 U.S. 51, 109 S.Ct. 333, 102 L.E.2d 281, followed.)

Mercer App. No. 10-05-06, 2006-Ohio-1261. Judgment affirmed.

Moyer, C.J., and Lundberg Stratton, O'Connor, Lanzinger, and **Cupp**, JJ., concur.

Pfeifer and O'Donnell, JJ., dissent.

In re Special Docket No. 73958

Case no. 2006-1279

Web cite 2007-Ohio-5268

(1). A finding with respect to whether it is constitutional to retroactively apply the prima facie filing requirements of R.C. 2307.92 is a provisional remedy pursuant to R.C. 2505.02(A)(3). (2). When determining whether a finding on the constitutionality of retroactively applying the prima facie

requirements of R.C. 2307.92 is a final appealable order, R.C. 2505.02(B)(4) requires a court to consider (a) whether the trial court has determined the action and prevented a judgment in favor of the appealing party with respect to that finding and (b) whether that party is denied a meaningful or effective remedy upon appeal from a final judgment in the action.

Cuyahoga App. Nos. 87777 and 87816. Judgment reversed and cause remanded.

Moyer, C.J., and Lundberg Stratton, O'Connor, **O'Donnell**, Lanzinger, and Cupp, JJ., concur.
Pfeifer, J., concurs in judgment only.

State v. Muttart

Case nos. 2006-1293 and 2006-1488
Web cite 2007-Ohio-5267

Regardless of whether a child less than 10 years old has been determined to be competent to testify pursuant to Evid.R. 601, the child's statements may be admitted at trial as an exception to the hearsay rule pursuant to Evid.R. 803(4) if they were made for purposes of medical diagnosis or treatment.

Hancock App. No. 5-05-08, 2006-Ohio-2506. Judgment affirmed in part and reversed in part.

Moyer, C.J., and Lundberg Stratton, **O'Connor**, O'Donnell, Powell, and Whitmore, JJ., concur.
Pfeifer, J., concurs in judgment only.
Stephen W. Powell, J., of the 12th Appellate District, sitting for Lanzinger, J.
Beth Whitmore, J., of the 9th Appellate District, sitting for Cupp, J.

Manley v. Marsico

Case No. 2006-1263
Slip Opinion No. 2007-Ohio-5543

A trial court's order denying a motion to dismiss for the procedural pleading error of not filing an affidavit of merit

contemporaneously with a complaint as required by Civ.R. 10(D)(2) does not arise from an ancillary proceeding, does not deny a provisional remedy pursuant to R.C. 2505.02(A)(3), and is not final and appealable under R.C. 2505.02(B)(4). Clinton App. No. CA2006-04-013. Judgment affirmed.

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

Fisher v. Hasenjager

Case nos. 2006-1815 and 2006-1853
Slip Opinion No. 2007-Ohio-5589

A modification of the designation of residential parent and legal custodian of a child requires a determination that a "change in circumstances" has occurred, as well as a finding that the modification is in the best interest of the child. R.C. 3109.04(E)(1)(a).
Mercer App. No. 10-05-14, 168 Ohio App.3d 321, 2006-Ohio-4190. Judgment reversed and cause remanded.

Moyer, C.J., and Lundberg Stratton, O'Connor, O'Donnell, and Blackmon, JJ., concur.
Pfeifer and Lanzinger, JJ., dissent.
Patricia Ann Blackmon, J., of the 8th Appellate District, sitting for Cupp, J.

Sinnott v. Aqua-Chem, Inc.

Case no. 2006-1604
Slip Opinion No. 2007-Ohio-5584

An order finding that a plaintiff in an asbestos action has made the prima facie showing required by R.C. 2307.92 is a final, appealable order under R.C. 2505.02(B)(4). Cuyahoga App. No. 88062. Judgment reversed and cause remanded.

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

Houck v. Bd. of Park Commrs.

of the Huron Cty. Park Dist.

Case no. 2006-1262

Slip Opinion No. 2007-Ohio-5586

Real property owned by a park district established under R.C. 1545 cannot be acquired by adverse possession.

Huron App. No. H-05-018, 2006-Ohio-2488.

Judgment affirmed.

Moyer, C.J., and Lundberg Stratton, O'Connor, Rice, **Lanzinger**, and Cupp, JJ., concur.

Pfeifer, J., dissents.

Cynthia Westcott Rice, J., of the 11th

Appellate District, sitting for O'Donnell, J.

State v. Siler

Case no. 2006-0185

Slip Opinion No. 2007-Ohio-5637

(1). To determine whether a child declarant's statement made in the course of police interrogation is testimonial or nontestimonial, courts should apply the primary-purpose test: "Statements are nontestimonial when made in the course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency. They are testimonial when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution." *Davis v. Washington* (2006), 547 U.S. 813, 126 S.Ct. at 2273-2274, 165 L.E. 2d 224.

