

New Judges
Orientation: Part I
Plenary

December 8 & 11, 2025
Thomas J. Moyer
Ohio Judicial Center
Columbus



THE SUPREME COURT *of* OHIO
JUDICIAL COLLEGE



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JUDICIAL COLLEGE

New Judges Orientation: Part I

December 8-11, 2025 – Thomas J. Moyer Ohio Judicial Center, Columbus

AGENDA

Prior to Orientation: Self-Study Online Courses (available 24/7) to be completed before December 8, 2025:

1. *Judicial Ethics (1.00 Judicial Conduct Hours)*
2. *Procedural Fairness for Judicial Officers and Court Personnel (1.00 Judicial Conduct Hours)*
3. *Fundamentals of Caseflow Management and Statistical Reporting (0.75 General Judicial College Hours)*
4. *Oath of Office, Liability Insurance, Judicial Assignment, Pro Hac Vice, and Affidavits of Disqualification (1.00 General Judicial College Hours)*

MONDAY, DECEMBER 8

- 8:45 Program Announcements
Laura Tainer, *Senior Education Program Manager, Judicial College, Supreme Court of Ohio*
Alexandria Reasoner, *Associate Education Program Manager, Judicial College, Supreme Court of Ohio*
- 8:55 Welcome and Introductions
Christopher Fields, *Director, Judicial College, Supreme Court of Ohio*
- 9:00 Opening Remarks
Chief Justice Sharon L. Kennedy, *Supreme Court of Ohio*
- 9:20 Making Connections: NJO Content**
Hon. Matthew L. Reger, *Wood County Common Pleas Court*
- 9:50 Transitioning to the Bench: Establishing Your Judicial Philosophy and Reputation**
Hon. Jonathan P. Starn, *Hancock County Common Pleas Court*
- 10:30 Break
- 10:45 Transitioning to the Bench: Establishing Your Judicial Philosophy and Reputation, continued**
- 11:45 Lunch
- 12:15 Optional building tour at 12:15 – Meet at the Information Desk in the Grand Concourse
Doug Stein and Stacey Gall, *Civic Education, Supreme Court of Ohio, Civic Education Section*
- 1:00 Judicial Ethics (Judicial Conduct)**
Hon. Taryn L. Heath, *Stark County Common Pleas Court*
Elizabeth T. Smith, Esq., *Director, Board of Professional Conduct*
D. Allan Asbury, Esq., *Senior Counsel, Board of Professional Conduct*
- 3:00 Break
- 3:15 Human Resources: Real World Advice**
Timothy P. Lubbe, Esq., *Court Administrator, Lucas County Common Pleas Court*

- 3:45 Court and Personal Security**
Ryan Fahle, *Director, Building Services, Supreme Court of Ohio*
John Groom, *Security Services Manager, Supreme Court of Ohio*
- 4:45 Making Connections: NJO Content**
Hon. Matthew L. Reger, *Wood County Common Pleas Court*
- 4:50 Ohio Judicial Conference Services and Resources**
Justice Paul E. Pfeifer, *Retired, Executive Director, Ohio Judicial Conference*
- 5:20 Day One Concludes
- 5:30 Ohio Judicial Conference New Judges Reception- Partners/Spouses Welcome,
The Westin Great Southern Columbus Hotel, 310 S. High St., Columbus, OH 43215



THE SUPREME COURT of OHIO
JUDICIAL COLLEGE

New Judges Orientation: Part I – Common Pleas Track
December 9-10, 2025 – Thomas J. Moyer Ohio Judicial Center, Columbus

AGENDA

TUESDAY, DECEMBER 9

- 8:15** **Search Warrants** (*Combined session with municipal judges*)
Hon. Patrick J. Carroll, Retired, *Lakewood Municipal Court*
- 9:45 Break
- 10:00** **Evidence** (*Combined session with municipal judges*)
Hon. D. Chris Cook, *Lorain County Common Pleas Court*
Hon. Joy Malek Oldfield, *Summit County Common Pleas Court*
- 11:45 Lunch
- 12:45** **Civil Practice and Procedure**
Hon. D. Chris Cook, *Lorain County Common Pleas Court*
Hon. Joy Malek Oldfield, *Summit County Common Pleas Court*
- 2:00 Break
- 2:15** **Trial Skills Workshop**
Hon. Stephen L. McIntosh, *Franklin County Common Pleas Court*
Hon. Joy Malek Oldfield, *Summit County Common Pleas Court*
Hon. Matthew L. Reger, *Wood County Common Pleas Court*
- 4:00 Conclude
- 4:00** **Photos for judges with last names A-L.** (Judges attending the 4:15 p.m. Compensation and Benefits session may get photos taken on Wednesday, December 10, instead. Any judges not attending the Compensation and Benefits session are encouraged to get their photos taken now, regardless of last name.)
- 4:15 –** **Compensation and Benefits** (*Optional – No CLE*)
4:45 Michele Jakubowski, *Director, Office of Human Resources, Supreme Court of Ohio*
Kim Cardwell, *Deputy Director, Office of Human Resources, Supreme Court of Ohio*
Amber Postlewaite Veal, *Payroll Specialist, Office of Human Resources, Supreme Court of Ohio*
Laken Waldroup, *Employment Specialist, Office of Human Resources, Supreme Court of Ohio*

New Judges Orientation: Part I – Common Pleas Track
December 9-10, 2025 – Thomas J. Moyer Ohio Judicial Center, Columbus

AGENDA

WEDNESDAY, DECEMBER 10

- 8:30 Arraignments, Taking Pleas, and Guilty and No Contest Pleas, and Plea Requirements under the Constitution, Revised Code, and Crim.R. 11**
- Non-Constitutional Requirements [Crim. R. 11(C)(2)(a)&(b)]
 - Constitutional Dimensions [Crim. R. 11(C)(2)(c)]
 - Special Statutory Considerations
- Hon. Stephen L. McIntosh, *Franklin County Common Pleas Court*
Hon. Joy Malek Oldfield, *Summit County Common Pleas Court*
- 10:00 Break
- 10:15 Arraignments, Taking Pleas, and Guilty and No Contest Pleas, and Plea Requirements under the Constitution, Revised Code, and Crim.R. 11, *continued***
- 12:00 Lunch
- 1:00 Felony Sentencing, Penalties and Post-Release Control Obligations**
- Purposes and Principles of Sentencing
 - Penalty Ranges
 - Other Issues
 - Collateral Consequences
- Hon. Matthew L. Reger, *Wood County Common Pleas Court*
- 2:30 Break
- 2:45 Felony Sentencing, Penalties and Post-Release Control Obligations, *continued***
- 4:30 Conclude
- 4:30 Photos for judges with last names M-Z (and judges who didn't get photos taken on Tuesday.)**

NOTE:

Additional Judicial College courses are available online for self-study hours, please visit <https://www.supremecourt.ohio.gov/JudicialCollegePublicCalendar/#/online>

To register for a Judicial College course or to view upcoming course offerings, please visit <https://www.supremecourt.ohio.gov/JudicialCollegePublicCalendar/#/catchall>



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New Judges Orientation: Part I – Municipal/County Track
December 9-10, 2025 – Thomas J. Moyer Ohio Judicial Center, Columbus

AGENDA

TUESDAY, DECEMBER 9

- 8:15** **Search Warrants** (*joint session with Common Pleas General Division track*)
Hon. Patrick Carroll, Retired, *Lakewood Municipal Court*
- 9:45 Break
- 10:00** **Evidence** (*joint session with Common Pleas General Division track*)
Hon. D. Chris Cook, *Lorain County Common Pleas Court*
Hon. Joy Malek Oldfield, *Summit County Common Pleas Court*
- 11:45 Lunch
- 12:30** **Domestic Violence**
Hon. Thomas A. Januzzi, *Oberlin Municipal Court*
- 2:15 Break
- 2:30** **Civil Law and Procedure**
Hon. Courtney A. Worley, *Brown County Municipal Court*
- 4:00 Conclude Track Education
- 4:00 Photos for judges with last names A-L. (Judges attending the 4:15 p.m. Compensation and Benefits session may get photos taken on Wednesday, December 10, instead.)
- 4:15** **Compensation and Benefits** (*Optional – No CLE*)
Michele Jakubowski, *Director, Office of Human Resources, Supreme Court of Ohio*
Kim Cardwell, *Deputy Director, Office of Human Resources, Supreme Court of Ohio*
Amber Postlewaite Veal, *Payroll Specialist, Office of Human Resources, Supreme Court of Ohio*
Laken Waldroup, *Employment Specialist, Office of Human Resources, Supreme Court of Ohio*
- 4:45 Conclude

New Judges Orientation: Part I – Municipal/County Track
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AGENDA

WEDNESDAY, DECEMBER 10

- 8:15** **Arraignments, Pleas, Initial Appearances and Pretrial Release and Detention**
 Hon. Terri L. Stupica, *Chardon Municipal Court*
- 10:15 Break
- 10:30** **Sentencing**
 Hon. Gary A. Loxley, *Warren County Court*
- 12:15 Lunch
- 1:00** **Trial Skills Workshop**
 Hon. Todd L. Grace, *Athens Municipal Court*
 Hon. Thomas M. Hanna, Retired, *Kettering Municipal Court*
- 2:15 Break
- 2:30** **Trial Skills Workshop, *continued***
 Hon. Todd L. Grace, *Athens Municipal Court*
 Hon. Thomas M. Hanna, Retired, *Kettering Municipal Court*
- 4:30 Conclude Track Education
- 4:30** **Photos for judges with last names M-Z** (and judges with last names A-L who didn't get photos taken on Tuesday due to attending the Compensation and Benefits session.)

NOTE:

Additional Judicial College courses are available online for self-study hours, please visit <https://www.supremecourt.ohio.gov/JudicialCollegePublicCalendar/#/online>

To register for a Judicial College course or to view upcoming course offerings, please visit <https://www.supremecourt.ohio.gov/JudicialCollegePublicCalendar/#/catchall>

THURSDAY, DECEMBER 11

- 8:15 Making Connections: NJO Content**
Hon. Matthew L. Reger, *Wood County Common Pleas Court*
- 8:20 Promoting Public Trust and Confidence**
- Part I: Procedural Fairness** (*Judicial Conduct*)
Hon. Stephen L. McIntosh, *Franklin County Common Pleas Court*
Hon. Molly K. Johnson, *Mahoning County Court*
- 9:20 Part II: Ensuring Access with Language Services** (*Judicial Conduct*)
Hon. David A. Hejmanowski, *Delaware County Juvenile and Probate Court*
Bruno Romero, *Manager, Interpreter Services Program, Office of Court Services, Supreme Court of Ohio*
- 9:45 Break
- 10:00 Part III: Preventing “Justice Delayed” with Caseflow Management and Statistical Reporting**
Brian C. Farrington, *Director, Office of Data and Analytics, Supreme Court of Ohio*
Christopher C. Geocaris, Esq., CCM, *Deputy Director, Office of Court Services, Supreme Court of Ohio*
- 10:45 Part IV: The Art (and Science) of Judicial Decision-Making**
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*
- 11:45 Supreme Court of Ohio and Affiliate Offices Resource Fair**
Dining Room
- 12:15 Lunch
- 1:00 Part V: Tips and Techniques for Maintaining Courtroom Control and Judicial Demeanor**
Hon. Matthew L. Reger, *Wood County Common Pleas Court*
- 1:30 Go to Assigned Room for Practicing Courtroom Control and Judicial Demeanor
- 1:35 Practicing Courtroom Control and Judicial Demeanor:
Small Group Engagement Regarding Common Trial Court Errors, Collegiality, and Professionalism**
Meeting Room Information Shared Thursday morning
- Appellate Track - Small Group Engagement regarding Appellate Errors**
Meeting Room Information Shared Thursday morning
Faculty TBD
- 2:35 Break
- 2:45 Practicing Courtroom Control and Judicial Demeanor, *continued***
- Appellate Track Discussions, *continued***
- 3:45 Making Connections: NJO Content**
Hon. Matthew L. Reger, *Wood County Common Pleas Court*
- 4:00 Conclude

Post-Course Requirements

Required Self-Study Online Course (Available 24/7) to be completed before Taking the Bench:

1. Human Resources Basics for Judges (1.25 General Judicial College Hours)

Required Self-Study Online Courses (Available 24/7) to be completed by May 11, 2026:

1. Implicit Bias and the Courts for Judges and Magistrates (1.00 Judicial Professional Conduct Hours)

Recommended Self-Study Online Courses (Available 24/7):

1. Personal Security for Judicial Officers (0.75 General Judicial College Hours)
2. Court Security for All Court Employees (0.75 General Judicial College Hours)

FACULTY BIOGRAPHIES

D. ALLAN ASBURY joined the Ohio Board of Professional Conduct in 2014 as Senior Counsel. Before joining the Board, Allan served as Administrative Counsel for the Supreme Court and Secretary of the Board on the Unauthorized Practice of Law. His primary duties for the Board include researching and drafting advisory opinions, providing ethics advice to Ohio lawyers, judges, and judicial candidates, and assisting in the Board's ethics outreach and education efforts. Allan received his undergraduate and law degrees from Capital University. He began his practice of law as in-house counsel for a regional transit authority where he had primary responsibility for personal injury defense, labor, and employment matters. He is admitted to practice in Ohio, United States District Court for the Southern District of Ohio, and the U.S. Supreme Court. Allan is a Certified Court Manager (CCM) through a certification program of the National Center for State Courts.

PATRICK CARROLL served as judge of the Lakewood Municipal Court for almost 32 years and is currently serving as a judge by assignment by the Ohio Supreme Court and as the ABA Judicial Outreach Liaison for the State of Ohio. Prior to taking the bench, Judge Carroll served as an assistant prosecuting attorney for Cuyahoga County, Civil Division, from 1979 to 1984 and in private practice until 1990. Judge Carroll served as a law clerk for Hon. John V. Corrigan at the 8th. District Court of Appeals. From 1981 to 1990 Judge Carroll was an adjunct faculty member for the Cleveland-Marshall College of Law at Cleveland State University. He received his J.D. from Cleveland State College of Law, serving as the Research Editor for the law review. He has written several reported decisions and legal articles, most recently, The inequity of third part bail practices, 53 Loyola Univ. Chicago Law Journal, 153 (2022). Judge Carroll is co-chair of the Editorial Board of the Ohio Jury Instructions Committee for the Ohio Judicial Conference, education chair for the Association of Municipal/County Court Judges of Ohio, a past member of the Supreme Court of Ohio Continuing Legal Education Commission and Judicial College Board of Trustees, and the Board of Trustees of the Cleveland Metropolitan Bar Association. Judge Carroll is a life member of the Eighth District Judicial Conference, a two-time recipient of the President's Award from the Association of Municipal/County Judges of Ohio, and a frequent faculty member for the Judicial College. Judge Carroll was inducted into the Cleveland State University Law School Hall of Fame in 2023 and the 2024 recipient of the Thomas J. Moyer Judicial Excellence award from the Ohio State Bar Association.

D. CHRIS COOK was elected to the Lorain County Court of Common Pleas – General Division, on November 8, 2016, assumed the office on December 24, 2016, and was reelected to full, six-year terms on November 6, 2018, and November 4, 2024. On January 1, 2023, he was elected to serve as Presiding Judge of the Ten-Judge Lorain County Common Pleas Court. Judge Cook also oversees the felony non-support docket and runs a county-wide driver's license reinstatement program.

Prior to becoming a judge, Judge Cook's primary practice involved litigation, specifically in the area of Attorney Discipline, Consumer Sales Practices Act, and the defense of automobile dealerships. He has tried numerous civil and criminal cases to juries throughout the State of Ohio, in both state and federal courts, including multi-million dollar class action matters and

death penalty cases. Judge Cook has been admitted pro hac vice in California, Illinois, and Maryland. He has prosecuted or defended approximately 100 appeals.

Judge Cook Chaired the Supreme Court of Ohio's Board of Professional Conduct in 2023 and 2024, and has been a member of the Board since 2018. He is a member of the Ohio Supreme Court's Judicial Curriculum Committee; and a member of the Ohio Supreme Court's Committee on Grievances Against Supreme Court Justices. He is a former member of the Board of Governors of the Ohio State Bar Association; past President of the Lorain County Bar Association; a former member of the Certified Ethics and Grievance Committee (2002-2012); former Chairman of the Lorain County Bar Association's New Lawyer's Admissions Committee; former Chairman of the Lorain County Bar Association's Unauthorized Practice of Law Committee; and former Supreme Court Certified Bar Counsel to the Lorain County Bar Association (2006 – 2016).

Judge Cook also served as an Assistant Lorain County Prosecutor in both the civil and major felony division for five years; served as Magistrate for the Lorain Municipal Court (2005 – 2016); and Prosecuting Attorney for Sheffield Village, Ohio (2004 – 2016). Prior to taking the bench, Judge Cook was a member of the law firm Cook & Nicol, LLC, in Lorain, Ohio, and was named an Ohio "Super Lawyer" for 2017 by Thomson Reuters.

RYAN FAHLE began his career with the Supreme Court of Ohio in 2006 as a Court Security Officer. Over the years, he advanced through several leadership roles, becoming Director of Building Services in 2025. In this capacity, he oversees Court Security, Facilities, and Events and Education sections, providing strategic direction, resource management, and operational leadership.

Ryan holds a Bachelor of Science in Public Safety Management from Franklin University and earned the Certified Court Executive credential from the National Center for State Courts in 2024. He is also an OPOTA Certified Court Officer/Bailiff and a firearms instructor. Prior to his tenure at the Court, Ryan served in the United States Marine Corps as a Military Police Officer with the HMX-1 Executive Flight Detachment.

BRIAN FARRINGTON is the Supreme Court of Ohio's Director of the Office of Data and Analytics. Brian joined the staff of the Supreme Court in August 2002, as its Judicial Assignment Officer where he was responsible for administering Chief Justice Thomas J. Moyer's visiting judge program. In 2007, Brian was promoted to Statistics Analyst in the Supreme Court's Office of Court Services. In 2021, he was promoted to Manager of Statistics. In 2025, he was promoted to Director of the Office of Data and Analytics. From 2011 through 2017, Brian served as the state court data specialist representative on the Conference of State Court Administrator's Court Statistics Committee, providing guidance and leadership to the Court Statistics Project staff at the National Center for State Courts. Brian serves as faculty for the Certified Court Manager program through the National Center for State Court's Institute for Court Management. He regularly instructs Ohio judges and court administrators on court performance measurement, statistical reporting, caseload management, and data-driven decision making. Prior to joining the Supreme Court, Brian was a litigation paralegal at Vorys, Sater, Seymour and Pease in Columbus. He graduated with a B.A. in psychology from Miami University in Oxford, Ohio.

CHRIS GEOCARIS is the Deputy Director of Court Services at the Supreme Court of Ohio. Chris joined the staff at the Supreme Court in 2021 and was promoted to being the Manager of the Case Management Section in 2023. He provides caseflow support services to courts around the state, including case management reviews, file reviews, process mapping, and training. Chris also regularly instructs judges, magistrates and court personnel on best practices and philosophies that promote public trust and confidence in the court system and accountability. Prior to joining the Court, Chris was a Guardian ad Litem Staff Attorney with CASA where he represented children in abuse and neglect cases. Chris also worked as a prosecutor with the State's Attorney's Office in Kane County, Illinois where he prosecuted in a variety of divisions including Felony, DUI, and Juvenile Court. Chris earned his Bachelor of Arts degree in Political Science and Business Administration from Augustana College. He received his J.D. from the Western Michigan University Cooley Law School.

TODD L. GRACE is in his ninth year as Athens County Municipal Court Judge. Prior to taking the bench, he served for 13 years as a Magistrate in Athens County Juvenile Court while maintaining a private law practice in Athens. During his time at Athens Municipal Court, Judge Grace has significantly expanded the Court's diversion programs and has moved the Court progressively towards digital files and digital court management processes. Judge Grace has served on task forces and workgroups for the Ohio Supreme Court and the Ohio Judicial Conference including the areas of Bail/Bond reform, Model Bond Schedule, New Judge Mentoring Program, Continuing Jury Operations, and Remote Hearings.

In March 2020, with the coronavirus pandemic, Judge Grace and Athens County Municipal Court set up the framework for resolving cases through video conferencing. The Court was able to accept changes of pleas, conduct preliminary hearings, and conduct motion hearings. On May 1st, the Court resumed its pre-trial docket, by Zoom. The practitioners quickly adjusted and more cases were being resolved throughout May and progress was demonstrated on many other cases throughout that time. With the lifting of the Governor's stay at home Order at the end of May, the Court transitioned to a hybrid system where many court participants are still appearing by Zoom, but those who need to appear in person, or just prefer to appear in person, are able to do so. Each of these transitions has required problem solving and flexibility, and Judge Grace is extremely thankful to have the staff and practitioners that have made it possible to transition (somewhat) smoothly through each of these changes.

Judge Grace and his wife, Sarah, have four children ranging from 11 to 23 years old. As you might expect, they do not feel like they can ever get enough done or get enough sleep.

JOHN GROOM came to the Supreme Court of Ohio in 2015 with the Office of Court Security as the Security Services Manager. His primary role is dealing with outside courts throughout Ohio serving as a consultant and security expert. Mr. Groom performs comprehensive, onsite court security assessments and provides advice to local courts in attaining their security goals and assistance in keeping compliance with the Security Standards set forth by the Supreme Court of Ohio. John served as a police sergeant with the Columbus Division of Police for 34 years as a full-time member and then for three years as a reserve officer following his retirement in 2012. His assignments included patrol officer and precinct sergeant after being promoted in 1989. He was transferred to the Columbus SWAT Platoon in 1995 and was responsible for

all SWAT team training including firearms, sniper-counter/sniper team operations, and acted as an individual team leader. He has presented active shooter response training to hundreds of officers all over the state. John was also designated to act in command upon the absence of the unit's leader and successfully managed hundreds of critical incidents such as hostage/barricades and high risk search warrant executions during his 16 year tenure with SWAT. Following his retirement, John worked as a personal security specialist, providing protection to several local dignitaries until he received the opportunity to come to the court.