(2). A declarant's age is not determinative of whether a testimonial statement has been made during a police interrogation.

Ashland App. No. 02 COA 028, 164 Ohio App.3d 680, 2005-Ohio-6591. Judgment affirmed.

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

concur in part and dissent in part.

Patrick M. McGrath, J., of the 10th

Appellate District, sitting for Cupp, J.

Prouse, Dash & Crouch, L.L.P. v. DiMarco

Case no. 2006-0957

Slip Opinion No. 2007-Ohio-5753

Ohio trial court retained jurisdiction over civil suit despite defendant's establishment of temporary residency in Canada.

Cuyahoga App. No. 86324, 2006-Ohio-1538.

Judgment reversed in part and vacated in part, and cause remanded.

Moyer, C.J., and **Pfeifer**, Lundberg Stratton, O'Connor, O'Donnell, and Cupp, JJ., concur.

Lanzinger, J., concurs in judgment only.

State v. Craig

Case no. 2006-1568

Slip Opinion No. 2007-Ohio-5752

Pursuant to R.C. 2945.67(A), the state may appeal the dismissal of an indictment whether the dismissal is with or without prejudice.

Cuyahoga App. No. 88313. Judgment reversed and cause remanded.

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

NOVEMBER

Wilson v. Wilson

Case no. 2006-1814

Slip Opinion No. 2007-Ohio-6056

A divorce decree that provides for the issuance of a qualified domestic relations order ("QDRO") is a final, appealable order, even before the QDRO is issued.

Wayne App. No. 05CA0078, 2006-Ohio-4151.

Judgment reversed and cause remanded.

Moyer, C.J., and Pfeifer, **Lundberg Stratton**, O'Connor, O'Donnell, and Cupp, JJ., concur.

Lanzinger, J., concurs in judgment only.

Vitantonio Inc. v. Baxter

Case no. 2006-0952

Slip Opinion No. 2007-Ohio-6052.

The saving statute R.C. 2305.19 applies to actions filed against a decedent's estate under R.C. 2117.12.

Lake App. No. 2005-L-004, 2006-Ohio-1685.

Judgment affirmed.

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

State v. Jones

Case nos. 2006-1606 and 2006-1851

Slip Opinion No. 2007-Ohio-6093

(1). In accepting a plea to a misdemeanor involving a petty offense, a trial court is required to inform the defendant only of the effect of the specific plea being entered. Crim.R. 11(E) construed. (2). To satisfy the requirement of informing a defendant of the effect of a plea, a trial court must inform the defendant of the appropriate language under Crim.R. 11(B).

Mahoning App. No. 05-MA-69, 2006-Ohio-3636. Judgment reversed and cause remanded.

Pfeifer, O'Donnell, and **Lanzinger, JJ.**, concur.

Lundberg Stratton, J., concurs in part and dissents in part.

Moyer, C.J., and O'Connor and Cupp, JJ., dissent.

DECEMBER

Greer-Burger v. Temesi

Case no. 2006-1616

Slip Opinion No. 2007-Ohio-6442.

(1). The filing of a lawsuit by an employer against an employee or former employee who has engaged in a protected activity is not per se retaliatory. (2). If an employer can demonstrate that a lawsuit against an employee who has engaged in a protected activity is not objectively baseless, the

suit shall be allowed to proceed, and the proceedings before the Ohio Civil Rights Commission are stayed.

Cuyahoga App. No. 87104, 2006-Ohio-3690. Judgment reversed and cause remanded.

Moyer, C.J., and **O'Connor**, O'Donnell, and Cupp, JJ., concur.
Pfeifer, Lundberg Stratton, and Lanzinger, JJ., concur in part and dissent in part.

J.F. v. D.B.

Case no. 2006-0843

Slip Opinion No. 2007-Ohio-6750

The state has no public policy barring enforcement of gestational surrogacy contracts in which a birth mother agrees to relinquish custody to her child's biological father and to assert no claim for parental rights or child support.

Summit App. No. 22709, 165 Ohio App.3d 791, 2006-Ohio-1175. Judgment affirmed in part and reversed in part, and cause remanded.

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

Bickers v. W. & S. Life Ins. Co.

Case no. 2006-0617

Slip Opinion No. 2007-Ohio-6751

An employee who is terminated from employment while receiving workers' compensation has no common-law cause of action for wrongful discharge in violation of public policy underlying R.C. 4123.90, which provides the exclusive remedy for employees claiming termination in violation of rights conferred by the Workers' Compensation Act. (*Coolidge v. Riverdale Local School Dist.*, 100 Ohio St.3d 141, 2003-Ohio-5357, 797 N.E.2d 61 limited.)