John attended Columbus State Community College and Ohio Dominican University. He also completed the Columbus Police Academy curriculum, numerous OPOTA weapon instructor courses, Weapon of Mass Destruction Tactical Command training and many other SWAT command level courses.

THOMAS M. HANNA is retired from Kettering Municipal Court where he began serving as Judge in 2000, after having served there as Acting Judge since 1992. Judge Hanna was also Acting Judge in Dayton Municipal Court for two years, from 1987 until 1989. Before and during his time as Acting Judge, he was in private practice from 1981 until 1999. He continues to frequently sit as a visiting judge. Judge Hanna received his BSBA from the University of Dayton, his MBA from Capital University, and his JD from the University of Dayton School of Law.

TARYN HEATH has served on the Stark County Court of Common Pleas bench since 2007. Previously, she served as a private practitioner for 25 years, prosecutor for the City of Alliance, Ohio, Assistant Attorney General, and Magistrate for the Canton Municipal Court for 13 years. Judge Heath obtained a Bachelor of Arts in Public Administration from Miami University and her Juris Doctor from The University of Akron School of Law (2021 Alumni Association's Outstanding Alumni of the Year Recipient).

Judge Heath is a frequent lecturer on ethics, professionalism, and veteran issues for the Ohio Judicial College, the Ohio Common Pleas Judges' Association, the Ohio State Bar Association, and the Ohio Association of Magistrates. She is former President of the Ohio Common Pleas Judges Association and currently serves as Co-Chair of the Ohio Judicial Conference Innovative and Specialty Courts Committee. Judge Heath also serves on the Ohio Judicial College Planning Committee, the Common Pleas Curriculum Committee and the Judicial Ethics, Professionalism and Diversity Committee. She is a member of the Stark County Bar Association (Past President), Ohio State Bar Association, and is an Ohio State Bar Foundation Fellow.

Judge Heath was instrumental in establishing the Court's Foreclosure Mediation Program. She has championed efforts to get young people interested in the justice system, serving for over 30 years as a judge for the Ohio Center for Law-Related Education's High School Mock Trial Program, and instituting a Court Career Days Program at Lehman Middle School. Judge Heath established and chaired the committee for the Symposium on Community Violence 'Breaking Down Barriers' and was instrumental in reestablishing the Ohio Attorney General's Fugitive Safe Surrender Program in Stark County.

Judge Heath has chaired the Court's H.O.P.E. Program (a collaboration of community partners assisting offenders with mental illness) since 2007 and founded and presides over Honor Court (a veterans treatment court) since 2011. She serves as the Stark County Judicial

Delegate for the 'Stepping Up Ohio Initiative', including the Sequential Intercept Mapping and Supportive Housing Technical Assistance Projects. Judge Heath has received: the 2013 Italian-American Festival Dedication Award; 2016 'Got your Six' award from Warriors Journey Home for service to local veterans; the 2017 Women's Impact Award; the 2020 Stark County Mental Health and Addiction Recovery Board's CIT (Crisis Intervention Team) 'Champion of the Year' award as well as the 2023 Warriors Journey Home Founder's Award.

DAVID A. HEJMANOWSKI has served as the Judge of the Probate/Juvenile Division of the Delaware County Court of Common Pleas since February of 2015 and was previously a Magistrate at that Court from January of 2003 to February of 2015 and Juvenile Court Administrator from 2004-15. Prior to this, he served as an assistant prosecuting attorney for Delaware County. He graduated as a Public Service Fellow from the Ohio State University Moritz College of Law in 1999 where he also received the Joseph M. Harter Memorial Award for Trial Advocacy. He received his B.S. in political science from Hiram College in 1996. Currently a member of the board of the Supreme Court's Judicial College, he is also a past chair of the Supreme Court's Advisory Committee on Language Services, a past chair of the Ohio State Bar Association Juvenile Justice Committee and current chair of the Ohio State Bar Association's Content Advisory Committee. From 2008 to 2011 he served a three year term on the Ohio State Bar Association Board of Governors. During 2023 he served as President of the Ohio State Bar Foundation and he is currently President of the Delaware County Bar Foundation. In 2020 he began a ten-year term as an officer of the Ohio Judicial Conference. He is a member of the Governor's Council on Juvenile Justice. From 2019-2022 he served on the Federal Advisory Committee on Juvenile Justice, which advises Congress and the White House on juvenile justice policy matters. He is a member of the Boards of the National Council of Juvenile and Family Court Judges and Chair of the Advisory Committee of the National Center for Juvenile Justice. He is currently chairing the Supreme Court of Ohio's Task Force on Juvenile Diversion. He is a frequent presenter for the Ohio Judicial College and the Ohio State Bar Association. Locally, he has served as President of the Delaware County Historical Society and on the boards of the Central Ohio Symphony, the Strand Cultural Arts Society, the Andrews House and the Arena Fair Theater Company.

THOMAS A. JANUZZI has been the judge of the Oberlin Municipal Court since 2002 and will be completing his fourth term on December 31, 2025. Judge Januzzi received his Bachelor of Science in Business Administration from Ashland College 1979 and his Juris Doctor from Cleveland Marshall College of Law at Cleveland State University 1982. Prior to taking the bench, he practiced law from 1982-2001. He was a partner in the law firm of Trigilio, Stephenson & Januzzi in Lorain, Ohio and served as an acting judge in Oberlin Municipal Court from 1991-2001. He also served as a law clerk, volunteer mediator, arbitrator, and receiver in the Lorain County Common Pleas Court.

Judge Januzzi served as a trustee of the Association of Municipal and County Judges of Ohio, on several of the association's committees, and as the chair of the Rules of Superintendence and Rules of Practice Committee. He is also an active member of the Ohio Judicial Conference, where he serves on the Judicial Ethics and Professionalism, Criminal Law and Procedure, Legislative Committee and Court Administration Committees. Judge Januzzi has also served on The Supreme Court of Ohio Advisory Committee on Case Management, Time Guidelines Subcommittee. He is the past president of Lorain County Bar Association and

served on the Advisory Committee for the Lorain County Court of Common Pleas Office of Dispute Resolution and on the Lorain County Bar Association Legal Ethics Committee.

Judge Januzzi is active in community outreach where he has presented at local high schools on Roles in the Justice System and Underage Drinking, has been a volunteer judge for Oberlin High School Street Law Mock Court program and Amherst High School Mock Trial program, and has been a participant in the Lorain County Bar Association Mock Court program. He also speaks to local civic and community groups. Judge Januzzi has prepared numerous Power Point presentations on a variety of topics which are on the Oberlin Municipal Court website. Judge Januzzi is also a frequent presenter for Lorain County Bar Association seminars including recently OVI seminars and Marsy's Law.

Judge Januzzi has been a teacher for Parish School of Religion for the past 11 years for St. Joseph Catholic Church in Amherst, Ohio for the 8th grade confirmation students and teacher of Parish School of Religion for Sacred Heart of Jesus Catholic Church in Oberlin for the past 8 years.

Judge Januzzi has written four articles for the OJC publication For the Record: Plea Bargaining – 1st Quarter 2011; Ex Parte Communications 1st Quarter 2013; The “Sleep-Driving” Defense submitted for publication in 1st Quarter 2014 and Calming the Municipal Court Accused 3rd Quarter 2018, and most recently an Article in the

Tom and his wife, Margie, have been married for 44 years and have four daughters ages 42, 40, 38, and 36 and Fifteen (15) grandchildren [9 girls and 6 boys].

Tom is eligible to run for a 5th term next year but has decided to leave full time employment to spend more time with his good wife and family including the grandchildren and Tom's 96 year old mother who has been in an assisted living facility since July 2023.

MOLLY K. JOHNSON, a lifelong resident of northeast Ohio, was elected to Mahoning County Court in 2018. She has since presided over thousands of civil, criminal and traffic cases. She is the youngest judge to ever be appointed to two Ohio Supreme Court Commissions.

Judge Johnson has received multiple proclamations from the United States Congress for her numerous legal and charitable efforts. She has twice been recognized on the floor of the Ohio Senate for her efforts in honoring veterans and first responders. She recently received a proclamation from the Ohio House of Representatives for her charitable efforts for the Boys and Girls Club of Youngstown.

As an attorney, Judge Johnson has argued in the Supreme Court of Ohio numerous times. She has served as an adjunct professor for the University of Akron School of Law and is an assistant coach of Youngstown State University's Moot Court program. She serves in a mentor capacity for three local high schools, as well as the University of Akron School of Law. She also serves on the board of Trustees of the YMCA of Youngstown, where she brings a passion for teaching inner city students to swim.

Judge Johnson's education background includes a Bachelor of Arts degree in Spanish and Communication from Denison University and a J.D. from University of Akron School of Law.

GARY A. LOXLEY has served as a judge on the Warren County Court since May 2013. A native of Greenville, Ohio, Judge Loxley is a graduate of Miami University (Oxford) and the Ohio Northern University College of Law. He began his legal career as a commissioned officer in the United States Army Judge Advocate General's Corps in 1988. For nearly 15 years, he served as an Assistant Prosecuting Attorney in the Warren County Prosecutor's Office. He engaged in the private practice of law in Dayton from 1998-2002.

In 2018, Judge Loxley retired as a colonel from the United States Army Reserve Judge Advocate General's Corps. During his 36 years in the Army, he served in many leadership and command assignments, including service as a Military Judge in the United States Army's 1st and 2nd Judicial Circuits. He earned a Master of Strategic Studies degree from the United States Army War College.

Judge Loxley is active in several local, state, and national organizations and committees, especially veterans interest groups. He is a member of the Warren County (Past President) and Ohio Bar Associations, Association of Municipal and County Judges of Ohio, and the Ohio Judicial Conference. In 2015, he established a specialized docket for veterans known as the Warren County Veterans Court and serves as its Presiding Judge. As a result of the contributions he made to the community after his active military service, Judge Loxley was inducted into the Ohio Veterans Hall of Fame, Class of 2021.

Judge Loxley and his wife Jennie are the parents of four grown children and have six grandchildren.

TIM LUBBE is the Court Administrator for the General Division of the Lucas County Common Pleas Court, where he has served since 2022. Prior to joining Lucas County, Tim worked as the Director of Fiscal Resources for the Cuyahoga County Juvenile Court and was a former Court Administrator for the Cleveland Housing Court. Tim served as the Court Administrator for the General Division of Lorain County Common Pleas Court from 2008 to 2017. Before becoming a full-time Court Administrator, Tim was a staff attorney in Lorain County Common Pleas Court from 1999 to 2005, then a part-time magistrate and Court Administrator from 2005 to 2008. Tim received his law degree from Ohio Northern University and his undergraduate degree from the University of Dayton. Tim is certified as a Court Manager (CCM) and Court Executive (CCE) by the National Center for State Courts. The National Judicial College has qualified him as a mediator. Tim has received his certification as a Senior Human Resources Professional (SHRM-SCP) from the Society for Human Resource Management. He has had the honor of being appointed by the Supreme Court of Ohio to the Commission on the Rules of Superintendence and the Case Management Standards Workgroup. Tim has had the privilege of being an instructor for the Supreme Court of Ohio's Judicial College.

JOY MALEK OLDFIELD graduated from the University of Akron school of law after obtaining a Bachelors degree in Sociology from John Carroll University. Before entering public service, she was recognized throughout the State of Ohio as a Plaintiff's trial attorney. Judge Oldfield

started her legal career with Scanlon & Gearinger Co., LPA, and then as a partner at Hill Hardman Oldfield, LLC, where she practiced in the area of complex civil litigation and appeals. A persuasive and effective trial lawyer, she represented clients in state and federal courts throughout Ohio, as well as before the Supreme Court of Ohio and the Supreme Court of the United States. The individuals whose causes she undertook suffered age, gender and race discrimination, sustained serious personal injury, and/or unfortunately lost loved ones due to professional or other negligence. The hallmark of Judge Oldfield's practice as a lawyer was her work ethic, sharp courtroom skills and compassion for humanity.

Drawn to helping people in a larger way, she left a successful career as a private attorney to serve as a Magistrate for Judge Elinore Marsh Stormer in the Summit County Common Pleas Court. As a Magistrate, Oldfield presided over bench and jury trials for civil cases.

In 2011, Judge Oldfield was elected to the Akron Municipal Court, serving until 2016. There, in addition to her duties as a trial court judge, the other judges elected her as the Administrative/Presiding Judge from 2014-2016. And, in keeping with the philosophy of treatment in lieu of incarceration, she revamped and presided over the Akron Municipal Drug Court from 2013-2016.

Judge Oldfield joined the General Division of the Summit County Common Pleas Court in November 2016, and her colleagues immediately selected her as Presiding Judge of the Turning Point Program (the Felony Drug Court).

The hallmark of Judge Oldfield's judicial service has been her tireless work to impact and educate individuals on the disease of addiction and the beauty of recovery. Through her years on the bench, Judge Oldfield spearheaded various initiatives to try and meet all needs – physical, mental, social, emotional, spiritual – for those suffering from the disease of addiction.

Her innovations in this field have been widely recognized. Judge Oldfield founded Faith in Recovery – designed to provide interested participants a spiritual connection along their recovery journey; and, Y-STRONG, designed to provide participants with access to area YMCA facilities for physical wellness. Also under her leadership, the Turning Point Program obtained Summit County's first specialized docket therapy dog, "Tank." With Tank's help, participants can relax, reduce their level of stress and feel more comfortable in the Court setting.

In addition, Judge Oldfield works to educate others – locally, state-wide and on the national level. Two national entities, Substance Abuse and Mental Health Services Administration (SAMHSA) and the Bureau of Justice Assistance (BJA) invited Judge Oldfield to present in a national expert panel to develop guidance for provicers. She also presented "Trauma in Specialty Court Settings" for SAMHSA's National Center for Trauma-Informed Care and Alternatives to Restraint and Seclusion and GAINS Center for Behavioral Health and Justice Transformation. The session was part of a five-part series and provided information on how treatment courts can provide a trauma-informed approach to support recovery. Since then, SAMHSA's GAINS Center continues to partner with Judge Oldfield as a leader and expert in the field of recovery.

In 2019, the University of Akron School of Law hired Judge Oldfield to teach Pretrial Advocacy to second and third year law students. Judge Oldfield continues to teach that course today, designed to instruct students on the skills, standards and ethics required for civil litigation.

A Summit County resident, Judge Oldfield has three daughters.

STEPHEN L. McINTOSH is a 1983 graduate of the Ohio State University Moritz College of Law. While attending the College of Law, he was President of the Black Law Students Association (BLSA) He received the Judge Joseph Harter Trial Advocacy Award upon graduation. His team won best brief at the Frederick Douglas Moot Court Regional Competition.

In 1984 Judge McIntosh began employment with the Columbus City Attorney's Office as an assistant city prosecutor. In 1986, he was appointed Deputy Director of the UCC Div. for Secretary of State Sherrod Brown. In January of 1990, he was hired as an associate with Crabbe, Brown, Jones, Potts and Schmidt, (now Amundsen Davis LLC). Columbus City Attorney Janet E. Jackson appointed Judge McIntosh Chief Prosecutor for her Prosecutor's Division February of 1997, a position he held until January of 2007 when he assumed the bench.

Judge McIntosh serves as the Presiding Judge of the Common Pleas Court and previously served as the Administrative Judge of the Court of Common Pleas General Division. He serves as judge of the court's recovery court docket, TIES. (Treatment is Essential to Success).

Judge McIntosh is a past president of the Columbus Bar Association. He is a member of the John Mercer Langston Bar Association. He is also a member of the Ohio State Bar Association where he served on the Board of Governors and currently serves on the Council of Delegates. He currently serves on the House of Delegates for the American Bar Association.

Judge McIntosh currently serves as chair of the Supreme Court of Ohio Judicial College Board of Trustees. He serves on the OLAP Board where he is a past chair. He previously served as chair of the Supreme Court Task Force to Examine Improvements to the Ohio Grand Jury System and co-chair of the Joint Task Force to Study the Administration of Ohio's Death Penalty. He previously chaired the CLE Commission. He served on the Supreme Court Advisory Committee on Dispute Resolution and the Supreme Court Advisory Committee on Interpreter Services. He currently serves on the Ohio Sentencing Commission.

He has been recognized by Columbus Monthly Magazine and Who's Who Among African Americans in Central Ohio. In 2023 he was recognized by the OSBA with the Chief Justice Thomas Moyer Award for Judicial Excellence. He received the John Mercer Langston Bar Association Legacy Award and received the David L. White Award from Capital University.

PAUL PFEIFER is a Retired Justice of the Supreme Court of Ohio. He grew up on his family's dairy farm near Bucyrus and still resides just down the road. His first job after graduating from The Ohio State University School of Law was as an assistant attorney general trying eminent-domain cases associated with the building of Ohio's highway system. Traveling the state gave him an appreciation for Ohio's county courthouses, architectural jewels that are the crossroads of life in our towns and cities.

In 1972, Justice Pfeifer became a partner in the law firm of Cory, Brown & Pfeifer, where he practiced — primarily as a trial and tax lawyer — for 20 years. He also served several years as an assistant county prosecutor. Justice Pfeifer served in both houses of the Ohio General Assembly, including one term in the House of Representatives and four terms in the Senate. He held a variety of leadership posts in the Senate, and served as chair 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. Upon retirement from the Supreme Court, he became the Executive Director of the Ohio Judicial Conference in January of 2017.

MATTHEW REGER is a Wood County Common Pleas judge in Bowling Green Ohio. He has been on the bench since 2017. Prior to that he was the Bowling Green municipal prosecutor for 20 years. He graduated from Michigan State University in 1990 and the University of Toledo College of Law in 1993. He began his career as a staff attorney for Judge Charles Kurfess in 1993, serving until 1996.

In 2006 he took a year away from the Bowling Green prosecutor's office to live and work in the former Soviet Republic of Georgia. Serving with the American Bar Association's Rule of Law Initiative, Judge Reger trained Georgian attorneys and prosecutors in the adversarial system. He also worked with the US Embassy and the Georgian Parliament in the creation of a criminal procedure code that protected basic rights.

Following his return to the United States, in addition to his duties as Bowling Green Prosecutor, he also founded a nonprofit that provided free legal services through his church. Since 2008 he has served as an adjunct professor with Bowling Green State University, teaching several different law related classes.

Judge Reger lives with his wife Heidi and his two children, Elizabeth and Noah, in Bowling Green.

BRUNO G. ROMERO is the manager of the Language Services Program at the Supreme Court of Ohio. Mr. Romero is responsible for developing resources, standards and procedures for the use of interpreters in Ohio courts.

ELIZABETH T. SMITH serves as Director of the Board of Professional Conduct for the Supreme Court of Ohio. Prior to her appointment, Smith was a partner with the law firm of Vorys, Sater, Seymour and Pease. As a trial attorney and litigator for 40 years, she has broad experience in the courtroom and before government agencies, including the Auditor of the State of Ohio, Ohio Departments of Education and Commerce, Ohio Ethics Commission, and the U.S. Department of Justice. Elizabeth also served as chief counsel to Ohio Attorney General Jim Petro. She has served on the Columbus Bar Association Professional Ethics Committee and the Supreme Court Board on the Unauthorized Practice of Law and is a graduate of Heidelberg University and The Ohio State University Moritz College of Law.

JONATHAN P. STARN is currently serving as Judge of the Hancock County Common Pleas Court. Before taking the bench in Common Pleas Court, he served as Judge of the Findlay Municipal Court from January 1, 2010 until March 3, 2017. He earned his BA in 1990 and his JD in 1993, both from Capital University in Columbus, Ohio. He is married and has two (2) children.

Prior to becoming Judge, he served as a Magistrate from 2000-2009. As Magistrate, he was appointed full time in the Hancock County Common Pleas Court (Domestic Relations, Civil and Criminal divisions) and part time in Findlay Municipal Court (Small Claims and Traffic/Criminal divisions). Judge Starn was an Assistant Hancock County Prosecutor from 1994-1997 and handled Juvenile Court matters. He was also in private practice from 1994-2000. His private practice included family law matters, criminal defense work, and general civil matters representing both plaintiffs and defendants.

Judge Starn currently serves on numerous boards and committees, including: various Ohio Judicial Conference committees; the Ohio Jail Advisory Board; and the Commission on the Rules of Superintendence for Ohio Courts. Judge Starn is a past member of the Ohio Judicial College Board of Trustees and served as Chair from 2019 – 2020. He is also a Past-President of the Ohio Association of Magistrates (OAM) and past member of the Board of Trustees of the Association of Municipal and County Judges of Ohio (AMCJO).

Judge Starn is a regular presenter for the Ohio Judicial College and has presented on subjects including: establishing reputation and judicial philosophy for new judges; contempt powers of judges; protection orders; evidence; the unauthorized practice of law in small claims court and landlord/tenant cases; sentencing and magistrate issues for acting judges; trends in pre-trial services; and geofencing warrants.

TERRI STUPICA has presided over the Chardon Municipal Court since January 2012. She earned her undergraduate degree at John Carroll University in 1984 and her J.D. from Cleveland-Marshall College of Law in 1987, after attending Loyola Marymount Law School in her second year as a non-matriculating student. She is a member of the Ohio Bar Association and Geauga County Bar Association, serving as president last year. She is past Chair of the Supreme Court of Ohio Commission on Continuing Legal Education and is a member of the Supreme Court Case Management Advisory Committee, Ohio Judicial Conference Traffic Law and Judicial Ethics, Professionalism and Diversion Committees. She has served as a Supreme Court Mentor to New Lawyers from 2011 through 2014. She is a founding member of the Geauga County Opiate Task Force and a member of the U.S. District Attorney's Heroin and Opioid Action Plan Committee. Judge Stupica is active speaking at numerous forums throughout Ohio, including Judicial Conference Courses, Ohio Women's Bar Foundation Leadership Institute, Lake Erie College, Lakeland Community College, American Legion Post 459, Rotary and Kiwanis clubs, D.A.R.E graduations at elementary schools and at high school health classes, regarding substance abuse and leadership. Finally, she has judged Notre Dame Cathedral Latin's mock trials since 2012.

COURTNEY A. WORLEY has served as the Brown County Municipal Court Judge since January 2024. A proud graduate of Fayetteville Perry High School, she earned her Bachelor's

degree *cum laude* from Wilmington College, and her Juris Doctor from Capital University Law School.