Hamilton App. No. C-040342, 2006-Ohio-572. Judgment reversed.

Lundberg Stratton, O'Connor,

O'Donnell, Lanzinger, and **Cupp, JJ.**,
concur.
Moyer, C.J., and Pfeifer, J., dissent.

Charvat v. Ryan

Case nos. 2006-1647 and 2006-1855

Slip Opinion No. 2007-Ohio-6833

(1). To establish a knowing violation of the Telephone Consumer Protection Act, Section 227, Title 47, U.S. Code, for an award of treble damages, a plaintiff must prove only that the defendant knew that it acted or failed to act in a manner that violated the statute, not that the defendant knew that the conduct itself constituted a violation of law. (2). To establish a willful violation of the Telephone Consumer Protection Act, Section 227, Title 47, U.S. Code, for an award of treble damages, a plaintiff must prove that the defendant consciously and deliberately committed or omitted an act that violated the statute, irrespective of any intent to violate the law. (3). To establish a knowing violation of R.C. 1345.09, for an award of attorney's fees, a plaintiff need prove only that the defendant acted in a manner that violated the Ohio Consumer Sales Practices Act, R.C. Chapter 1345, and need not prove that the defendant knew that the conduct violated the law.

(*Einhorn v. Ford Motor Company* [1990], 48 Ohio St.3d 27, 548 N.E.2d 933, followed.) Franklin App. No. 05AP-1331, 168 Ohio App.3d 78, 2006-Ohio-3705. Judgment affirmed in part and reversed in part, and cause remanded.

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

Arbino v. Johnson & Johnson

Case no. 2006-1212

Slip Opinion No. 2007-Ohio-6948

(1). R.C. 2315.18 does not violate the right to a trial by jury, the right to a remedy, the right to an open court, the right to due process of law, the right to equal protection of the laws or the separation of powers, and is therefore constitutional on its face. (2). R.C. 2315.21 does not violate the right to a trial by jury, the right to a remedy, the right to an open court, the right to due process of law, the right to equal protection of the law, or the separation of powers, and is therefore constitutional on its face.

On Order from the U.S. District Court for the Northern District of Ohio, Western Division, Certifying Questions of State Law, No. 3:06 CV 40010. Certified questions answered. See opinion.

Moyer, C.J., and Lundberg Stratton,
O'Connor, and Lanzinger, JJ., concur.
Cupp, J., concurs separately.
O'Donnell, J., dissents in part.
Pfeifer, J., dissents



COIT H. GILBERT

Former Supreme Court Administrative Director

A former administrative director of the Supreme Court of Ohio who served under three Chief Justices, Coit H. Gilbert, died Feb. 5, 2007, at his Columbus residence. He was 78.

For more than 20 years, Gilbert served the Supreme Court in several capacities. Following law school, Gilbert worked as a law clerk for Supreme Court Justice John M. Mathias from 1961 to 1963. He later served as an assistant law librarian from 1963 to 1969, and assistant administrative director from 1969 to 1976.

Gilbert became the second Supreme Court administrative director in 1976, and served until his resignation in 1983. He served under Chief Justices C. William O'Neill, Robert E. Leach and Frank D. Celebrezze.

Former colleagues of Gilbert say he was a baseball enthusiast, a talented writer, and a humble, quiet man who took his responsibility as the Court's administrative director very seriously.

"The first thing you have to know about Coit was that he was a total Cincinnati Reds fan," said Doug Somerlot, who worked with Gilbert as his assistant administrative director. "Whenever we traveled, the Reds game was on the radio. He was a serious fan."

Somerlot, who now works for the nonprofit Justice Management Institute, recalls Gilbert doing research and writing for the Court even as administrative director, because his excellent legal writing skills were so valued.

"He was very well respected by the Justices he worked with," Somerlot said.

Gilbert was instrumental in the development and writing of many Court rules, including the Rules for the Government of the Bar of Ohio. As assistant administrative director, Gilbert oversaw the Supreme Court move from the Statehouse Annex to the State Office Tower on Broad Street in 1974.

"Because of his experience with multiple offices around the Court, he was involved in some of the work at the end of the term each year when the Reporter's Office was trying to get things finished up," Somerlot said. He also maintained a strong connection to the Law Library.