Prior to taking the bench, Judge Worley served as an Assistant Prosecuting Attorney in Brown County for over six years, handling a wide range of criminal, civil, and appellate cases. She represented the State of Ohio in matters involving criminal prosecution, children services, adult protective services, and child support. In addition to her work in the prosecutor's office, Judge Worley also established her own private law firm, where she assisted clients with a variety of legal issues.

Since assuming her judicial role, Judge Worley has been committed to enhancing the court's impact through innovation and reform. She launched a Driving Under Suspension Diversion Program and is actively developing a specialized docket to address substance use and mental health challenges in her community. She is also leading a transition to a fully digital, paperless court system aimed at improving efficiency and accessibility.

Judge Worley contributes to judicial advancement statewide as a member of the Ohio Judicial Conference's Criminal Law and Procedure Committee, where she helps shape policy and procedural improvements in Ohio's courts.

GENE A. ZMUDA was elected to the Sixth District Court of Appeals in November 2018. He previously served as Administrative and Presiding Judge for the Sixth District. Prior to serving on the appellate court, Judge Zmuda served as a judge of the Lucas County Court of Common Pleas, General Trial Division, in Toledo, Ohio, beginning in 2006. He served as Administrative Judge in 2012 and 2017-2018 and as Presiding Judge in 2013. In December 2008, the Ohio Supreme Court appointed Judge Zmuda to serve as one of two Commercial Docket judges for Lucas County, and he continued to serve in that position until 2018. Prior to his service on the common pleas bench, Judge Zmuda served as judge for the Toledo Municipal Court from 2003 to 2006, and in private practice for 19 years up until his service on the bench. Judge Zmuda is a member of the Ohio State Bar Association; the Ohio Judicial Conference, Executive Committee and co-chair, Civil Law Committee; Trustee of the Ohio Judicial College; and presently serve as chair of the governance board for the Ohio State Data Project; chair of the Task Force on Conviction Integrity and Postconviction Review; and co-chair of the Interbranch Affairs Committee for the Council of State Governments and member of its leadership council. Judge Zmuda is as an adjunct professor at the University of Toledo College of Law and Undergraduate Honors College, and has served as President of the University of Toledo Honors College Alumni Affiliate. He received his BA from the University of Toledo, and his JD from University of Toledo College of Law.

Transitioning to the Bench: Establishing Your Judicial Philosophy and Reputation

Hon. Jonathan P. Starn
Hancock County Common Pleas Court

***WHAT JUDGE ARE YOU
GOING TO BE?***

**TRANSITIONING TO THE BENCH:
ESTABLISHING YOUR JUDICIAL
PHILOSOPHY AND REPUTATION**

PRESENTED BY:

JUDGE JONATHAN P. STARN
Hancock County Common Pleas Court

Judge Jonathan P. Starn
419-429-7302
jpstarn@co.hancock.oh.us
(Carol – Judicial Assistant; she will find me)

Philosophy and Reputation

**WHAT IS MY PLACE IN
THE WORLD?**

Why Philosophy and Reputation?

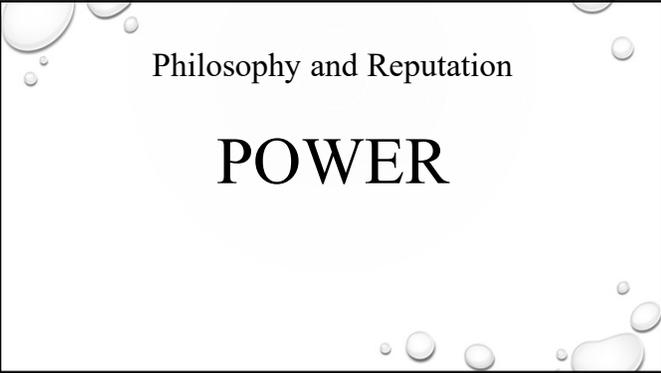
- This is the **BIG PICTURE** part
- This is what will be remembered and discussed about you.
 - Far more than right vs. wrong
- You **WANT** checklists and how-to instructions.
- You **NEED** to think about these issues first.
 - What I wish I'd known when I was a new Judge

Philosophy and Reputation

**DON'T TAKE
YOURSELF TOO
SERIOUSLY**

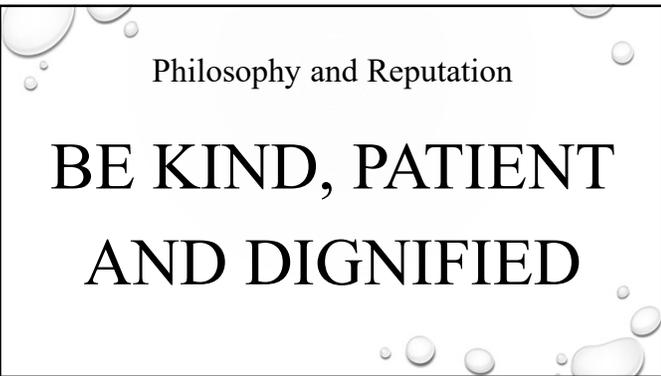
Philosophy and Reputation

POWER



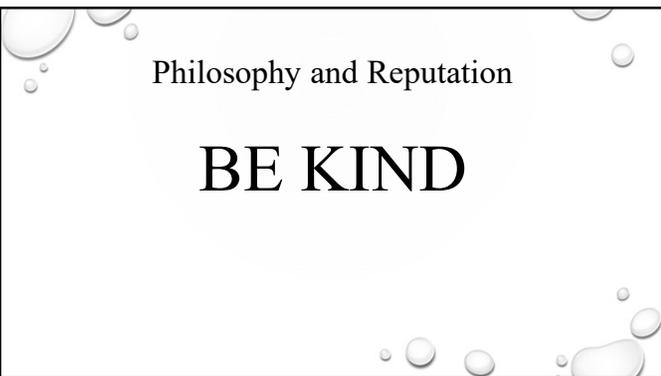
Philosophy and Reputation

**BE KIND, PATIENT
AND DIGNIFIED**



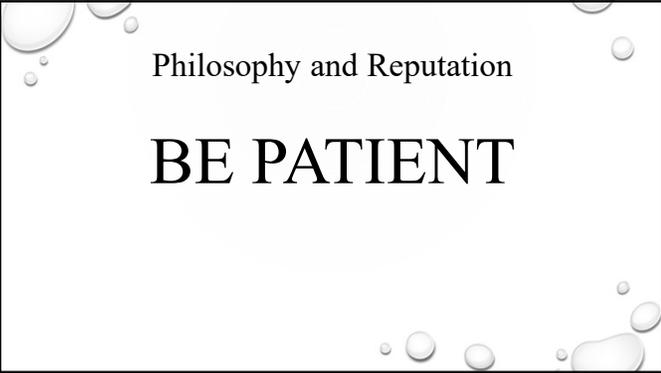
Philosophy and Reputation

BE KIND



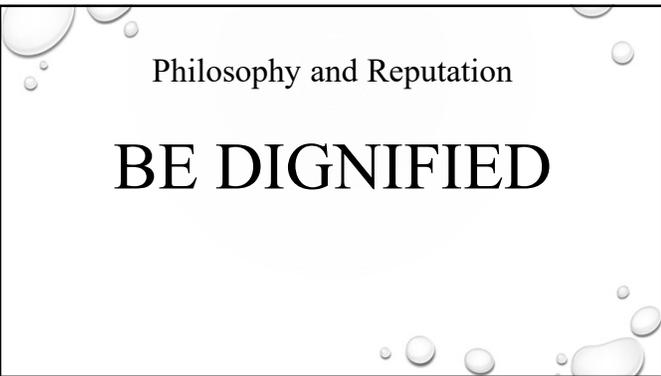
Philosophy and Reputation

BE PATIENT



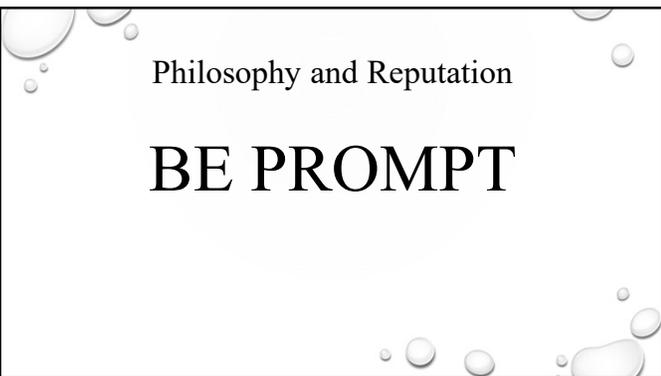
Philosophy and Reputation

BE DIGNIFIED



Philosophy and Reputation

BE PROMPT



Philosophy and Reputation

STAFF EXPECTATIONS

Philosophy and Reputation

ANGER IN THE COURTROOM

Philosophy and Reputation

A LAZY JUDGE IS A POOR JUDGE

Philosophy and Reputation

REVERSAL

Philosophy and Reputation

- Thank you to following who have contributed to these materials:
 - “Qualities of a Judge”, 1979 Handbook for Judges, Hon. Edward DeVitt
 - “50 Things Judges Wish They had Known Before They Took The Bench”, Case In Point Magazine, The National Judicial College, 2017-2018
 - Judge Linda Tucci Teodosio, Summit Co. Common Pleas Court
 - Judge William R. Finnegan (Ret.), Marion Co. Common Pleas Court
 - Judge Janet Burnside (Ret.), Cuyahoga Co. Common Pleas Court

ESTABLISHING YOUR PHILOSOPHY AND REPUTATION

***What I wish I'd known
when I was a new Judge***

(Insights collected over the years from various Judges)

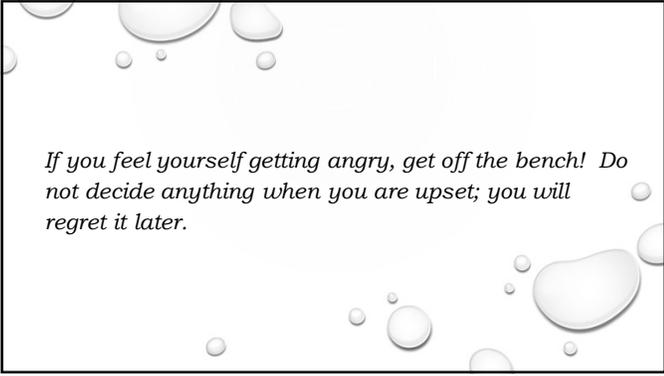
You have been elected Judge. You are NOT the creator of heaven and earth. "Robe-itis" is a real thing.

Every decision you make impacts on people! Every case is important.

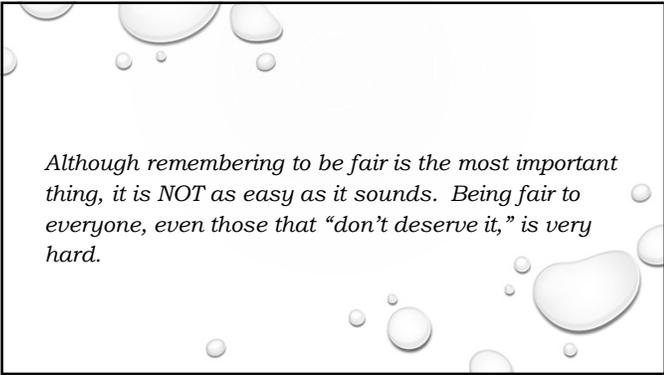
Being a Judge means your relationships with friends WILL change. Being a Judge can be, particularly in smaller jurisdictions, very isolating.

Many of the people who work in restaurants have criminal records. I no longer want to eat out.

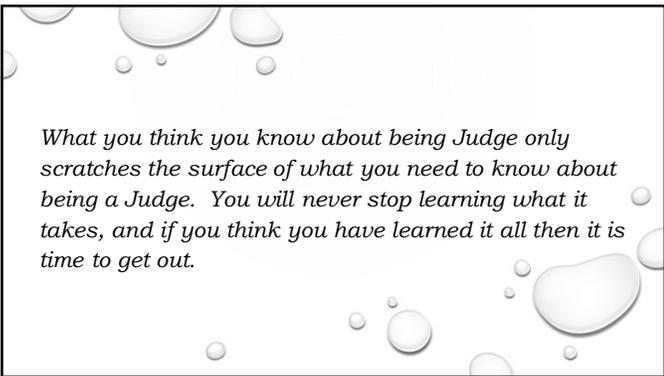
You are no longer a prosecutor or a defense attorney. You are no longer an advocate.



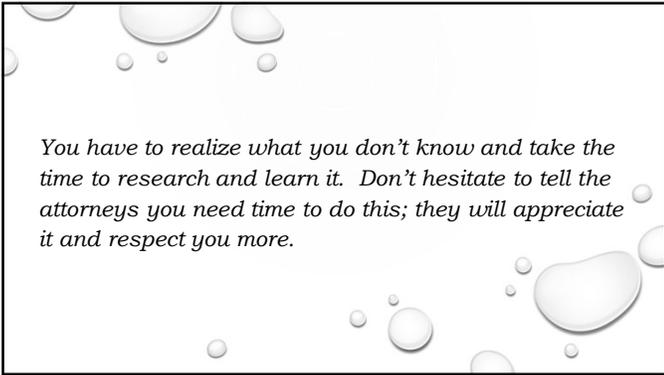
If you feel yourself getting angry, get off the bench! Do not decide anything when you are upset; you will regret it later.

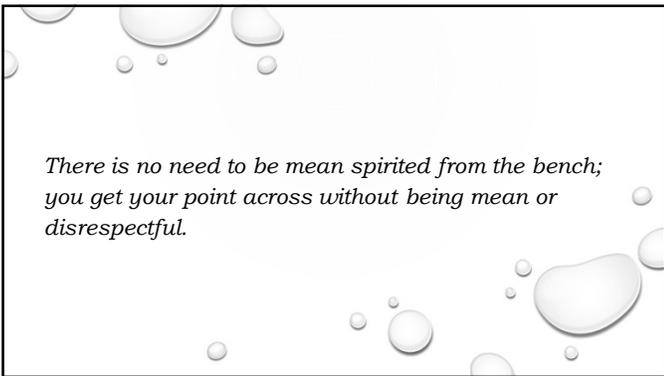


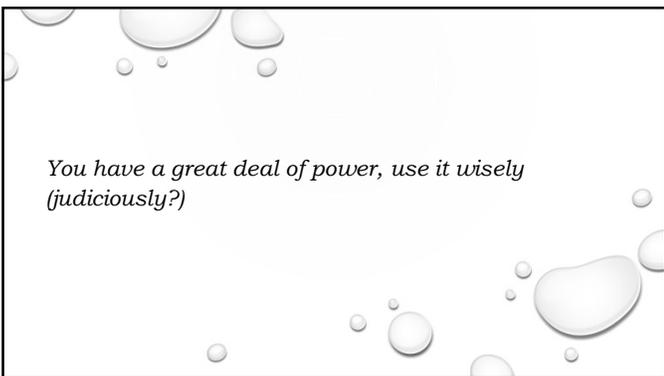
Although remembering to be fair is the most important thing, it is NOT as easy as it sounds. Being fair to everyone, even those that “don’t deserve it,” is very hard.

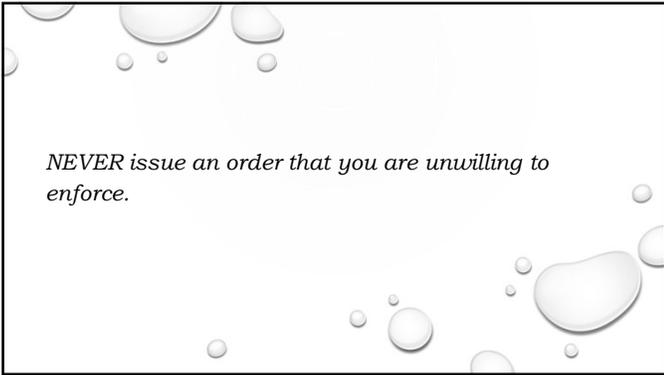


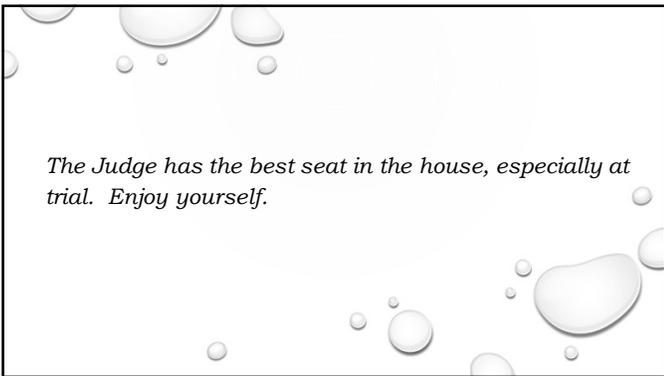
What you think you know about being Judge only scratches the surface of what you need to know about being a Judge. You will never stop learning what it takes, and if you think you have learned it all then it is time to get out.

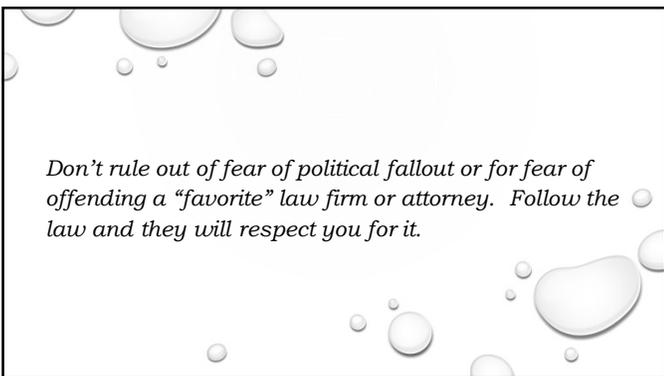








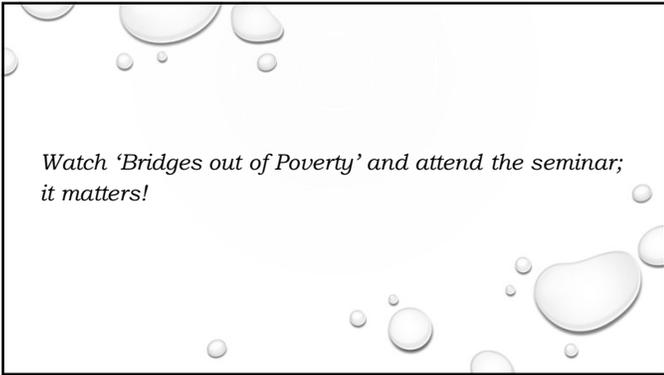




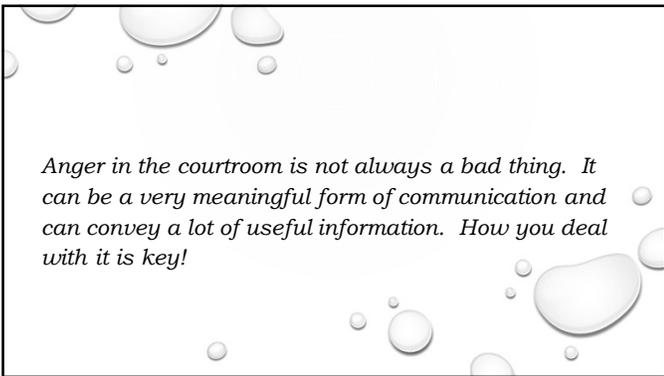
I wish I would have appreciated that the best decisions that can be made regarding criminal sentencing are made in the courtroom, after having an opportunity to see and hear the defendant, not during plea discussions in chambers with counsel.

Think about how you will handle an attorney who accuses you ON THE RECORD of racial bias or ex parte communications with another party.

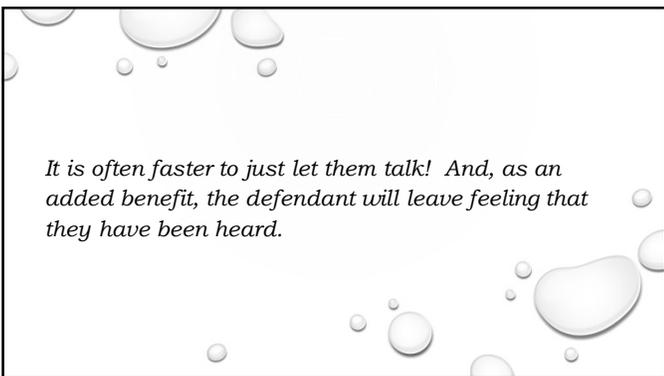
Don't assume your funding authority (commissioners, city council, etc.) understands the concept of separation of powers. Develop a strategy BEFORE it becomes an issue.



Watch 'Bridges out of Poverty' and attend the seminar; it matters!



Anger in the courtroom is not always a bad thing. It can be a very meaningful form of communication and can convey a lot of useful information. How you deal with it is key!



It is often faster to just let them talk! And, as an added benefit, the defendant will leave feeling that they have been heard.

“Because we’ve always done it that way” may not be a good reason to continue doing it that way, but changing it just because you can is no better. Make sure to listen to your staff and learn about the functioning of the Court BEFORE you start making changes.

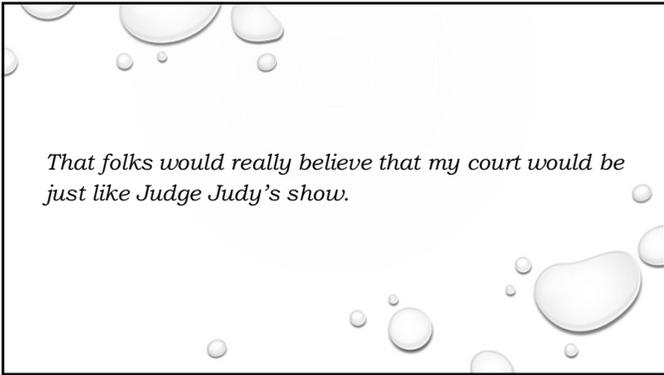
History (conflict) that you know nothing about and had no part of making will continue to haunt you. Be aware of it and don’t ignore it.

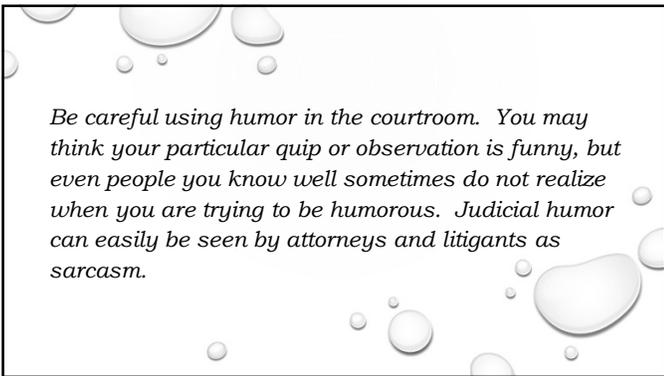
Show the utmost respect to clerks, attorneys and parties. Try to ‘out-respect’ them. This engenders respect for your court.

Your jokes become funnier, you can jump higher, and you are more interesting after you become a judge. But they aren't, you can't, and you aren't – So don't believe anything otherwise.

Have a plan to deal with stress! Weight gain, depression, frustration, and drinking are all hazards of the job, and we owe it to ourselves and our families to protect ourselves and them from these dangers.

I wish I had known that the black robe makes some people forget that it's OK to say 'I don't know' when another judge, officer, lawyer or defendant asks for information or advice. I have met so many judge who would rather make up something rather than admit they don't know something.





Judicial Ethics

Hon. Taryn L. Heath

Stark County Common Pleas Court

Elizabeth Smith, Esq.

Director, Board of Professional Conduct

D. Allan Asbury, Esq.

*Deputy Directory and Senior Legal Counsel
Board of Professional Conduct*



Ohio Board of Professional Conduct

PRINCIPLES OF THE CODE OF JUDICIAL CONDUCT

New Judge Orientation, Part I



OVERVIEW

- Increase in number and severity of judicial misconduct cases
- Many cases involve inappropriate judicial demeanor and/or abuse of authority
- Judges are held to a higher standard; act in a manner beyond reproach
- A judge's "good intentions do not excuse him from complying with the Code of Judicial Conduct"



OVERVIEW

- Sanctions imposed for additional purposes of deterrence and maintaining public confidence in the judiciary
- Violations by one judge reflect adversely on all judges
- Core value: follow your Oath of Office
- Remember: It's not about you!





Ohio Board of Professional Conduct

INDEPENDENCE, INTEGRITY,
IMPARTIALITY



“THE THREE I’S”

A campaign principle that carries over to service in
judicial office

- **Independence**—freedom from influence or controls
other than those established by law
- **Integrity**—probity, fairness, honesty, uprightness,
soundness of character
- **Impartiality**—absence of bias/prejudice and
maintenance of an open mind





Ohio Board of Professional Conduct

PROMOTING PUBLIC CONFIDENCE
RULE 1.2



PROMOTING PUBLIC CONFIDENCE

- A key theme running throughout the Code and in caselaw
- How you conduct yourself and your court—fairness, impartiality, demeanor
- How you conduct yourself off the bench
- Engaging in education activities, Comment [6] to Rule 1.2





Ohio Board of Professional Conduct

**AVOIDING IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY
RULE 1.2**



IMPROPRIETY AND APPEARANCE

- Another key theme and basis for many disciplinary charges
- Reflects higher standard to which judges are held
- Applies at “all times”



IMPROPRIETY AND APPEARANCE

- **Actual impropriety**—violations of law, rules, Code
- **Appearance of impropriety**—does conduct create, in reasonable minds, a perception that a judge has:
 - violated the Code
 - engaged in conduct prejudicial to public confidence
 - engaged in other conduct that reflects adversely on honesty, impartiality, temperament, or fitness to serve as a judge





Ohio Board of Professional Conduct

DECORUM AND DEMEANOR



DECORUM AND DEMEANOR

A key element of recent judicial discipline cases:

- Displaying bias/prejudice
- Misusing judicial authority/contempt power to incarcerate or harass litigants, lawyers, staff, observers
- Unwarranted verbal abuse
- Inappropriate attire, inappropriate banter with staff and defendants, jokes, mocking tones of voice





Ohio Board of Professional Conduct

QUESTIONS



**NEW JUDGE ORIENTATION
JUDICIAL ETHICS
HYPOTHETICAL QUESTIONS**

Duty to Report Misconduct

1. You are presiding over a civil case involving several lawyers and parties, and you have been “overseeing” lengthy settlement negotiations. One lawyer has represented all four plaintiffs since the case was filed. The lawyers have reached a tentative agreement and take a break to explain the terms to their respective clients. You order the lawyers and their clients to return at 2 p.m. to put the final settlement terms on the record and submit a joint dismissal entry. During the break, your clerk hands you a Supreme Court slip opinion issued that morning suspending the plaintiffs’ lawyer from the practice of law for six months, effective immediately. You check the Supreme Court’s docket and notice the entry has not appeared on the docket. The plaintiffs’ lawyer is unaware of the suspension. Should you allow the plaintiffs’ lawyer to put the settlement on the record so the case can be dismissed? Are you required to inform the plaintiffs’ lawyer of the suspension?

Conflicts of Interest / Disqualification

2. When you were a prosecutor in Crime County, you prosecuted Defendant on felony theft charges and the jury returned a guilty verdict. Defendant now stands before you on unrelated misdemeanor charges. Are you required to recuse yourself? What if defense counsel moves to disqualify you?

3. You are the only judge on your court. A friend and former law school classmate makes her first appearance before you. Although you only see her a few times a year at social functions, you feel uncomfortable presiding over the case. What should you do? Are you required to do anything?

Prestige of Office; Character References/Recommendations

4. Lawyer has been practicing law for 35 years, and you have presided over several of his cases. You have always found Lawyer to be honest, trustworthy, prepared, and respectful. Unfortunately, Lawyer was recently involved in a car accident in which he was driving under the influence of alcohol and struck a pedestrian. Lawyer left the scene but then turned himself in. Lawyer is facing disciplinary charges and sends you a letter asking you to serve as a character witness at his disciplinary hearing. Can you appear and testify at the disciplinary hearing? What if Lawyer asks you for a character letter that he will submit as an exhibit at the hearing?

5. Your long-time administrative assistant approaches you and asks if you would be so kind as to write a letter of recommendation on behalf of her son, who is applying for admission to Smith College—your alma mater. You have met your assistant’s son a few times at the court’s annual holiday party, and he has observed proceedings in your

courtroom on a few occasions. You know from speaking with your assistant that the son is good kid. Should you write the letter?

Case Management Considerations

6. Judge Jackson is presiding over a case scheduled for a bench trial. The defendant is wavering on whether to accept a plea agreement offered by the prosecutor, and defense counsel requests a continuance of the trial, which is denied by Judge Jackson. Once the trial commences, defense counsel explains that his client misunderstood his previous advice and that the defendant is now willing to accept the plea agreement. Would you allow the defendant to accept the agreement? What if the case is a jury trial and the jury has been seated?

Comments on Pending Cases

7. Judge Thomas is presiding over a criminal trial involving child pornography. She instructs jurors not to communicate with anyone about the trial, including through the use of texting or Facebook. After the case is submitted to the jury, Judge Thomas posts on her Facebook page:

We have a jury deliberating on punishment for two counts of possession of child pornography. It is probably one of the most difficult types of cases for jurors (and the judge and anyone else) to sit through because of the evidence they have to see. Bless the jury for their service and especially bless the poor child victims.

Has the judge violated any provisions of the Code of Judicial Conduct by placing the post on Facebook?

***Ex Parte* Communications**

8. Assume Cook's drug offense case is assigned to Judge Toughlove, who is the only municipal judge in a small county with limited treatment options. Judge Toughlove allows Cook, a first-time offender, to enter the court's diversion program. Judge Toughlove sees Cook's counselor at a weekend social event, and the counselor confides in the judge that Cook has fallen out of compliance with his treatment regimen. On Monday, Judge Toughlove signs an order terminating Cook's participation in the diversion program based on what he learned from Cook's counselor and returns Cook's case to the regular criminal docket for sentencing. Was Judge Toughlove's conduct in terminating Cook's participation in the diversion program proper? May Judge Toughlove preside over Cook's sentencing hearing?

Responding to Media Inquiries

9. Judge Child is a juvenile court judge who presided over the custody case of a neglected child born to parents addicted to crack cocaine. The child's foster parents and the adoptive parents of one of the child's siblings both sought custody. After conducting

50 days of hearings in the case, and while an adoption case involving the child was pending in probate court, Judge Child ruled that the foster parents were not fit to be the child's adoptive parents. The foster parents appealed, and the appellate court issued a scathing reversal of Judge Child's decision, finding that the probate court must rule upon the foster parents' adoption petition. If the probate court denies the adoption petition, the case would be returned to the juvenile court for disposition. The custody case was the subject of substantial media attention, and after the appellate court's decision, a local television station requests an interview with Judge Child. May Judge Child participate in the interview? If so, what limitations would apply? What factors should Judge Child consider in deciding whether to grant the interview?



Ohio Board of Professional Conduct



**OHIO ETHICS GUIDE
TRANSITION FROM THE
PRACTICE OF LAW TO THE BENCH**

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Introduction

After winning a judicial election or being appointed by the governor to fill a vacancy, an incoming judge should immediately focus on the steps necessary to wind up his or her practice. Fulltime judges are prohibited from practicing law, and given the express requirements applicable to withdrawing from representation and the fact that judges are held to the highest ethical standards, the transition period from lawyer to judge requires significant preparation.

This ethics guide provides a general overview of the ethical obligations of a newly elected or appointed judge with regard to the judge's transition to the bench. Because each circumstance is different, a new judge is encouraged to contact the staff of the Board of Professional Conduct with specific questions that arise during the transition phase.

Prohibition Against Practicing Law

An important rule in the Code of Judicial Conduct for all fulltime judges is the prohibition against practicing law.¹ This prohibition attaches after the incoming judge receives and files the Governor's commission, takes the oath of office, and assumes judicial office. Once those events occur, the judge can no longer represent clients, give legal advice, or engage in any other activities that constitute the practice of law. However, a judge may act *pro se* in matters involving litigation in courts and before governmental agencies.

Additionally, a judge may give a member of his or her family legal advice and draft and review documents without receiving compensation, but may not appear on their behalf before any court or agency.¹

At no time may a judge, when acting *pro se* or assisting family, abuse the prestige of office to advance either the judge's personal or family interests.²

¹ Jud.Cond.R. 3.10.

² Jud.Cond.R. 1.3. See "member of family", Jud.Cond.R., *Terminology* (spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship).

Winding Up Your Law Practice

► Duties to the Client

When leaving the practice of law, an incoming judge must take all reasonably practicable steps to protect the interests of his or her active clients.³

These steps include:

- ❶ Informing clients in writing of the change in circumstances;
- ❷ Properly withdrawing from pending cases;
- ❸ Providing clients adequate time to employ new counsel;
- ❹ Returning client property and files; and
- ❺ Refunding any fees or expenses that have not been earned or incurred.⁴

The incoming judge should emphasize in the written notification to clients that he or she cannot continue to represent or advise them after taking the bench. This applies to any legal work that may be construed as ministerial or even limited in scope.

In the interim period between appointment or election and formally taking office, an incoming judge may continue to practice law. However, because the time available to wind up a practice is usually limited to a few days or weeks, the incoming judge should ascertain which matters can be completed prior to taking the bench. Any legal work that was not completed for clients cannot, under any circumstances, be finished by the judge after taking office.⁵

³ Prof.Cond.R. 1.16.

⁴ *Id.*; Prof.Cond.R. 1.15.

⁵ *Disciplinary Counsel v. Bender*, 139 Ohio St.3d 332, 2014-Ohio-2118.

NOTE: Ethics Guides address subjects on which the staff of the Ohio Board of Professional Conduct receives frequent inquiries from the Ohio bench and bar. The Ethics Guides provide nonbinding advice from the staff of the Ohio Board of Professional Conduct and do not reflect the views or opinions of the Board of Professional Conduct, commissioners of the Board, or the Supreme Court of Ohio.

To ease the transition for clients, the incoming judge may assist them in the transfer of matters to recommended new counsel or counsel chosen by the client. When matters are referred to new counsel, there may be situations when counsel needs to confer with the judge about questions related to the file or the judge's prior representation of the client. Limited discussions between the new counsel and judge are permitted, as long as the judge does not engage in a discussion about the merits of the case, give legal advice, or discuss future legal strategy with the new counsel.

► Client Files

Prior to taking the bench, the incoming judge should make arrangements for clients to obtain their open files. The letter informing clients of the judge's change in circumstances should include directions for obtaining the client's file. When a file is returned, the client should be asked to sign a receipt or acknowledgement of the return that lists the general contents of the file. If the incoming judge has implemented a record retention policy, any closed files kept in storage should promptly be returned to clients. Reasonable efforts should be undertaken to find the former clients in order to return both open and closed client files.

If clients with closed files cannot be located, steps should be taken to preserve or transfer the possession of original documents like contracts, wills, and deeds. If there are situations where a client is unable to physically retrieve the file, it is recommended that the judge make arrangements for the file to be either mailed or picked up at a location other than the courthouse or chambers.⁶

► IOLTA

If the incoming judge maintains an IOLTA, any unearned fees and client property held must be accounted for and promptly returned to the client.⁷ If possible, the incoming judge should finalize IOLTA accounting and disbursements to clients prior to taking the bench. If funds remain in the IOLTA after

undertaking reasonable efforts to locate the client, the funds should be transferred to the Ohio Department of Commerce as unclaimed funds.⁸ The return or transfer of client funds does not relieve the judge of his or her responsibility to maintain all IOLTA records for a period of seven years after the termination of representation.⁹

► Law Firm Financial Matters and Interests

Leaving or closing a law practice may involve the winding up of financial matters and the transfer of financial interests relative to the judge's former law firm. Because some financial activities or interests could serve as a future basis for disqualification, an incoming judge must consider the timing and resolution of financial matters and interests related to his or her former law practice.¹⁰

Generally speaking, a judge is permitted to receive outstanding fees and earnings or other benefits from a former law firm. However, the judge should recuse himself or herself from cases involving the former law firm while the judge has a continuing financial relationship with the law firm.

- *Earned Fees and Pending Settlements*

It is not uncommon for the incoming judge to leave private practice and have earned but uncollected fees or outstanding settlement proceeds related to client matters. A judge may receive fees for legal work completed prior to becoming a judge.¹¹ In situations involving a contingency fee, a judge may be entitled to a fee on a *quantum meruit* basis for services performed before taking judicial office, but only after the contingency occurs.¹²

However, disqualification is required in cases advocated by the judge's law firm when he or she is receiving income from the firm.¹³ If practicable,

⁶ See generally, Ohio Bd. of Prof. Cond. Ethics Guide: Client File Retention (2016).

⁷ Prof.Cond.R. 1.15; 1.16(d).

⁸ Adv. Op. 2008-03.

⁹ Prof.Cond. R. 1.15.

¹⁰ Jud.Cond.R. 3.11.

¹¹ Adv. Op. 2007-2.

¹² *Id.*

¹³ Jud.Cond.R. 2.11(A)(2); see also Jud.Cond.R. 3.11; Adv. Op. 95-3.

the total amount of fees due to the judge should be calculated prior to the judge taking the bench, in order that he or she can better predict when recusal may no longer be necessary.

- **Partnership Interest and Retirement Benefits**
Law firms and lawyers are permitted to enter into agreements concerning partnership interest payouts and retirement benefits. Because the receipt of benefits from a former law firm has disqualification consequences, a new judge should divest himself or herself of all financial interests in any law practice in which the judge has been associated. Under most arrangements, a lawyer leaving a law firm upon taking judicial office may be entitled to a return of his or her share in the partnership or retirement benefits.

If payment of the partnership share and retirement benefits will be made over time, disqualification is required in all matters that involve the judge's former law firm and its lawyers.¹⁴ Unless the judge intends to recuse from all cases involving the former law firm and its lawyers, efforts should be undertaken by the firm and the judge to complete the transfer of retirement or partnership benefits from the former law firm in a reasonable period of time in order to minimize the number of cases in which the judge will be disqualified.¹⁵ Because a judge may not receive a financial benefit from the firm based on profits earned after the judge has taken the bench, the payment of partnership or retirement benefits must be calculated based on activity that occurred while the judge was still a member of the firm.¹⁶

- **Sale of Practice**
A judge is permitted to sell his or her entire former law practice, including all client matters and the good will of the practice.¹⁷ Based on the timing of the appointment or election to the bench, it is likely that a sale of a practice will not be finalized until after the judge formally takes office. Whether the sale price is paid in one lump sum or in payments over time is a factor in determining whether the judge's recusal will be necessary if the purchasing

lawyer or law firm appears before the judge. If the latter, disqualification is necessary because the judge is involved in a continuing business relationship with persons appearing before him or her.¹⁸ Once the transaction is concluded, recusal on this basis is no longer necessary.

► Former Firm Name

The name of a law firm cannot contain the name of a lawyer who holds a public office.¹⁹ Consequently, when a judge leaves a law firm, his or her name should not appear in the law firm or partnership name or on the firm's letterhead.²⁰ A new judge should confirm that the former law firm acts in conformity with the rule.²¹

Disqualification in General

A judge is required to disqualify himself or herself in any proceeding in which the judge's impartiality might be reasonably questioned.²² Disqualification may be necessary based upon the nature, degree, and timing of the judge's various prior associations with lawyers and parties in the proceeding. When a judge's impartiality may be reasonably questioned, disqualification is required regardless of whether the circumstances are among those specifically enumerated in the rule.

The key questions for every judge contemplating recusal are: whether he or she believes they can remain impartial; and whether a reasonable person might question the judge's impartiality under the circumstances.

"A judge should step aside or be removed if a reasonable and objective observer would harbor serious doubts about the judge's impartiality."²³ A judge who faces grounds for

¹⁴ Adv. Op. 89-017.

¹⁵ See Jud.Cond.R. 3.11.

¹⁶ *Id.*

¹⁷ Prof.Cond.R. 1.17.

¹⁸ Jud.Cond.R. 3.11.

¹⁹ Prof.Cond.R. 7.5(c).

²⁰ Prof.Cond.R. 7.5; Adv. Op. 87-48.

²¹ See *Ashtabula Cty. Bar Assn. v. Brown*, 151 Ohio St.3d 63, 2017-Ohio-5698.

²² Jud.Cond.R. 2.11.

²³ *In re Disqualification of Lewis*, 117 Ohio St.3d 1227, 2004-Ohio-7359, ¶8

disqualification, other than for personal bias or prejudice, may ask the parties and lawyers to waive disqualification under the remittal process outlined in Jud.Cond.R. 2.11(C).

► Former Clients

On rare occasions, judges may encounter former clients as parties in litigation assigned to his or her courtroom. The amount of time that has elapsed between representation of the former client and the client's appearance before the judge should be taken into consideration for disqualification purposes. The mere fact that the judge formerly represented the party is not automatic grounds for purposes of disqualification, unless the new matter is related to the prior representation or there is a specific showing of bias on behalf of the judge.²⁴ A judge should also consider whether he or she has a continuing duty to a former client that would impact on his ability to fairly and impartially consider the pending matter or give rise to a reasonable question regarding the judge's impartiality. Any such question should be resolved in favor of protecting the interests of the judge's former client and ensuring perceptions of the integrity and impartiality of the proceedings.

► Ongoing Litigation Involving Former Clients

An incoming judge transitioning from private practice may be unable to conclude the representation of all clients with ongoing litigation. In those instances when an ongoing case has been transferred to a new lawyer, the new judge must disqualify himself or herself since the judge formerly acted as a lawyer in the proceeding.²⁵

► Appearance of Attorneys from Former Firm

A new judge is likely to encounter former law firm partners and associates in cases assigned to his or her courtroom. In these situations, the new judge should determine which matters may require disqualification. For example, if a judge was associated with a lawyer who participated substantially in a matter during their association together at a law firm, the Code requires the

disqualification of the judge, subject to any waiver from the parties and counsel.²⁶

Similarly, a judge should not hear a matter involving a former law partner until an appropriate amount of time has elapsed after the judge has assumed the bench. The appropriate amount of time can vary based upon the circumstances. In general, "the more intimate the relationship between a judge and a person who is involved in a pending proceeding, the more acute is the concern that the judge may be tempted to depart from the expected judicial detachment or to reasonably appear to have done so."²⁷ However, "a prior professional relationship between a judge and an attorney will not be grounds for disqualification where that relationship ended some years ago."²⁸

Generally, Board staff has advised new judges to wait a minimum of six months to a year before hearing a matter involving a former law partner, unless a waiver is obtained from the parties. Similar disqualification concerns are not always present with respect to non-partner track lawyers or associates in the former law firm, unless the incoming judge maintained or maintains a close personal or professional relationship with the lawyer.

► Former Prosecutor or Other Government Employment

Many judges transition to the bench after serving as a prosecutor, public defender, or as a lawyer with a public agency. The degree of participation in a matter handled while the judge was a prosecutor, public defender, or public lawyer largely determines whether disqualification should be a consideration. Specifically, the Code directs that a judge should disqualify himself or herself if the judge personally and substantially participated in the matter while serving as a government lawyer or public official.²⁹

With respect to former prosecutors, disqualification is necessary if the judge had previously prosecuted the defendant as counsel for the government and the

²⁶ *Id.*

²⁷ *In re Disqualification of Shuff*, 117 Ohio St.3d 1230, 2004-Ohio-7355, ¶6.

²⁸ *In re Disqualification of Ward*, 100 Ohio St.3d 1211, 2002-Ohio-7467 (disqualification denied when judge's professional relationship with an attorney appearing before him ended seven years prior.)

²⁹ Jud.Cond.R. 2.11(A)(7)(b).

²⁴ *In re Disqualification of Serrott*, 134 Ohio St.3d 1245, 2012-Ohio-6340.