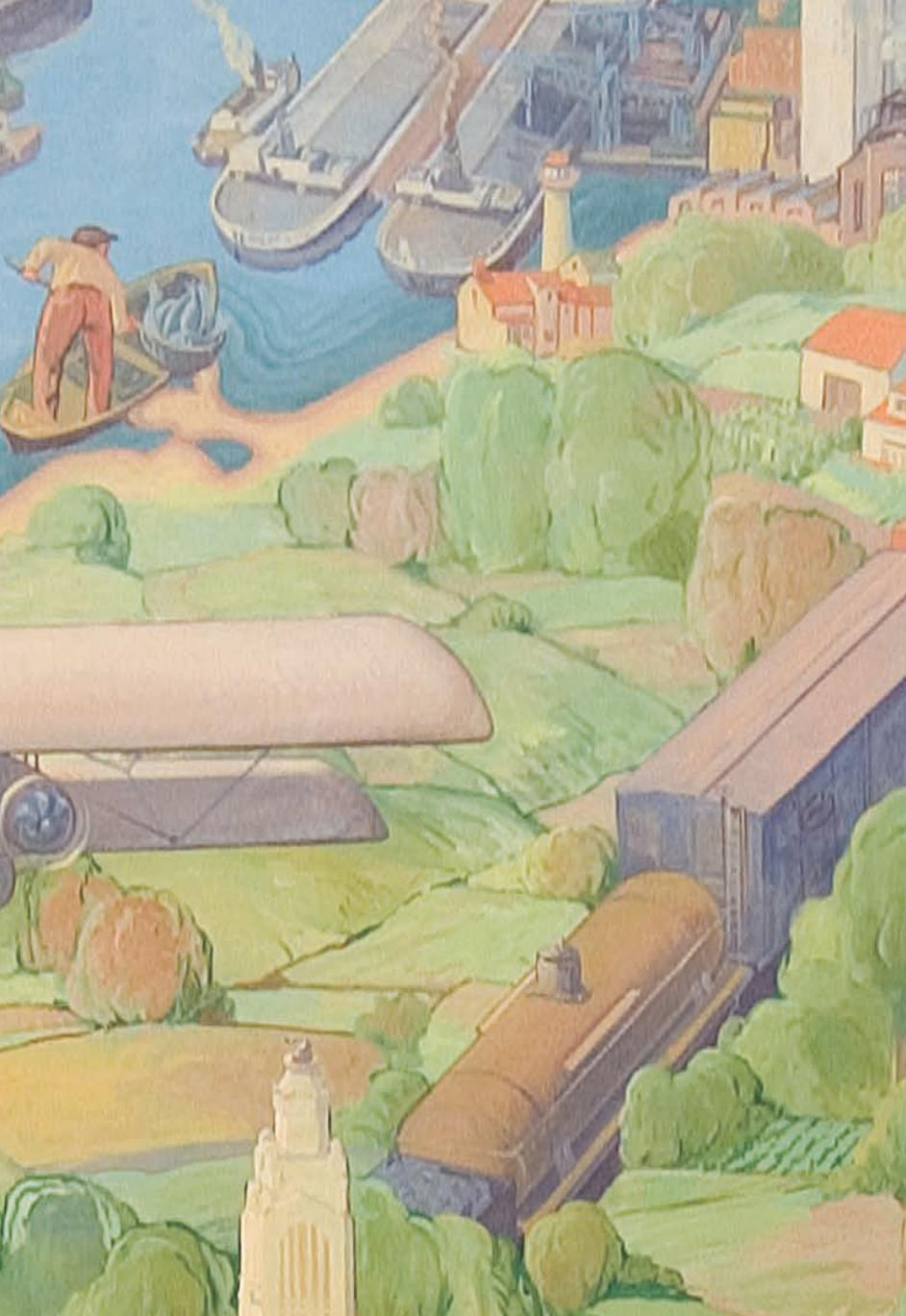
Chief Justice Thomas J. Moyer recalled his first interactions with Gilbert when, as an assistant attorney general in the 1960s, he spent considerable time researching legal issues in the Court Law Library.

"I remember using the library frequently and Coit was always very helpful," Chief Justice Moyer said. "I knew him as administrative director of the Court also. He was well respected and well-liked by everyone, the staff and certainly people who knew him outside the Court."

A graduate of Chillicothe High School, Gilbert served in the U.S. Army during World War II from 1946 to 1948 and later graduated from Ohio University with a bachelor of science in education. He taught junior high school in Chillicothe from 1952 to 1960 while attending Capital University Law School. In 1972, Gilbert graduated from the National Center for State Courts' Institute for Court Management.

Following his departure from the Court, Gilbert and former Supreme Court Clerk of Court Tom Startzman, who were very good friends, practiced law together briefly from their homes.

Gilbert is survived by his wife, Virginia Gilbert; son and daughter-in-law, Thomas C. and Mary Lynn Gilbert; daughter and son-in-law, Rebecca A. and Robert Schisler; and grandchildren Fred Gilbert and Justin and Adam Schisler.



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