²⁵ Jud.Cond.R. 2.11(A)(7)(a).

same case is now before the judge.³⁰ However, a “judge generally need not disqualify himself from presiding over a criminal matter that, although pending at the time he served as a prosecuting attorney, was one in which he had no direct involvement.”³¹

In addition, a judge need not recuse himself or herself in a case involving the prosecution of a prior defendant in an unrelated criminal proceeding.³² However, disqualification is required if the judge cannot fairly and impartially preside in a new matter involving that same defendant or has made public statements as a lawyer regarding the defendant that would raise a reasonable question regarding the judge’s impartiality.³³

Board staff also has given additional advice to new judges in light of former prosecutorial or public legal employment. For example, a prosecutor who has been elected or appointed as a judge should take immediate steps during the transition period to avoid any personal and substantial participation in any new matters. This may reduce the number of cases in which disqualification is required. In addition, staff have advised that a new judge who had supervisory duties over other public lawyers in a matter now before him or her, but in which he or she did not personally or substantially participate, should disclose the extent of any involvement in the matter to the parties. In such a situation, disqualification of the judge is largely determined on a case-by-case basis after consideration of factors like the degree of his or her approval over trial strategy and methods, the signing of pleadings, and overall decision-making authority in the matter.

In cases where the judge’s name appears on an official document in his or her former capacity as a government lawyer or public official, disqualification is not always required. In those situations, a judge should consider the extent to which he or she may have participated in the underlying matter that gave rise to the creation or issuance of the document.

³⁰ Jud.Cond.R. 2.11(A)(2); *In re Disqualification of Gall*, 135 Ohio St.3d 1283, 2013-Ohio-1319.

³¹ *In re Disqualification of Rasttater*, 127 Ohio St.3d 1215, 2009-Ohio-7205, ¶3.

³² *In re Disqualification of Batchelor*, 136 Ohio St.3d 1211, 2013-Ohio-2626.

³³ Jud.Cond.R. 2.11(A)(7)(b).

Other Financial Matters

► Outside Employment

An incoming judge should consider any ongoing employment or business interests that may be prohibited by the Code, interfere with his or her judicial duties, or lead to frequent disqualification. The Code specifically prohibits a fulltime judge from serving as an employee or independent contractor of any business entity.³⁴ In addition, a judge is prohibited from serving as an officer, director, manager, general partner, or advisor for any business not owned by the judge or held by the judge’s family.

► Real Estate Holdings

A judge may continue to own real estate personally held or as part of a family owned business, unless the interest would require the frequent disqualification of the judge.³⁵ For example, a judge cannot enter into leaseholds with certain tenants, primarily lawyers or parties, who would regularly appear before him or her. A landlord/tenant relationship under these circumstances involves the judge in a continuing business relationship with those appearing before the court and is prohibited by the Code.³⁶ Until the judge can divest himself or herself of the real estate holdings or terminate the leaseholds, the judge must recuse from cases involving lawyers or parties with whom the judge has an ongoing business relationship.

Extrajudicial Activities and Membership in Organizations

An incoming judge should carefully review his or her continued memberships and affiliations with nonprofit or private organizations. A judge generally is permitted to belong to education, religious, charitable, fraternal, or civic organizations not conducted for profit, as well as organizations concerning the law, the legal system, and the administration of justice.³⁷

³⁴ Jud.Cond.R. 3.11.

³⁵ Jud.Cond.R. 3.11.

³⁶ Jud.Cond.R. 3.11(C)(3). *Disciplinary Counsel v. Hoskins*, 119 Ohio St.3d 17, 2008-Ohio-3194.

³⁷ Jud.Cond.R. 3.7.

While a judge's participation in extrajudicial activities generally is permissible, helps integrate judges into their communities, and promotes public understanding and respect for the courts, an incoming judge should ascertain whether continued participation in an organization will interfere with his or her duties, lead to frequent disqualification, or undermine the judge's independence, integrity, or impartiality.³⁸ For example, membership in organizations that publicly advocate on political or controversial issues may imply to the public that the judge would not be fair or impartial when matters concerning the organizations come before him or her.

Lastly, an incoming judge should determine the likelihood of the organization coming before his or her court. For instance, a judge should not serve on the board of a legal aid program or victim advocacy organization since those organizations frequently appear in court on behalf of clients or others involved in court proceedings.

Other considerations for an incoming judge include his or her continued service on governmental committees, boards, or other similar positions to which they have been appointed. A judge may not continue to serve in such a capacity unless the entity concerns the law, the legal system or the administration of justice.³⁹ Additionally, an incoming judge must resign from any organization that practices invidious discrimination based on race, sex, gender, religion, national origin, ethnicity, or sexual orientation.⁴⁰ Determining whether the organization falls within this category requires the judge to look at how the organization chooses its members and other relevant factors.⁴¹

Fiduciary Positions

A new judge must resign from any fiduciary position, like an executor, administrator, guardian, attorney in fact, or other personal representative with the exception of the "estate, trust, or person" of a family member.⁴² If the incoming judge is involved as a fiduciary on behalf

of clients or by court appointment, he or she must resign as soon as reasonably practicable, but not later than six months after assuming office.⁴³ In the case of family, continued service as a fiduciary is permissible, if it will not interfere with the performance of his or her judicial duties or proceedings involving an estate, trust, or ward.⁴⁴

Conclusion

Transitioning from the bar to the bench requires careful attention by the incoming judge to his obligations to clients under the Rules of Professional Conduct with a view to his or her future responsibilities under the Code of Judicial Conduct. Upon election or appointment, the judge should immediately begin preparations for winding up his or her law practice, including closing and transferring client matters, closing the IOLTA, and managing financial issues related to the closing or the sale of the practice.

When an incoming judge assumes the bench, he or she will be faced with possible disqualification issues based upon prior relationships with lawyers and parties. Each situation will require consideration of applicable disqualification rules and the judge's overarching obligation to remain impartial and avoid the appearance of partiality.

Prior to assuming the bench, an incoming judge should examine his or her participation with organizations, as well as any business interests, since application of the Code may require the new judge to modify these affiliations.

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³⁸ Jud.Cond.R. 3.1, Cmt. [2].

³⁹ Jud.Cond.R. 3.4.

⁴⁰ Jud.Cond.R. 3.5.

⁴¹ Jud.Cond.R. 3.5, Cmt. [2].

⁴² Jud.Cond.R. 3.8(A).

⁴³ Jud.Cond.R. 3.8(C).

⁴⁴ Jud.Cond.R. 3.8(A).



Ohio Board of
Professional Conduct

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So You're Going to Be a Judge:

Ethical Issues for New Judges

Cynthia Gray

After being elected or appointed to the bench, a budding judge should immediately sit down and read the code of judicial conduct for her jurisdiction.¹ That review will alert the future judge to the ethical principles that will govern her time on the bench and begin a smooth, conflict-free transition from advocate to impartial arbiter.

Outlining the advice judicial-ethics committees have given about making that transition, this article highlights the provisions in the code of judicial conduct that will have the most immediate implications for a nascent judge even before taking the bench.² It begins by listing the inquiries a soon-to-be judge should make about charitable, business, and political activities to evaluate what changes are necessary to conform to the judicial-ethics rules. It also considers whether a new judge may accept gifts, including receptions, that are offered to mark the new position. Finally, the article discusses winding up a law practice, including duties to clients and payments for prior legal work.³

OFF THE BENCH

Rule 1.2 provides: “A judge shall act *at all times* in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and avoid impropriety and the appearance of impropriety” (emphasis added). Thus, the code of judicial conduct applies to all of a judge’s activities, both judicial and personal and both on and off the bench. In general, as described by Rule 3.1, a judge must not participate in extrajudicial activities that will interfere with the proper performance of judicial duties, lead to frequent disqualification, or appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.

COMMUNITY ACTIVITIES

After election or appointment, a nascent judge may be surprised to learn that some civic and charitable activities that were an asset while a candidate may be prohibited after taking judicial office. Even laudable community activities may bias a

judge in favor of particular parties, causes, or issues, encourage individuals to curry the judge’s favor, pressure others to comply with the judge’s requests, or exploit the judicial office for the benefit of private organizations—or at least create the appearance of doing so. There is no exception in the model code that allows a new judge to continue prohibited involvement in civic and charitable activities after taking the bench. *See Arkansas Advisory Opinion 1996-10* (a new judge may not serve the rest of her term on the parks and tourism commission); *Florida Advisory Opinion 2006-28* (a newly elected judge should resign before taking office from any organizations in which his participation is inappropriate); *Texas Advisory Opinion 188* (1996) (a new judge may not attend the two meetings remaining in her term as a state representative on a national governmental association). *But see Canon 7C, Michigan Code of Judicial Conduct* (giving a newly elected judge until June 30th and a newly appointed judge six months to resign from organizations and activities).

Therefore, in the interim between being chosen and taking the bench, a new judge should ask the following questions and take any steps necessary to be in compliance with the new standards when she takes office:

- Am I a member of a governmental commission that does not concern the law, the legal system, or the administration of justice (Rule 3.4)?
- Am I a member of an organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation (Rule 3.6A)?
- Am I an officer of an organization or entity that is engaged in proceedings that would ordinarily come before me (Rule 3.7A(6)(a))?
- Am I an officer of an organization or entity that will frequently be engaged in adversary proceedings in the court on which I serve or in any court subject to the appellate jurisdiction of my court (Rule 3.7A(6)(b))?

Footnotes

1. The ethical standards for judges are established by the code of judicial conduct adopted in each jurisdiction. The basis for the state and federal codes is the *Model Code of Judicial Conduct*—adopted by the American Bar Association in 1972 and revised in 1990 and 2007—although jurisdictions modify the model before adopting it. Unless otherwise indicated, references to rules in this article are to the 2007 model code.
2. Over 40 states and the United States Judicial Conference have judicial-ethics advisory committees to which judges can submit inquiries regarding the propriety of contemplated future action. There are links to the websites of the committees at <http://www.ncsc.org/Topics/Judicial-Officers/Ethics/State-Links.aspx?cat=Ethics%20Advisory%20Committees>.

3. The application of the code of judicial conduct requires a determination of the exact point at which a person becomes a judge, which varies from state to state and may vary even within a state depending on the selection process. In some states, a judge becomes a judge on taking the oath of office. *See, e.g., New York Advisory Opinion 1998-92; Oklahoma Advisory Opinion 1999-2; South Carolina Advisory Opinion 5-2006; Texas Advisory Opinion 293* (2007). Other states, however, have created different starting points. *See, e.g., Arizona Advisory Opinion 2000-7* (pursuant to constitutional provision, an elected judge becomes a judge on “the first Monday in January next succeeding their election,” and, by statute, an appointed judge becomes a judge on the effective date of the appointment,” that is, when the commission of office is signed).

If a future judge has in the past participated in fundraising for charitable organizations, she should review the code to see if she can continue those activities and inform the organizations about any new restrictions to prevent inadvertent violations of the code. Under Rule 3.7A, a judge cannot:

- solicit charitable contributions except from members of the judge's family or judges over whom she does not exercise supervisory or appellate authority;
- solicit memberships except in an organization that is concerned with the law, the legal system, or the administration of justice; or
- be honored at, be featured on the program of, or permit her title to be used in connection with a fundraising event unless the event concerns the law, the legal system, or the administration of justice.

BUSINESS AND FINANCIAL ACTIVITIES

"Judges are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members of their families," but participation "is subject to the requirements of this Code." Comment 3, Rule 3.11. Rule 3.11B, for example, will require a judge-select "to resign as an officer, director, manager, general partner, advisor, or employee of any business entity" unless the business is "closely held by the judge or members of the judge's family" or "primarily engaged in investment of the financial resources of the judge or members of the judge's family."

Further, a judge-select must examine her financial, business, or remunerative activities and withdraw from any that will (Rule 3.11C):

- interfere with the proper performance of judicial duties;
- lead to frequent disqualification;
- involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves; or
- violate other provisions of the code.

A judge must divest financial interests that violate the code "as soon as practicable without serious financial detriment" (Comment 2, rule 3.11) but "in no event longer than one year" (Application § VI).

Finally, to ensure compliance with the disqualification provisions in the code, a new judge must begin:

- to keep informed about her personal and fiduciary economic interests (Rule 2.11B);
- to make a reasonable effort to keep informed about the personal economic interests of her spouse or domestic partner and minor children residing in her household (Rule 2.11B); and
- to conduct her business or financial affairs in a way that avoids frequent disqualification (Rule 3.1B).

FIDUCIARY POSITIONS

To comply with Rule 3.8A, a new judge has to withdraw from any "fiduciary position, such as executor, administrator, trustee, guardian, attorney in fact, or other personal representative, except for the estate, trust, or person of a member of the judge's family . . ." ("Member of the judge's family" is defined as "a spouse, domestic partner, child, grandchild, parent, grand-

parent, or other relative or person with whom the judge maintains a close familial relationship.") Even if the fiduciary position is for a member of the judge's family, a judge must withdraw:

- if serving as a fiduciary will interfere with the proper performance of judicial duties (Rule 3.8A);
- if the judge as fiduciary will likely be engaged in proceedings that would ordinarily come before her (Rule 3.8B);
- if the estate, trust, or ward is or becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction (Rule 3.8B); or
- if serving as a fiduciary might require frequent disqualification (Comment 1, Rule 3.8).

A new judge must resign from an inappropriate fiduciary position "as soon as reasonably practicable, but in no event later than [one year] after becoming a judge."

A new judge must resign from an inappropriate fiduciary position "as soon as reasonably practicable, but in no event later than [one year] after becoming a judge." Rule 3.8D. The South Carolina committee advised that the rule does not authorize a new judge to remain a fiduciary for a year but only for the time necessary to avoid serious adverse consequences to the beneficiary, which can, in no event, be longer than one year. *South Carolina Advisory Opinion 21-2000*. See *Connecticut Emergency Staff Advisory Opinion 2014-21* (a nominee for judicial office may be sworn into office while he is still serving as the conservator of a person or estate in pending probate matters); *Massachusetts Advisory Opinion 2008-3* (a new judge should promptly take steps to remove herself as a trustee of a trust that is involved in litigation); *New York Advisory Opinion 2010-169* (a new judge may complete the tasks necessary to terminate conservatorships he held before taking the bench but should do so expeditiously and, in any event, within a year); *New York Advisory Opinion 2010-47* (a newly appointed judge may submit an application to be discharged from her duties as guardian for an incapacitated person and prepare a final accounting in a court proceeding); *New York Advisory Opinion 2009-103* (a new judge may complete fiduciary appointments made before the effective date of his appointment and receive compensation but should complete the work within one year, if possible); *New York Advisory Opinion 2002-37* (a new judge may not accept an appointment to serve as a fiduciary for compensation but may continue to serve in such capacity pursuant to an appointment made before assuming the bench); *New York Advisory Opinion 1995-39* (a recently elected judge who had been the conservator for an incompetent may, as a matter of necessity, continue to perform essential services but must move promptly for the appointment of a substitute); *Pennsylvania Informal Advisory Opinion 5/29/2012* (a new judge may not serve as executor of wills that he prepared while practicing law and should instruct his former law firm to inform the clients to replace him as fiduciary); *West Virginia Advisory Opinion* (March 21, 2011) (a new judge may continue to serve as executor of an estate that will be wrapped up in a couple of months).

The restrictions on political activity . . . apply immediately to new judges.

POLITICAL ACTIVITIES

The restrictions on political activity by judges vary considerably from state to state, may vary within a state depending on whether the judicial position is an appointed one or an elected one, and may even vary

from time to time depending on whether a judge is currently a candidate for re-election. A new judge should carefully examine the specific provisions of her state's code to see what rules to follow.

Under Rule 4 of the model code, a judge shall not:

- act as a leader in, or hold an office in, a political organization (Rule 4.1A(1));
- make speeches on behalf of a political organization (Rule 4.1A(2));
- publicly endorse or oppose a candidate for any public office (Rule 4.1A(3));
- solicit funds for, pay an assessment to, or make a contribution to a political organization or a candidate (Rule 4.1A(4));
- attend or purchase tickets for events sponsored by a political organization or a candidate (Rule 4.1A(5)); or
- become a candidate for a non-judicial elective office (Rule 4.5A).

The restrictions apply immediately to new judges. See *Arizona Advisory Opinion 1993-4* (an elected tribal official may not serve the balance of her term after appointment as a justice of the peace); *Illinois Advisory Opinion 1999-2* (a newly appointed judge may not continue to serve as an elected member of a public school board). Furthermore, some advisory opinions suggest that an individual who has been elected or appointed to a judgeship but not yet sworn into office is immediately bound by the same restrictions on political activity that will govern her conduct after taking office. *South Carolina Advisory Opinion 23-1994*. See also *Florida Advisory Opinion 2000-16* (a judge-elect may not actively participate in a non-judicial campaign before being sworn into office); *New York Advisory Opinion 1998-142* (a judge-elect who is vacating a seat in the local legislature should not engage in political activities in support of a candidate in the special election for the seat).

GIFTS AND RECEPTIONS FOR NEW JUDGES

A new judge will frequently be offered and can generally accept gifts from former law partners, close friends, colleagues, or bar associations to mark her investiture. A gift may necessitate the judge's recusal from matters involving the donor, but, in many instances, the donor is likely to be someone whose appearance in a case would necessitate the judge's recusal even without the gift, at least for some period, or a group where recusal may not be required for individual donors if each individual contribution is relatively small. *U.S. Advisory Opinion 98 (2009)*.

Advisory committees have allowed a new judge to accept:

- a gavel or judicial robe from members of her family (*New York Advisory Opinion 2012-177*);

- a robe from a bar association to which the judge belongs (*Arkansas Advisory Opinion 2000-10*);
- a clock from a bar association (*U.S. Advisory Opinion 98 (2009)*);
- a gavel from the state's attorney, who is a former employer (*Florida Advisory Opinion 1976-22*);
- gift certificates from her former law firm (*Pennsylvania Informal Advisory Opinion 2/28/2012*);
- a judicial robe from former law partners (*U.S. Advisory Opinion 98 (2009)*);
- a chair from former state judicial colleagues (*U.S. Advisory Opinion 98 (2009)*); and
- a gavel and \$500 from a former client (*U.S. Advisory Opinion 98 (2009)*).

The Connecticut advisory committee stated that a judge may accept a gift from her former state government office at a dinner celebrating her appointment, gifts given at a gathering of family and church members in honor of her appointment, or a gift from an attorney who had been opposing counsel in cases before her appointment and who is likely to appear before her if the nature or value of the gift is not so great that a reasonable person would believe that the gift would undermine the judge's independence, integrity, or impartiality. *Connecticut Informal Advisory Opinion 2013-10*; *Connecticut Informal Advisory Opinion 2013-9*; *Connecticut Advisory Opinion 2013-22*. But see *Maryland Advisory Opinion 2003-1* (a master should not accept a \$50 gift certificate from an attorney to whom the master referred numerous cases when closing his practice if the attorney might appear before the master); *New Jersey Advisory Opinion 4-2002* (a newly confirmed judge may not accept from his former law firm a trip worth approximately \$5,000).

Further, a new judge may allow her former law firm to sponsor and pay the expenses for a reception following her investiture. *Florida Advisory Opinion 1999-3*; *Illinois Advisory Opinion 2001-11*; *Minnesota Summary of Advisory Opinions*, at 20 (1995); *U.S. Advisory Opinion 98 (2009)*. See also *Washington Advisory Opinion 1995-5* (a new judge should report the expense of a reception hosted by her former firm if the value exceeds the limit for disclosure). The Illinois committee cautioned that a judge may be feted at a post-investiture party sponsored by her former law firm only if the party is not intended to advance the interests or status of the firm. *Illinois Advisory Opinion 2001-11*. The committee also warned the judge to exercise "selected control" over the magnitude or extravagance of the celebration and the number and nature of those invited.

Other groups may also sponsor a reception for a new judge. *Florida Advisory Opinion 1999-3* (attorneys in a new judge's community); *South Carolina Advisory Opinion 2003-16* (the chamber of commerce, local businesses, and area attorneys); *U.S. Advisory Opinion 98 (2009)* (a former corporate employer, a business client, a colleague, or a bar association). However, the advisory committee for federal judges warned that a new judge may not accept either a gift or a reception from a political organization; a for-profit company that has no pre-existing or long-standing relationship with the judge; or an organization that is publicly identified with controversial legal, social, or political positions or that regularly engages in adversary

proceedings in the federal courts. *U.S. Advisory Opinion 98* (2009). See *New Jersey Advisory Opinion 3-2001* (a new judge may not accept a check from the county bar association toward the cost of a swearing-in reception).

PRACTICE IN THE INTERIM

A lawyer may continue to actively practice law during any period after she is elected or appointed but before she takes judicial office. As the Georgia committee explained, “it would be unfair and unrealistic to require an active trial lawyer to immediately withdraw as counsel in pending cases simply because he or she has been elected to serve as a judge for a term to begin some several months after the election.” *Georgia Advisory Opinion 217* (1996). Similarly, the Florida advisory committee concluded that the risk of a judge-elect misusing judicial prestige while practicing law was outweighed by “the important consideration of allowing a lawyer to effectively and expeditiously conclude those legal matters that have been entrusted to the lawyer who has recently been elected to the bench.” *Florida Advisory Opinion 2000-39*.

In the interim, a newly chosen judge may appear as trial counsel (*Georgia Advisory Opinion 217* (1996); *Pennsylvania Informal Advisory Opinion 7/2/04*); practice before all courts, including the court to which he has been chosen (*Florida Advisory Opinion 1988-29*); handle both criminal and civil cases (*Florida Advisory Opinion 1988-29*); appear in jury and non-jury trials (*Florida Advisory Opinion 1988-29*); and be compensated according to a partnership or employment agreement (*Arkansas Advisory Opinion 1996-9*).

Several committees have suggested that, to avoid future disqualification issues, prosecutors should consider changing their duties when practicing after being chosen as a judge but before taking office. For example, the Florida committee approved a proposal by a circuit-judge-elect who was a chief assistant state attorney to appear only in misdemeanor cases or in felony cases in another geographic area of the circuit and to immediately relinquish administrative or supervisory control over felony attorneys who appear in the court in which she will sit as a judge, although the committee stated those measures were not required. *Florida Advisory Opinion 1984-21*. See also *Arkansas Advisory Opinion 1996-5* (a deputy prosecuting attorney who is running unopposed for a judicial seat may continue to prosecute cases in the same district until she takes office but should keep in mind future disqualification issues). The Kentucky committee even suggested that a judge-elect should resign as an assistant county attorney to minimize the problems of disqualification. *Kentucky Advisory Opinion JE-32* (1981).

WINDING UP A LAW PRACTICE

Rule 3.10 prohibits a full-time judge from practicing law. Therefore, attorneys must immediately begin to wind up their legal practices after learning they will become judges. For those in private practice, the winding up has two facets: terminating the representation of clients and terminating the relationships and financial arrangements that constitute the business of a legal practice.

Representation of Clients

After a judge takes office, there is no exception to the prohibition on practicing law that allows the new judge to complete pending matters for clients.⁴ *Arizona Advisory Opinion 2000-7*; *Oklahoma Advisory Opinion 1999-2*. The New York committee stated that, although a confirmed appointee may continue to practice law until taking the oath of office, he should keep in mind “the risk attendant upon the failure to do so within the prescribed period.” *New York Advisory Opinion 1998-92*. When the oath has been taken and filed, the committee emphasized, “the appointee has become a judge and may no longer practice law. At that point there can be no further ‘closing out’ to be done that requires the practice of law.” See also *South Carolina Code of Judicial Conduct, Canon 4G* (the prohibition on practicing law “becomes effective immediately upon taking the oath of office and applies to any case in the judge’s former practice that was not completed when judicial duties were assumed”).

Thus, judicial-ethics committees have advised:

- A new judge may not appear in a federal district court in another state to represent a defendant in a sentencing hearing shortly after he takes office. *Texas Advisory Opinion 293* (2007).
- A new judge may not represent a client in a mediation even if liability is not contested and the only remaining issue is the amount necessary to settle the case. *Texas Advisory Opinion 293* (2007).
- A new judge may not present the oral argument before an appellate court in a case he tried even if his client wants him to and opposing counsel does not object. *Florida Advisory Opinion 1977-2*.
- A new judge who briefed points raised in an appeal while an attorney may not be listed as an author on the brief. *New York Advisory Opinion 2013-8*.

After a judge takes office, there is no exception to the prohibition on practicing law that allows the new judge to complete pending matters for clients.

4. A few states have provisions that create a limited exception to the rule. See *Mississippi Code, § 9-1-25* (allowing a chancellor or circuit judge or a judge of the court of appeals to practice in any court for six months “so far as to enable them to bring to a conclusion cases actually pending when they were appointed or elected in which such chancellor or judge was then employed” and allowing a supreme court justice to appear “in the courts of the United States in any case in which he was engaged when he was appointed or elected judge”); *Compliance section, North Car-*

olina Code of Judicial Conduct (“[I]t shall be permissible for a newly installed judge to facilitate or assist in the transfer of his prior duties as legal counsel but he may not be compensated therefore”); *Rule 3.10 and comment 2, Tennessee Code of Judicial Conduct* (“A newly elected or appointed judge can practice law only in an effort to wind up his or her practice, ceasing to practice as soon as reasonably possible and in no event longer than 180 days after assuming office”; “no new matters may be accepted”).

Given the strictness of the rule against judges practicing law, “a newly elected judge should devote substantial attention to winding up the law practice”

- A new judge may not assist a former client seeking satisfaction of a judgment entered before he took the bench. *Florida Advisory Opinion 2009-9*.⁵

Of course, the practice of law “is not limited to appearing in court, or advising and assisting in the conduct of litigation, but embraces all advice to clients and all actions taken for them in matters connected with the law,” including “the preparation of pleadings, and

other papers incident to actions and special proceedings, conveyancing, the preparation of legal instruments of all kinds, and the giving of legal advice to clients.” *Florida Advisory Opinion 2005-19*. Thus, those types of acts are also prohibited for a new judge. See *Florida Advisory Opinion 2006-1* (a recently appointed judge may not sign a title-insurance policy after taking the bench even if the documents were recorded and the policy took effect before the judge took office); *Florida Advisory Opinion 1983-3* (a new judge may not complete a real-estate transaction by attending the closing or complete the probating of two estates); *New York Advisory Opinion 1989-38* (a new judge may not complete unfinished legal services for an estate even if no court appearances are necessary); *West Virginia Advisory Opinion* (December 19, 2012) (a new judge may not prepare a legal document related to his prior employment).

There is no exception that would allow a new judge to perform “ministerial” acts for clients. The New York Court of Appeals removed a judge for continuing to perform legal or business services for clients, continuing to act as a fiduciary in several estates, and maintaining a business and financial relationship with his former law firm, which had an active practice before his court. *In the Matter of Moynihán*, 604 N.E.2d 136 (N.Y. 1992). The judge had contended that the tasks he performed—for example, filling out tax returns, banking activities,

expediting stock transfers, and administering an estate—were purely “ministerial” acts that did not conflict with his judicial responsibilities. The Court held that, to the extent the acts were ministerial, there was no justification for his failure to turn them over to another attorney. The judge had also claimed that his actions were necessary to wind up a busy practice with long-standing responsibilities to clients. However, the Court found that the two years the judge had continued to provide services after assuming the bench was “an inexcusably long period,” noting that the work involved matters that came before the judge’s own court, albeit before different judges.

Rejecting a judge’s argument that he had interpreted the code in good faith to allow him to finish his law practice by performing clerical activities after he took office, the Arkansas Supreme Court concluded that the work the judge had performed was more than ministerial or clerical and constituted the active practice of law. *Judicial Discipline and Disability Commission v. Thompson*, 16 S.W.3d 212 (Ark. 2000). In one case, the judge had met with clients in his chambers to discuss a settlement, accompanied the clients when they negotiated the settlement check, faxed a letter to co-counsel confirming their fee arrangement, and sent co-counsel a cashier’s check with a letter, written on his judicial stationery, directing her to approve the order of dismissal and giving her directions on closing the case. In a second case, the judge had participated in several depositions and exchanged legal correspondence and documents with opposing counsel and the court clerk regarding settlement.⁶

Duties to Clients

Given the strictness of the rule against judges practicing law, “a newly elected judge should devote substantial attention to winding up the law practice, with due regard for the rights and expectations of existing clients.” *Florida Advisory Opinion 2000-39*. For example, before assuming judicial office, an attorney must withdraw from client representation and cease accepting new clients (*New York Advisory Opinion 2005-130(A)*) and arrange for new counsel to handle any outstanding motions scheduled to be heard after she assumes judicial office (*New York Advisory Opinion 2004-137*).

5. See also *In re Ramich*, Determination (New York State Commission on Judicial Conduct, December 27, 2002) (<http://www.cjc.ny.gov/Determinations/R/Ramich.Thomas.E.2002.12.27.DET.pdf>) (censure for, in addition to other misconduct, corresponding with attorneys in connection with the pay-off of a debt owed to the successor in interest to a client for whom the judge, as an attorney, had obtained a judgment, and signing a satisfaction of judgment as an attorney for the judgment creditor); *In re Slusher*, Stipulation and Agreement (Washington State Commission on Judicial Conduct, April 3, 1992) (<http://www.cjc.state.wa.us/Case%20Material/1992/1205%20Stipulation.pdf>) (public admonishment for attempting to secure funds for a former client by communicating with the attorney for the other party).

6. See also *In re Jefferson*, 753 So. 2d 181 (La. 2000) (removal of judge who, in addition to other misconduct, participated in a case as counsel for four years after becoming a judge, including writing a letter to opposing counsel seeking to close the file and signing a motion to dismiss that was filed during his second term of

office); *In re Ryman*, 232 N.W.2d 178 (Mich. 1975) (removal for, in addition to other misconduct, maintaining an office and furnishing legal services to former clients after assuming office); *Commission on Judicial Performance v. Osborne*, 876 So. 2d 324 (Miss. 2004) (public reprimand for filing six complaints and two bankruptcy petitions in the six months after he became a judge); *In re Intemann*, Determination (New York State Commission on Judicial Conduct, October 25, 1988) (<http://www.cjc.ny.gov/Determinations/I/Intemann.William.H.Jr.1988.10.25.DET.pdf>) (removal for, in addition to other misconduct, continuing to provide legal services for three estates); *Disciplinary Counsel v. Bender*, 11 N.E.3d 1168 (Ohio 2014) (two-year stayed suspension for (1) during his transition from private practice to the bench, neglecting a client’s personal-injury case and continuing to practice law after becoming a judge and (2) failing to timely withdraw his earned fees from his client trust account, commingling personal and client funds).

Except for the addition of the deadline imposed by taking office, the ethical responsibilities owed to clients when an attorney leaves the practice of law to become a judge are no different than those owed when an attorney ends representation for any other reason, and an attorney should consult state resources on that issue immediately after appointment or election. Rule 1.16(d) of the *ABA Model Rules of Professional Conduct* provides that “[u]pon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests” The rule specifically requires:

- giving reasonable notice to the client;
- allowing time for employment of other counsel;
- surrendering papers and property to which the client is entitled; and
- refunding any advance payment of fees or expenses that has not been earned or incurred.

Judicial-ethics committees have applied those rules to attorneys newly chosen to become judges. See *Arizona Advisory Opinion 2000-7*; *Illinois Advisory Opinion 1994-12*; *Michigan Advisory Opinion J-2* (1989).

Thus, a budding judge should discuss with her clients the options for obtaining counsel for pending matters, assist the client in locating counsel with the required expertise, and discuss pending cases with the client or the client’s new attorney. *Alabama Advisory Opinion 13-920*; *Arizona Advisory Opinion 2000-7*. See *Kansas Advisory Opinion JE-11* (1984) (an attorney who is becoming a judge may not suggest or recommend the services of any particular lawyer). A file can be transferred to another attorney only after full disclosure to the client and the client’s consent, not only to the transfer but to any fee arrangement between the transferor and transferee attorneys. *Michigan Advisory Opinion JI-89* (1994); *New Mexico Advisory Opinion 2012-14*; *South Carolina Advisory Opinion 21-1998*; *Texas Advisory Opinion 293* (2007).

Before taking the bench, a judge-elect should make clear to her clients that she can no longer represent them in any way after being sworn in, including providing advice or consulting about continuing cases and prior work. *South Carolina Advisory Opinion 21-1998*. Further, any necessary “discussion of pending cases with new counsel that would constitute the practice of law should take place during the process of closing the law practice, not after the judge takes office.” *Florida Advisory Opinion 2005-19*. The New York committee suggested that “the safe and ethical practice would be for the judge-elect to concentrate, during the closing of the law practice, on providing subsequent counsel with everything necessary to avoid the need for later discussions.” *New York Advisory Opinion 2000-77*.

However, advisory opinions do distinguish between giving legal advice, which is prohibited after taking the bench, and providing factual information, which may be permitted. For example, the Connecticut committee advised that a new judge may answer a successor attorney’s questions about “factual matters not readily apparent from the file” or “the nature and location of documents and other historical information” as long as she does not “answer questions involving legal advice or litigation strategy.” *Connecticut Informal Advisory Opinion 2013-12*. See also *Alabama Advisory Opinion 13-920.1*; *Nevada Advisory Opinion JE13-001*.

The exception has been applied to allow judges to file affidavits or unsworn statements or even testify about former representation. For example, the Massachusetts committee advised that a judge may testify pursuant to a subpoena in a civil suit about estate-planning documents he prepared for clients after obtaining the former client’s waiver of the attorney-client privilege (or obtaining legal advice from his own counsel about whether the privilege should be asserted) and after ascertaining whether the information may be obtained from another source. *Massachusetts Advisory Opinion 2009-5*. However, the committee reminded the judge not to give an opinion, strategize with her former client’s current counsel, or take steps to advance the client’s cause. See also *Connecticut Informal Opinion 2013-34*; *New York Advisory Opinion 1996-128*; *New York Advisory Opinion 2007-32*; *New York Advisory Opinion 2004-67*; *New York Advisory Opinion 1991-137*. But see *Florida Advisory Opinion 1979-12* (a judge may not, absent a subpoena, testify before a state administrative agency regarding the history and purpose of a statute she drafted while general counsel for a state administrative agency); *Kansas Advisory Opinion 161* (2008) (a judge should not provide an affidavit about his recollection of events related to a journal entry in a civil case in which he represented the plaintiff).

The issue of post-bench consultation arises frequently in criminal cases given the sometimes lengthy post-conviction relief proceedings. For example, the Nevada advisory committee stated that a judge could provide the current prosecutor a written verbatim transcription of her otherwise illegible notes about a case prepared when she was prosecutor as long as she did not discuss the notes, transcription, or any other matter or otherwise help the current prosecutor prepare for a new sentencing hearing. *Nevada Advisory Opinion JE1998-3*. See also *Florida Advisory Opinion 2006-12*; *Illinois Advisory Opinion 1994-19*; *New York Advisory Opinion 2011-96*; *New York Advisory Opinion 1996-128*; *New York Advisory Opinion 1995-20*; *Pennsylvania Informal Advisory Opinion 4/20/2009*.

Similar advice has been given to former defense counsel. For example, the Massachusetts committee gave a judge permission when subpoenaed to give factual testimony before the parole board about a former client’s decision to forgo a plea offer made by the prosecutor but advised the judge to ask counsel whether her testimony was truly necessary or whether information might be obtained from some other source. *Massachusetts Advisory Opinion 2006-2*. See also *Massachusetts Advisory Opinion 2001-2*; *New York Advisory Opinion 2013-53*; *New York Advisory Opinion 2007-153*; *New York Advisory Opinion 1995-116*. But see *Florida Advisory Opinion 1999-4* (a judge may not execute an affidavit explaining why he took certain steps while representing a former client and commenting on the former client’s good character to be submitted to a prosecutor to resolve criminal charges of workers’-compensation fraud).

The issue of post-bench consultation arises frequently in criminal cases given the sometimes lengthy post-conviction relief proceedings.

[T]he amount to be paid to the judge cannot be based on work performed or profits earned after the judge's departure from the firm.

PAYMENTS AFTER TAKING THE BENCH

Judicial-ethics committees have advised that a judge may, after taking the bench, accept various types of payments related to her pre-bench legal practice. A revised code of judicial conduct adopted in 2015 in Maine expressly allows that practice:

A judge, after leaving practice and becoming a judge, may continue to receive fees and payments entirely earned

while engaged in the practice of law before becoming a judge, including fees for services rendered, payments from structured settlements and judgments to be paid over time, deferred compensation plans, retirement plans, payments to the judge for sale of his or her practice, payments to the judge for his or her equity upon leaving a firm, and any other fees or payments entirely earned while engaged in the practice of law before becoming a judge.

Rule 3.11E. The majority rule is that a judge is disqualified from any matters involving a firm or attorney while the judge is receiving payments from the firm or attorney. *See* Cynthia Gray, "Disqualification Issues Faced by New Judges," *Judicial Conduct Reporter* (Fall 2010).

Addressing a common situation, the advisory committee for federal judges stated that a new judge may receive payments from her former firm after taking judicial office pursuant to an agreement providing for payment of an agreed amount representing a departing partner's interest in the firm. *U.S. Advisory Opinion 24* (2009). Other committees have approved receipt of similar payments. *See Alabama Advisory Opinion 1986-248* (a judge may share law-partnership profits earned but not paid before his assuming the bench for the approximately one year it would take to complete all financial settlements); *Alabama Advisory Opinion 1989-351* (a judge's former partner may execute a promissory note evidencing deferred compensation to come due in almost two years); *Arkansas Advisory Opinion 1996-9* (a new judge may accept a lump sum or installment payments from the law firm he left); *Connecticut Informal Advisory Opinion 2008-19* (a new judicial officer may accept a single payment for work done on a contingency-fee lawsuit); *Connecticut Informal Advisory Opinion 2008-19A* (a judge may accept payment from a former law firm for a case initiated on behalf of a client that the judge had brought to the firm as a "rainmaker" in lieu of any payments for his interest in the practice when the sole remaining case is settled approximately four years later than the firm and judicial official had contemplated); *Delaware Advisory Opinion 2004-2* (a new judge may receive a percentage interest in receivables collected for services performed before his departure for a year, and, after a year, a lump sum representing the judge's interest in a present-value calculation of accounts receivable, anticipated proceeds from contingent-fees cases, and payments under the firm's retirement plan); *Florida Advisory Opinion 1976-1* (a new judge may accept a fixed amount for his interest in his former law

firm and the proportionate share of the fees earned before his elevation to the bench); *Florida Advisory Opinion 1974-4* (a new judge may receive annual installment payments for his interest in a firm computed on a predetermined formula pursuant to a standard contract for all shareholders); *Florida Advisory Opinion 2003-2* (a new judge may receive periodic payments for his interest in his former firm or a note executed for the balance); *Georgia Advisory Opinion 12* (1977) (a new judge may receive his pro rata share of fees earned but not collected as of the time of his retirement from a firm); *Louisiana Advisory Opinion* (July 8, 2010) (a new judge may receive installment payments over 18 months from his former law firm representing approximately 10% of the fees the firm received from his clients during his tenure with the firm); *Maine Advisory Opinion 2005-2* (a new judge may over time be paid the amount of money due from his former law partners); *Massachusetts Advisory Opinion 2000-1* (a new judge's former firm may pay him a fixed amount at a reasonable rate of interest in installments over 10 years); *Minnesota Advisory Opinion 2014-1* (a lump-sum payment for a judge's interest in his former law firm is preferable, but, if immediate liquidation would cause serious financial detriment, an installment sale is permissible); *Nebraska Advisory Opinion 2007-2* (the remaining shareholders in a new judge's former law firm may purchase his interest if he holds the funds in a blind trust until a note of which he is a co-maker is expected to be paid off); *New York Advisory Opinion 2011-21* (a judge may receive a discretionary year-end bonus as a former partner from his former firm based only on work he performed before assuming the bench); *Ohio Advisory Opinion 2007-2* (a new judge may receive retirement benefits from his former law firm pursuant to an agreement only for a reasonable period to minimize the number of cases in which he will be disqualified); *Pennsylvania Informal Advisory Opinion 10/29/2010* (a judge may receive installments for the agreed-upon value of his interest in the law practice, including fees earned before he took the oath of office; the firm may sign a promissory note for the deferred payments); *West Virginia Advisory Opinion* (January 16, 2001) (a new judge may receive intermittent payments from his former law firm for an extended period).

However, the amount to be paid to the judge cannot be based on work performed or profits earned after the judge's departure from the firm. *Arkansas Advisory Opinion 1996-9*; *Nebraska Advisory Opinion 1989-1*; *U.S. Advisory Opinion 24* (2009). Some committees require that the amount to be paid must be fixed before the judge takes office (*Florida Advisory Opinion 1974-4*; *Maine Advisory Opinion 2005-2*; *Minnesota Advisory Opinion 2014-1*), although others simply indicate the amount should be set "if possible" (*Nebraska Advisory Opinion 1989-1*; *U.S. Advisory Opinion 24* (2009)). The duration of the installments should be short (*Minnesota Advisory Opinion 2014-1*; *Pennsylvania Informal Advisory Opinion 10/29/2010*) and "end at the earliest practicable date, ideally within a few months" (*Arkansas Advisory Opinion 1996-9*), although some committees have approved periods of 18 months (*Louisiana Advisory Opinion* (July 8, 2010)), several years (*U.S. Advisory Opinion 24* (2009)), and as long as 5 years (*West Virginia Advisory Opinion* (March 21, 2011)) or even 10 years (*Massachusetts Advisory Opinion 2000-1*).

For lawyers who leave a solo practice or small firm, judicial-ethics committees have approved a variety of arrangements that include payments after the judge takes office. See *Florida Advisory Opinion 2013-1* (a lawyer who has been appointed as a judge may sell his interest in a law practice and collect payments over time while sitting as a judge, but payments for goodwill may not take into account fees earned in pending matters transferred to the acquiring firm); *Florida Advisory Opinion 1996-26* (a lawyer recently elected to the bench may transfer his practice to a purchasing attorney for a lump sum if the practice is valued before the judge assumes the bench in an arms-length transaction based on the best reasonable estimates and may take a promissory note for a portion of the lump sum as long as the future payments remain irrevocably tied to the value of the practice at the time of the transfer); *New York Advisory Opinion 2000-3* (a newly elected judge may receive compensation for the equity value of the judge's share in a law partnership that is dissolving as a result of his election as determined in accordance with generally accepted accounting principles); *Pennsylvania Informal Advisory Opinion 12/7/2009* (a judge-elect may sell his law practice in accordance with the rules of professional conduct and receive payment after being sworn in).

Fees

With certain conditions, after taking office, a judge may receive payment of legal fees for prior work done as an attorney, including hourly fees, flat fees, and contingency fees, from former clients, former partners, former firms, successor lawyers, or successor firms. The Ohio committee explained:

Newly elected or appointed judges are not expected or required to forego compensation for legal services they provided before assuming judicial office. No rule in either the Code of Judicial Conduct or the Rules of Professional Conduct can be construed to require such forfeiture of legal fees earned prior to taking the bench.

Ohio Advisory Opinion 2007-2. The rule applies to a former solo practitioner, salaried associate of a firm, or a partner or shareholder who receives a percentage of the firm's fees. *Kentucky Advisory Opinion JE-41* (1982). See also *Alabama Advisory Opinion 2013-921*; *Alabama Advisory Opinion 1997-659*; *Alabama Advisory Opinion 1981-114*; *Arkansas Advisory Opinion 1996-9*; *Connecticut Informal Advisory Opinion 2008-19*; *Florida Advisory Opinion 2009-9*; *Florida Advisory Opinion 1993-38*; *Florida Advisory Opinion 1986-7*; *Florida Advisory Opinion 1981-11*; *Georgia Advisory Opinion 12* (1977); *Illinois Advisory Opinion 1994-12*; *Kansas Advisory Opinion JE-68* (1996); *Kentucky Advisory Opinion JE-41* (1982); *Maryland Advisory Opinion 2003-1*; *Maryland Advisory Opinion Request 1974-6*; *Massachusetts Advisory Opinion 2008-2*; *Minnesota Advisory Opinion 2014-1*; *Missouri Advisory Opinion 62* (1981); *New Mexico Advisory Opinion 2012-14*; *New York Advisory Opinion 1996-91*; *Oklahoma Advisory Opinion 2005-2*; *Pennsylvania Informal Advisory Opinion 2/11a/10*; *South Carolina Advisory Opinion 21-1998*; *West Virginia Advisory Opinion* (December 18, 2000); *West Virginia Advisory Opinion* (September 28, 1998).

The Ohio advisory committee noted:

Often the compensation due to the judge will be

straightforward, such as when the legal services were provided pursuant to an hourly fee or flat fee agreement. In hourly rate matters, the judge would be entitled to receive the accounts receivable reflecting the number of hours billed by the judge times the agreed upon hourly rate. In flat fee matters, the judge would be entitled to receive the accounts receivable for the agreed upon flat fee.

The [Ohio] committee advised: "The most prudent approach in a contingent fee matter . . . is for the judge to accept compensation, once the contingency occurs, based upon quantum meruit"

Ohio Advisory Opinion 2007-2. However, it continued, "sometimes, the compensation due to the judge is less clear, such as in contingent fee matters that are not completed before the judge assumes judicial office."

If the contingent fee matter is completed before the judge is sworn into office, the judge would be entitled to receive the accounts receivable for the agreed upon contingent fee rate in the fee agreement. But if the contingent fee matter is not completed before the judge is sworn into office, there is no clarity as to how the judge is to be compensated. Is the judge entitled to compensation based upon the agreed upon contingent fee rate or is the judge entitled to compensation based on quantum meruit? Is the judge entitled to compensation before the contingency occurs or must the contingency occur?

The committee advised:

The most prudent approach in a contingent fee matter that is not completed before the judge takes the bench is for the judge to accept compensation, once the contingency occurs, based upon quantum meruit for services performed prior to assuming judicial office. In some circumstances, such as when the contingency fee matter was nearly completed before taking judicial office, the quantum meruit compensation might equal the agreed upon percentage rate in the contingency fee contract. In other circumstances, such as when the contingency fee matter was undertaken shortly prior to taking the bench and little work was performed by the judge on the matter, the quantum meruit would most certainly not approach the agreed upon contingent fee. [Citation omitted.]

There is no time limit on a judge's ability to accept fees. See *Alabama Advisory Opinion 2013-921* (a judge may accept his share of legal fees for work he performed before taking office even nine years after becoming a judge); *Florida Advisory Opinion 1997-9* (a judge may accept fees based upon work performed from 1988 until she became a judge in 1990 in a personal-injury case that did not settle until 1997); *New York Advisory Opinion 1995-12* (a judge may accept fees previously earned that were not payable for one year or longer); *Oklahoma Advisory Opinion 2005-2* (a judge may accept payment of a fee

[A] new judge may take steps to collect fees if she avoids abusing the prestige of office to do so.

owed by a former client four years after going on the bench and after he had formally forgiven all accounts receivable).

There are several conditions imposed on a new judge's acceptance of fees:

- The amount, the percentage, or the method for calculating her share must be established before the judge takes office.
- The amount the judge receives must reasonably reflect only the amount of work she did on the case before assuming the bench.
- The judge must not receive any part of a fee that was collected in matters that were not pending with the firm at the time she left or that was generated by clients on matters that arose afterwards.
- The division of fees between the judge and the lawyer or firm who completes the work should be reasonable and in proportion.
- The fee must not be clearly excessive.
- The fees must be proper under the rules of professional conduct.
- The computation must be based on traditional standards.
- The judge should consider whether the decision to accept payment affects her disqualification from matters involving the client, opposing parties, and the law firm or lawyer.
- The fee arrangement must have been fully disclosed to the client.

Compare *West Virginia Advisory Opinion* (December 18, 2000) (a fee arrangement must be in writing), with *Alabama Advisory Opinion 13-921* (if the arrangement is traditional or standard in the legal profession and the judge's former law firm, the lack of a written agreement does not necessarily prevent the judge from receiving the compensation due for work performed), and *Connecticut Information Advisory Opinion 2008-19A* (although a pre-existing verbal separation agreement is acceptable, written agreements are preferable).

Further, a new judge may take steps to collect fees if she avoids abusing the prestige of office to do so. See *Maryland Advisory Opinion 2003-1* (if a newly appointed master was a sole practitioner, the master may collect previously earned fees from former clients); *Minnesota Advisory Opinion 2014-1* (a former solo practitioner may continue to collect accounts receivable for a reasonable period following his appointment as a judge); *New York Advisory Opinion 1995-12* (to collect fees, a new judge may forward bills to former clients for outstanding balances due for services rendered before becoming a judge); *West Virginia Advisory Opinion* (November 25, 2009) (a judge may prepare fee petitions for legal work he performed before taking office in a number of cases). *Contra Kentucky Advisory Opinion JE-32* (1981) (a judge must turn his accounts over to another lawyer for collection).

Relationship to Firm

"Upon assuming judicial office, a judge is required to sever all ties with the judge's former firm." *Michigan Advisory Opinion*

Jl-89 (1994). As an essential step in that process, a new judge must ensure that her name is deleted from a former firm's name. The name change is required by both the code of judicial conduct and the rules of professional responsibility. Rule 1.3 of the code prohibits a judge from abusing the prestige of office to advance private interests. Rule 7.5(C) of the *Model Rules of Professional Responsibility* states that the "name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm." See *Kentucky Advisory Opinion JE-41* (1982) (a new judge has a duty to see that his name is removed from a firm name, and the firm has a "like duty"); *Louisiana Advisory Opinion 155* (1999) (a judge may not permit his former law firm to use his name in the firm name); *Michigan Advisory Opinion Jl-89* (1994) (a judge may not allow his name to remain in the name of his former law firm); *New York Advisory Opinion 1989-136* (before assuming judicial office, a judge must remove his name from a firm's masthead). See also *Annual Report for Calendar Year 2015, Arizona Commission on Judicial Conduct*, at 9 (<http://www.azcourts.gov/Portals/137/2015%20CJC%20Annual%20Report.pdf>) (describing a private warning to a justice of the peace to ensure that his former law firm's website did not give the appearance or leave the impression that he still practiced law with the firm, including, but not limited to, removing his name from the firm name). Cf. *Massachusetts Advisory Opinion 2003-9* (a judge whose former firm has refused his requests to remove his surname from the firm name may file a complaint with the board of bar overseers but is not required to do so); *New York Advisory Opinion 2015-19* (a judge who asked his former law firm in writing to remove his name from the firm's signage, letterhead, and other materials need not take further action).

Further, a new judge must ensure that her name is not used in professional notices sent out by her former firm. *Michigan Advisory Opinion Jl-89* (1994). See also *Florida Advisory Opinion 2006-10* (a new judge may not allow his former firm to make a congratulatory announcement about his recent appointment in the *Florida Bar News* or a letter to the firm's clients); *Florida Advisory Opinion 1994-45* (a new judge may not assent to the publication of a congratulatory announcement by the judge's former law firm or the firm's mailing of a congratulatory announcement to its clients); *Massachusetts Advisory Opinion 1990-1* (a judge must notify members of his former law firm that he objects to the use of his name and title in a brochure the firm is preparing for distribution to clients and prospective clients).

Whether a judge may maintain retirement funds in a former firm's plan at least for a short period depends on whether that arrangement would require frequent disqualification and whether there is an alternative that will not result in a substantial loss to the new judge. For example, the Connecticut committee advised that a judge may leave accumulated funds in a retirement plan set up by her former law firm for a reasonable time but in no event longer than one year after taking the oath of office and should not hear any cases in which her former firm is involved. *Connecticut Informal Advisory 2015-13*. If she creates a self-directed sub-account for which she directs all investments and pays all fees and into which the

firm makes no further contributions, the committee advised, the judge may maintain the account for longer than a year but must disclose to counsel and to parties her participation in the firm's plan when members of the former law firm appear. See also *Alabama Advisory Opinion 91-417* (a judge may leave accumulated funds in the retirement plan set up by his old law firm if he sets up a sub-account for which he pays the management fee and into which the firm makes no further contributions on his behalf); *Delaware Advisory Opinion 2004-2* (if the terms of a former firm's retirement plan permit a new judge to withdraw assets, he should do so; if the terms do not permit withdrawal, the issues that could arise out of a judge's continued participation in a former firm's retirement plan will depend on the nature and terms of the plan); *Minnesota Summary of Advisory Opinions*, at 20 (2001) (unless the account can be transferred to another plan without substantial loss, a recently appointed judge may maintain a pension and profit-sharing account with his former law firm for a reasonable period not to exceed three years); *Pennsylvania Informal Advisory Opinion 10/29/2010* (a new judge may not keep his retirement account at his former law firm if lawyers from the former firm will regularly appear before him, if investment decisions are no longer made by the trustee, but by members of the former law firm, or if it is not possible for the judge to create a sub-account for which he pays the management fees and into which the firm makes no further contributions; the judge may maintain the account for a reasonable time to avoid serious financial detriment).

Several committees have advised that a new judge who was a solo practitioner or part of a small firm that is breaking up when she leaves may maintain the existence of the firm after taking the bench solely to wind up its financial affairs. For example, the Connecticut committee received an inquiry from a judicial nominee who was the sole shareholder in a small firm that would cease to practice law after the nominee was confirmed because the other attorneys were joining other firms. *Connecticut Informal Advisory Opinion 2014-4*. The committee advised that the former firm could remain in existence and retain its name (that of the new judicial officer) on a bank account solely for receiving payments of fees as long as the firm was not held out to the public as being in existence, there was a written agreement as to how the funds were to be distributed, clients were notified that the firm was dissolved but that payments should continue, and payments were received only for work done before the judge's confirmation. See also *Massachusetts Advisory Opinion 2008-2*; *Minnesota Advisory Opinion 2014-1*; *New York Advisory Opinion 2007-5*; *New York Advisory Opinion 2005-130(A)*; *South Carolina Advisory Opinion*

13-1996; *South Carolina Advisory Opinion 8-2003*; *West Virginia Advisory Opinion* (November 10, 2011).

While winding down, the firm can collect accounts receivable, send periodic bills to former clients, maintain an escrow account, pay debts, submit corporate-income-tax returns, file unemployment forms for employees, organize and store financial records, and retain client records. However, the firm should be dissolved as soon as practicable (*New York Advisory Opinion 2007-5*; *New York Advisory Opinion 2005-130(A)*) and remain in existence only until all accounts receivable are collected or until the end of the year, whichever is earlier (*South Carolina Advisory Opinion 13-1996*), or within a year after the judge assumes office, even if some receivables are still outstanding (*Minnesota Advisory Opinion 2014-1*). But see *Ohio Advisory Opinion 1995-3* (law-firm partners and a newly elected judge should not continue their law partnership even for the sole purpose of collecting accounts receivable).⁷

CONCLUSION

Attorneys are accustomed to being governed by a code of ethics, of course, but the rules in the code of judicial conduct will be new, touch on every part of a new judge's life, and, in some respects, require a reversal of practices the attorney has followed for years. Thus, an immediate, thorough review of the code may prevent a very public stumble by a new judge and begin the commitment to judicial independence, integrity, and impartiality the judge will be eager to maintain throughout a long career on the bench.



Since October 1990, Cynthia Gray has been director of the Center for Judicial Ethics, a national clearinghouse for information about judicial ethics and discipline that is part of the National Center for State Courts. (The CJE was part of the American Judicature Society before that organization's October 2014 dissolution.)

She summarizes recent cases and advisory opinions, answers requests for information about judicial conduct, writes a weekly blog (at www.ncscjudicialethicsblog.org), writes and edits the *Judicial Conduct Reporter*, and organizes the biennial National College on Judicial Conduct and Ethics. She has made numerous presentations at judicial-education programs and written numerous articles and publications on judicial-ethics topics. A 1980 graduate of the Northwestern University School of Law, Gray clerked for Judge Hubert L. Will of the United States District Court of the Northern District of Illinois for two years and was a litigation attorney in two private law firms for eight years.

7. Cf. *Florida Advisory Opinion 2005-8* (after assuming the bench, a new judge should close a trust account from his practice even though it is only being used for the distribution of funds when received, and future disbursements should be made through the trust account of a third party); *Florida Advisory Opinion 2006-1* (a recently appointed judge is required to change the status of his professional corporation or dissolve it before taking the bench even though it will be required to file an income-tax return, issue W-2 forms, and prepare other documents well after the date he

takes the bench; his former professional association's operating account may remain open but should reflect the status of the new legal entity established before the judge takes the bench); *Florida Advisory Opinion 2006-31* (a new judge and his former law partner may continue to maintain a partnership account solely to receive fees due the partnership for work done before his election as long as the partnership has been formally dissolved, the account is closed within a reasonable time, and the two former partners perform no professional services).

Human Resources: Real World Advice

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Ohio Court Security Standards

Appendix C

Sup.R. 9, Court Security Plans





Ohio Court Security Standards

Appendix C

Sup.R. 9, Court Security Plans

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**AMENDMENTS TO THE
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence for the Courts of Ohio (Sup.R. 9) were adopted by the Supreme Court of Ohio on Nov. 18, 2008, and become effective on March 1, 2009. The history of these amendments is as follows:

May 12, 2008	Initial publication for comment
Nov. 18, 2008	Final adoption by conference
March 1, 2009	Effective date of amendments

**AMENDMENTS TO THE
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

Sup.R. 9. Court Security Plans.

(A) Court Security Plan

For purposes of ensuring security in court facilities, each court shall develop and implement a court security plan. If more than one court occupies a court facility, the courts shall collectively develop and implement a single court security plan. In addition to any other provisions necessary to satisfy the purposes of this rule, the plan shall address the provisions of the Ohio court security standards adopted by the Supreme Court and as set forth in Appendix C to this rule.

(B) Public Access

For purposes of ensuring security in court facilities, a court security plan, including any security policy and procedures manual, emergency preparedness manual, and continuity of operations manual adopted as part of the court security plan, shall not be available for public access.

Sup.R. 99. Effective Date

(HH) The amendments to Sup.R. 9 and Appendix C, adopted by the Supreme Court on Nov. 18, 2008, shall take effect on March 1, 2009.

PREAMBLE

The following Ohio Court Security Standards represent the efforts of the Supreme Court Advisory Committee on Court Security. The Standards were first adopted by the Supreme Court in 1994 and are now revised to reflect changes in our society affecting them.

Ohio citizens should expect all court facilities to be safe and secure for all who enter so that justice for all may be sought and not unjustly interrupted. Court facilities and each courtroom therein should have appropriate levels of security to address any foreseeable concern or emergency that may arise during the course of business. Elected officials charged with court facility authority must be proactive and sensitive to court security and emergency preparedness concerns. While the Advisory Committee understands providing a safe court facility to all carries a financial price, it is imperative that the topics discussed in the Ohio Court Security Standards be addressed.

Court security and emergency strategies and actions must be consistent with individual rights, civil liberties, and freedoms protected by the United States Constitution, the Ohio Constitution, and the rule of law. Because Ohio has a diverse population, special thought should be given to overcoming language and cultural barriers and physical disabilities when addressing security and emergency issues. However, Ohio citizens must be assured that any security practice or policy is employed in a neutral manner.

The Ohio Court Security Standards attempt to balance the diverse needs of each community. However, each locale is encouraged to promulgate policies and procedures to meet its specific needs. Special consideration should be given to defining the roles and responsibilities of the court and law enforcement officials within each local jurisdiction.



TABLE OF CONTENTS

Standard 1.	Court Security Committee	1
Standard 2.	Security Policy and Procedures Manual	2
Standard 3.	Emergency Preparedness Manual	3
Standard 4.	Continuity of Operations Manual	4
Standard 5.	Persons Subject to a Security Search	5
Standard 6.	Court Security Officers	6
Standard 7.	Weapons in Court Facilities	7
Standard 8.	Prisoner Transport Within Court Facilities	8
Standard 9.	Duress Alarms for Judges and Court Personnel	9
Standard 10.	Closed-Circuit Video Surveillance	10
Standard 11.	Restricted Access to Offices	11
Standard 12.	Off-Site Personal Security	12
Standard 13.	Structural Design of Court Facilities and Courtrooms	13
Standard 14.	Security Incident Reporting	14
Standard 15.	Communications Devices in the Court Facility	15
Standard 16.	Information Technology Operations Security	16

STANDARD 1. COURT SECURITY COMMITTEE

Each court shall appoint a court security committee to meet on a periodic basis for the purpose of implementing these standards. If more than one court occupies a court facility, the courts shall collectively appoint a single committee.

Commentary

Court security issues affect many sectors of the community and include differing local needs and serious funding concerns. Therefore, a Court Security Committee should review these issues in a cooperative and constructive manner.

The Court Security Committee should include representatives of first responders, emergency management agencies, and funding authorities, and may include representatives from each entity within the court facility and the community.

STANDARD 2. SECURITY POLICY AND PROCEDURES MANUAL**(A) Adoption of manual**

As part of its court security plan, each court shall adopt a written security policy and procedures manual governing security of the court and the court facility to ensure consistent, appropriate, and adequate security procedures. The manual shall include each of the following:

- (1) A physical security plan;
- (2) Routine security operations;
- (3) An emergency action plan that addresses events such as a hostage situation, an escaped prisoner, violence in the courtroom, a bomb threat, and fire;
- (4) A high risk trial plan.

(B) Review of manual

A court shall periodically test and update its security policy and procedures manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single security policy and procedures manual.

Commentary

Although traditional forms of security, such as security searches of entrants to the court facility, are an excellent primary safeguard, it is important that courts have a written Security Policy and Procedures Manual addressing the items listed above.

To ensure a thorough knowledge of the court's Security Policy and Procedures Manual, all court security officers should review the manual as a part of their orientation and as a component of regular, continuing education for retained court security officers.

A copy of the Security Policy and Procedures Manual should be available to all court security officers to ensure they understand the appropriate security procedures.

All court security officers should be immediately informed of any changes or amendments to the Security Policy and Procedures Manual.

The Security Policy and Procedures Manual is a protected document which should not be shared with non-security court personnel other than court leadership. However, it is recommended that a shorter guidebook be prepared for all other court personnel, which should include emergency evacuation procedures, routes, and building safety guidelines.

STANDARD 3. EMERGENCY PREPAREDNESS MANUAL**(A) Adoption of manual**

As part of its court security plan, each court shall adopt a written emergency preparedness manual. The manual shall include a plan providing for the safety of all persons present within the court facility during an emergency.

(B) Review of manual

A court shall periodically test and update its emergency preparedness manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single emergency preparedness manual.

STANDARD 4. CONTINUITY OF OPERATIONS MANUAL**(A) Adoption of manual**

As part of its court security plan, each court shall adopt a written continuity of operations manual. The manual shall include a plan that addresses each of the following:

- (1) The continued operation of the court at an alternative site should its present site be rendered inoperable due to a natural disaster, act of terrorism, security breach within the building, or other unforeseen event;
- (2) The provisions of the “Court Continuity of Operations (COOP) Plan Template” available on the website of the Supreme Court.

(B) Review of manual

A court shall periodically test and update its continuity of operations manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single continuity of operations manual.

STANDARD 5. PERSONS SUBJECT TO A SECURITY SEARCH

All persons entering a court facility shall be subject to a security search. A security search should occur for each visit to the court facility, regardless of the purpose or the hour.

Commentary

The credibility of court security requires the public be subject to a security search when entering a court facility. Any exemption of personnel from the security search process, including elected officials, court personnel, attorneys, law enforcement officers, or court security officers, should be decided and documented by the Court Security Committee.

At a minimum, each court facility should have at least one portable walk-through magnetometer and a hand-held magnetometer, with court security officers trained in the proper use of that equipment. Walk-through magnetometers at a single point of entry, with accompanying x-ray viewing of packages and handbags, is the optimal method of searching entrants to a court facility and should be utilized to provide the type of security needed to ensure a safe environment. A single point of entry for the public is strongly recommended.

STANDARD 6. COURT SECURITY OFFICERS**(A) Assignment**

Uniformed court security officers should be assigned in sufficient numbers to ensure the security of each courtroom and the court facility.

(B) Certification and training

All court security should be certified through the Ohio Peace Officers Training Council. These officers should receive specific training on court security and weapons instruction specific to the court setting.

Commentary

For the purpose of these standards, “court security officer” means an individual employed or contracted to perform security duties or functions at a court facility and includes a law enforcement officer assigned to court security and a bailiff who performs court security duties or functions. “Court security officer” does not include an administrative bailiff who does not perform court security duties or functions.

Law enforcement officers who are present within the court facility for purposes other than court security, such as testifying at a trial, should not be considered a component of the court security system. These law enforcement officers’ full attention should be directed to the duties to which they are assigned. The security of the court should not be reliant upon these law enforcement officers, who may have no specific training in court security.

STANDARD 7. WEAPONS IN COURT FACILITIES**(A) Prohibition**

No weapons should be permitted in a court facility except those carried by court security officers or as permitted under division (B)(1) of this standard. The court should establish and install adequate security measures to ensure no one will be armed with any weapon in the court facility.

(B) Law enforcement

(1) Each court should promulgate a local court rule governing the carrying of weapons into the court facility by law enforcement officers who are not a component of court security and are acting within the scope of their employment. If more than one court occupies a court facility, the courts shall collectively promulgate a single rule.

(2) In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant, witness, or interested party outside of the scope of their employment should not be permitted to bring weapons into the court facility.

Commentary

There is no issue more controversial relating to court security than whether law enforcement officers should be required to surrender their weapons at the court facility door. As a result, each individual court should review its needs and formulate policy based upon local needs and realities.

STANDARD 8. PRISONER TRANSPORT WITHIN COURT FACILITIES**(A) Transport**

Prisoners should be transported into and within a court facility through areas that are not accessible to the public. When a separate entrance is not available and public hallways must be utilized, prisoners should be handcuffed behind the back or handcuffed with use of “belly chains” to limit hand movement and always secured by leg restraints.

(B) Carrying of firearms

During the transport of prisoners, personnel in direct contact with the prisoners should not carry firearms. However, an armed court security officer should be present.

(C) Holding area

Once within a court facility, prisoners should be held in a secure holding area equipped with video monitoring, where practicable, while awaiting court hearings and during any recess.

Commentary

If prisoners cannot be transported through private court facility entrances, public movement in the area should be restricted during the time of prisoner transport since transport through a public area exposes the public to danger, enhances the possibility of prisoner escape, and increases the ability to transfer weapons or other contraband to prisoners.

Law enforcement officers should accompany prisoners to the courtroom, remain during the hearing, and return prisoners to the secured holding area. Court security officers should not assume this responsibility.

STANDARD 9. DURESS ALARMS FOR JUDGES AND COURT PERSONNEL

All courtrooms, hearing rooms, judges' chambers, clerks of courts' offices, and reception areas should be equipped with a duress alarm system connected to a central security station. The duress alarm system should include enunciation capability.

Commentary

There are times when individuals may be able to circumvent standard court security measures. Judges and court personnel should have a readily accessible signal system upon which to rely in emergency situations.

It is important that the duress alarm system be a type which includes an audible alarm at the central security station. However, the system should not include an audible alarm at the activation site. The duress alarm system should quickly summon additional help from the county sheriff's office or the nearest police jurisdiction when needed.

To ensure confidence in the duress alarm system is maintained, duress alarms should be tested periodically and all efforts should be made to minimize false alarms.

STANDARD 10. CLOSED-CIRCUIT VIDEO SURVEILLANCE

If a court utilizes closed-circuit video surveillance, the system should include the court facility parking area, entrance to the court facility, court lobby, courtroom, and all other public areas of the court facility.

Commentary

Posted notices that every judicial proceeding is under surveillance may dissuade those who have intentions of disrupting a hearing. Some court facilities may lack the architectural and structural elements necessary for court security and, therefore, require greater reliance on security devices. Closed-circuit video surveillance is secondary to security searches of entrants to a court facility.

STANDARD 11. RESTRICTED ACCESS TO OFFICES

To ensure safe and secure work areas and to protect against inappropriate interaction between judges and participants in the judicial process, an effective secondary security perimeter should be utilized at the entrance to the office space housing judges and court personnel.

Commentary

The security of the office space housing judges and court personnel must be maintained. Unlimited access to these areas is dangerous and unnecessary. The general public should not be permitted to wander through these areas for any reason. However, attorneys should have controlled access to the areas. Persons having business with a judge or court personnel should be encouraged to make appointments.

Steps which may be taken to facilitate this standard include a main receptionist checkpoint, passive or active electromagnetic hall locks, and cardreader door locks.

Also, the judges' chambers, as differentiated from the staff offices, and judges' parking spaces should not be designated by "Judge" signage.

Finally, parking spaces should be located as close as possible to an entrance.

STANDARD 12. OFF-SITE PERSONAL SECURITY

As part of its court security plan, each court, in conjunction with law enforcement officers, should adopt procedures for the personal security of judges and court personnel at locations outside the court facility. If more than one court occupies a court facility, the courts shall collectively adopt procedures applicable to all judges and court personnel in the court facility.

Commentary

The protection of judges and court personnel from work-related threats and acts of violence outside the court facility is important. It is essential that procedures be in place, when necessary, to respond to such incidents.

The particular procedures may include personal security profiles, residential alarm systems, cellular telephones, weapons training, self-defense training, and personal/family bodyguard security. While all of these steps include some financial commitment, the procedures may be graduated to respond to the needs of any given situation.

STANDARD 13. STRUCTURAL DESIGN OF COURT FACILITIES AND COURTROOMS

When designing new or remodeling old court facilities, consideration should be given to circulation patterns that govern the movement of people to, from, and in the courtroom. Judges, juries, court personnel, and prisoners should have routes to and from the courtroom separate from public routes. Waiting areas should be available to allow separation of parties, victims, and witnesses.

Commentary

The circulation patterns should separate the prisoners from all other persons. The public should also be separated from the judges, juries, and court personnel.

STANDARD 14. SECURITY INCIDENT REPORTING**(A) Reporting of security incidents**

(1) Every violation of law that occurs within a court facility should be reported to the law enforcement agency having jurisdiction. To facilitate reporting, all court personnel should familiarize themselves with the law enforcement agency that has jurisdiction within and around their court facility.

(2) Each court should adopt a policy for reporting court security incidents and should include the policy in the court's security policy and procedures manual. If more than one court occupies a court facility, the courts shall collectively adopt a single policy.

(3) A summary of court security incidents should be compiled annually for the court's benefit in evaluating security measures.

(B) Periodic review of security incidents

All courts within the court facility should periodically review all court security incidents so the judges and court personnel are aware of recent events.

Commentary

Although the facility may be a county court facility, in some areas, if the facility is located within the limits of a municipal corporation, the local police may be the law enforcement agency having jurisdiction.

A "court security incident" is any infraction outlined within the court's Security Policy and Procedures Manual and includes any and all disruptions made in the confines of the court facility.

To measure the effectiveness of court security procedures and to aid in securing necessary funding for court security measures, it is useful to recognize and record court security incidents. A standard incident reporting form should be utilized by court personnel to record each event which compromised the security of the court and/or the safety of the participants in the judicial process. Additionally, each court should do an annual summary of court security incidents for its own benefit in evaluating court security measures using the model incident reporting form.

STANDARD 15. COMMUNICATION DEVICES IN THE COURT FACILITY

The court security committee, along with other court officials, should consider and formulate a plan that governs the presence and use of communication devices in the courthouse, courtroom, and surrounding courthouse grounds.

“Communication device” means any device intended to communicate, disperse, or retrieve information, including cell phones, computers, tablet computers, and cameras. The plan should comply with the requirements of Rule 12 of the Rules of Superintendence for the Courts of Ohio and provide all of the following:

- (A) The use of communication devices in the courtroom, as well as the entrance into and departure from the courtroom, should be minimally intrusive so as not to disturb court functions or distract the court proceedings in any manner;
- (B) Communication devices should be used and moved into and out of the courtroom safely, so as to protect all persons in the courtroom and not create an impediment to court operations;
- (C) Except as provided in paragraphs (D) and (E) of this standard, at no time should the public, jurors, or witnesses be permitted to use communication devices in the courtroom. The plan should explicitly prohibit the public, jurors, and witnesses from using any communication devices while in attendance at trial. “Use” includes texting, audio and video recording, and still photography.
- (D) If the court determines there is a need for such use, the court may permit the use of communication devices in the courtroom for scheduling purposes and to obtain or disseminate information. Other uses of communication devices in the courtroom should be at the court’s discretion. Communication devices should either be turned off or put in silent mode when not in use.
- (E) With the court’s prior approval, the news media must be permitted to use communication devices in the courtroom. However, the plan should provide that no audio recording, video, or photograph of any juror, witness, or juvenile defendant should be taken.
- (F) Appropriate signage should be posted identifying the procedure for use of communication devices in the courtroom and stating that use of communication devices in the courtroom may be prohibited if it interferes with the administration of justice, poses a threat to safety or security, or compromises the integrity of the proceedings.

Commentary

The presence of communication devices in the courtroom during court operations should be pre-approved to avoid disruption of court proceedings.

The use of communication devices for texting, audio/video recording, and still photography, has been a rather controversial subject resulting in varied responses from the courts. As a result, each court should adopt a Best Practices policy based on local court expectations and the ability to enforce its policy. Failure to comply with established Best Practices may result in a fine, including confiscation, incarceration, or both, for contempt of court.

STANDARD 16. INFORMATION TECHNOLOGY OPERATIONS SECURITY

With the proliferation of court information technology standards, each court should periodically evaluate and update its security for its information technology systems and operations. Information technology security is a broad and complex arena and this standard is best addressed by having a discussion with the court information technology representative and ensuring that these issues are understood. An adequate information technology security plan should include at least the following components:

(A) Disaster recovery

A disaster recovery plan is one of the most important aspects of every information technology security program. A disaster recovery plan, also known as a business continuity plan, can be defined as a set of steps an entity will take to get its business up and running in the event of a disaster.

(B) Physical security

Physical security addresses where key information technology equipment, such as servers, core routers and switches, and data storage, is housed and who has access to it. A well-designed server room should have access control restrictions. Only the people who need to be in the server room should have access to it. There should be humidity and temperature control in the room, as well as protection systems for smoke, fire, and water. Since server rooms tend to house critical equipment, backup emergency power, such as an uninterrupted power source or generator, should be considered.

(C) Patch management

Patch management involves keeping computer system firmware and software up to date. It is one of the most difficult administrative tasks for information technology professionals. New vulnerabilities are found every day. Keeping all systems up to date on patches and fixes can take much time and effort, but can also provide the greatest benefit in terms of security threats.

(D) Endpoint/antivirus security

A comprehensive endpoint antivirus security solution should be used on all network attached computers to prevent malware infections on user devices. Antivirus software must frequently be updated in order to protect against the ever-growing list of threats. A good antivirus product will be one that can be automatically updated on a daily basis with new threat detection files.

(E) Access control security

Access control involves managing who has access to different resources. The principle of least privilege for users, groups, and applications should be used. This principle involves restricting access for users, groups, and applications to only those required to perform the job.

(F) Authentication and authorization

Authentication is the use of security methods and processes such as identification and passwords to verify the identity of a user. Authorization is the process of checking whether a person, an information technology component, or an application is authorized to perform a specific action.

(G) Network security

Network security can involve a wide range of tools and methods to help secure the information technology systems. At a minimum, the information technology security plan should include both of the following components:

- (1) A firewall, which is a system or set of systems that control access between the internal network and some other external network, such as the internet. A firewall is a gateway to the network that controls access. Firewalls provide the first line of defense for network security infrastructure. The firewall protection methods may include access control lists, blacklists, VPNs, proxy/NAT, etc.
- (2) Access control lists on network routers and switches. An access control list is an ordered set of rules that is used on routers and switches to filter traffic. Access control lists are used to protect networks and specific hosts from unnecessary or unwanted traffic. For example, access control lists can be used to disallow internet traffic from a high-security network to the internet.

(H) Email security and protection

Email security appliances and software, such as spam filters, should be used to protect against phishing and virus emails and to keep unwanted email from entering your users' inboxes and junk folders. Users also should be taught how to identify junk mail even if it's from a trusted source.

(I) Data Security, protection, and backup

Data security refers to the protection of data's confidentiality, availability, and integrity. "Data protection" refers to the protection of personal data against misuse by third parties. "Data backup" refers to the copying of existing data to prevent its loss.



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The Supreme Court of Ohio

Ohio Judicial Conference Services and Resources

Justice Paul Pfeifer, Retired
Executive Director, Ohio Judicial Conference

Part I: Procedural Fairness

Hon. Stephen L. McIntosh

Franklin County Common Pleas Court

Hon. Molly K. Johnson

Mahoning County Court



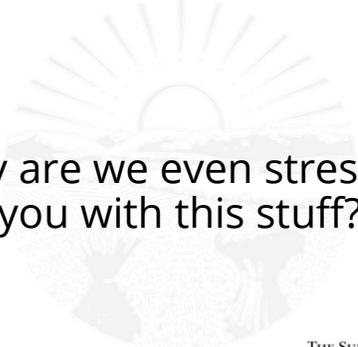
Procedural Fairness

Hon. Molly Johnson, Mahoning County Court #5

Hon. Stephen McIntosh, Franklin County Common Pleas Court

The Supreme Court of Ohio's Judicial College
New Judges Orientation
December 11, 2025

THE SUPREME COURT of OHIO



Why are we even stressing you with this stuff?

THE SUPREME COURT of OHIO



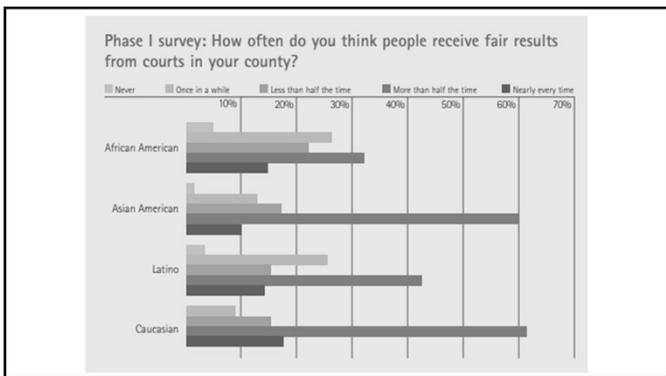
“FAIRNESS IS WHAT JUSTICE REALLY IS”

Potter Stewart, Supreme Court Justice
1915-1985

THE SUPREME COURT of OHIO

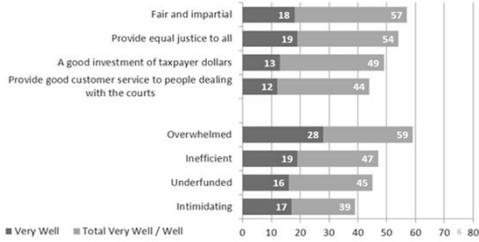


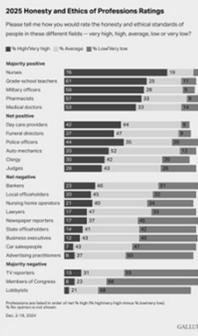




Key Principles of Court System? Weak Nos.

Thinking about the (STATE) court system, please tell me whether, in your opinion, each of the following words or phrases describes the state's courts very well, well, not very well, or not well at all.





2025 Honesty and Ethics of Professions Ratings - Gallup Poll

Question: Please tell me how you would rate the honesty and ethical standards of people in these different fields:

- very high, high, average, low, or very low

- Judges: Majority Positive
- 28% - Very High/High
 - 43% - Average
 - 26% - Low/Very Low

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Judges have seen a 10-point decline to 28% in their honesty and ethics rating, by far the lowest for this profession which, before 2021, had scored between 43% and 53%.

Source: Gallup Inc. <https://news.gallup.com/poll/655106/americans-ratings-professions-stay-historically-low.aspx>

State Courts – Positive Attributes	2024		2023		2022	
	Well	Not Well	Well	Not Well	Well	Not Well
Hard working	54%	38%	53%	39%	52%	40%
Fair and impartial	51%	44%	51%	42%	47%	47%
Provide equal justice to all	47%	47%	46%	48%	43%	49%
Provide good customer service to people in the court system	43%	41%	42%	42%	41%	44%
A good investment of taxpayer dollars	43%	49%	42%	48%	40%	51%
Innovative	32%	53%	32%	52%	33%	53%

Source: 2024 State of the Courts National Survey, National Center for State Courts
https://www.ncsc.org/_data/assets/pdf_file/0022/106681/2024-State-of-the-State-Courts-Analysis-0125.pdf#page=38&zoom=auto,-74,694

Courts in (STATE) . . .	2024	2023	Change
	Agree	Agree	Agree
Are committed to protecting individual and civil rights	63%	60%	+3
Treat people with dignity and respect	59%	59%	0
Listen carefully to what people appearing before them have to say	55%	54%	+1
Take the needs of people into account.	55%	53%	+2
Are unbiased in their case decisions	49%	48%	+1

Source: 2024 State of the Courts National Survey, National Center for State Courts
https://www.ncsc.org/_data/assets/pdf_file/0022/106681/2024-State-of-the-State-Courts-Analysis-0125.pdf#page=4&zoom=auto,-74,750

Procedural Justice

- The perceived **fairness** of court procedures and interpersonal treatment of individuals in dispute resolution and resource allocation.
- One aspect of **procedural justice**, then, is related to discussions of the even-handed administration of **fairness** within legal proceedings.



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Procedural Fairness consists of:

Respect - individuals are treated with courtesy and respect, which includes respect for people's rights.

Understanding - insuring that participants are afforded the opportunity to fully comprehend court procedure and decisions and how decisions are made.

Neutrality - the consistent application of legal principles by unbiased decision makers who are transparent about how decisions are made.

Voice - the ability of litigants to participate in the process.

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Two Byproducts of Procedural Fairness are:

Trust - decision makers are perceived as sincere and caring, trying to do the right thing as required by the law - a trust gained by listening to individuals and by explaining or justifying decisions that effect the litigants' interests.

Helpfulness - court actors are perceived by the public as interested in their personal situation to the extent the law allows.

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A way to remember...

- R - Respect
- U - Understanding
- N - Neutrality
- T - Trust
- V - Voice

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Procedural Fairness is not just
actual fairness,
it includes the perception of fairness

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The Multitasking Judge

THE SUPREME COURT of OHIO

The Multitasking Judge



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Procedures v. Outcomes

- Most people like to win
 - Outcomes matter!
 - But most people understand that they can't always win
- The theory of Procedural Fairness assumes:
 - People are more likely to accept losing if they perceive that the procedures and interpersonal treatment that they received were fair
- Research finds that Procedural Fairness is **the** primary factor in most litigants' willingness to accept court decisions—regardless of the outcome

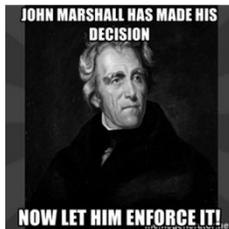
THE SUPREME COURT of OHIO

Why do people obey court orders?

- People are more likely to obey court orders when:
 - They believe they are treated with dignity and respect
 - They believe that they understand the process
 - They believe that they have a chance to be heard
 - They believe that the decision-making process is neutral and unbiased
- Thus, the key elements of procedural fairness--
RUNTV

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- Chief Justice John Marshall held in 1831 that a Georgia law relating to Native Americans was unconstitutional, to which President Andrew Jackson said,



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Institutional and Judicial Legitimacy

- Courts have neither the power of the purse nor the power of the sword (Hamilton, Federalist #78); their only power comes from their legitimacy, by the collective respect won by their credibility and independence.
- An institution is legitimate when it is perceived as having the right or authority to make decisions and when its decisions are viewed as worthy of respect or obedience.
- Judicial legitimacy derives from the belief that judges are impartial and that their decisions are grounded in law, not favoritism, bias, ideology, or politics.

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Legitimacy

- Legitimacy is a quality possessed by an authority, a law, or an institution that leads others to feel obligated to accept its directives
- Therefore, legitimacy should be a quality that we as judicial officers, in particular, should strive for in our jobs and in our lives

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Legitimacy

- The law and the courts are legitimate and work, because we want them to work and we believe they work; the legitimacy of the law is not based on power, but on the justification for the power.

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Potential Factors in Reaching Actual and/or Perceived Fairness

- Outcome Favorability
 - Did I win?
- Outcome Fairness
 - Did I get what I deserve?
- Procedural Fairness
 - Was my case handled through fair procedures?

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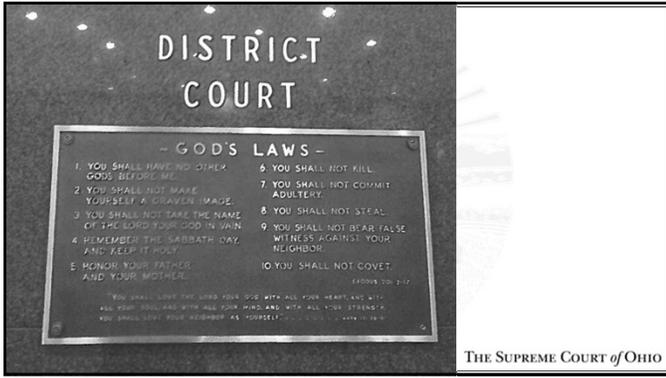
Some examples of things that might cause negative perceptions of fairness



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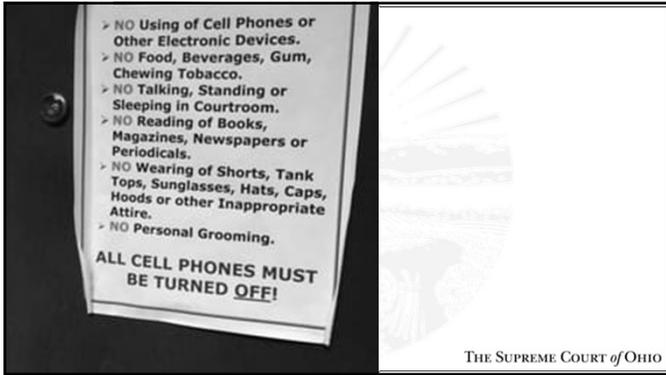


<https://www.wosu.org/politics-government/2024-05-17/zanesville-billboard-claims-columbus-criminals-cause-crime-where-data-isnt-supporting-claim>

















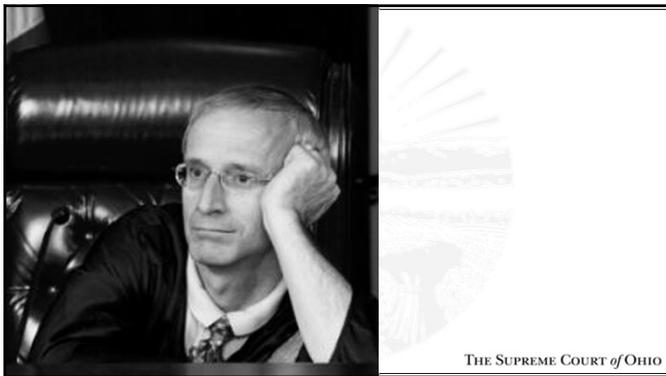












PAY Attorney Fees Indigent as to Attorney Fees Fee below include PA per PC1465.7(a)

File (CL) \$ 100.00 (CL) \$	Crim. Just. Admin Fee-CC2950 at seq \$	Assessment Unit Fee-VC22649 \$	TOTAL
Admin. Screen Fee-PC1463.07 \$	Court Oper. Assess -PC1465.8 \$	AR/Instatement Fee-PC1205(e) \$	DUE:
Restitution Fee-PC1202.40 \$	Crim. Conv. Assess -CC2033 \$	(Suspended Amount) \$	
Probation Revocation Restitution Fine imposed & suspended-PC1202.44 \$ 127		(Credit for days served) \$	

Payments set at \$ 127 per month beginning on 5/28/11 and on the 1st of each month thereafter until paid in full.

Fines and fees stayed pending successful completion of probation

RESTITUTION Pay restitution to the victim of \$ _____ plus 10% annual interest on unsatisfied amount. to be determined by Probation, payments through Court Collections Revenue & Recovery at \$ _____ per month beginning _____ directly to the victim and show proof to the court by _____ at Review Hearing

See stipulated restitution order. Court retains jurisdiction re: restitution. Submit to civil process. Return to court upon reasonable notice by prosecutor.

PUBLIC SERVICE PROGRAM (PSP) Enroll within 60 days. **VOLUNTEER WORK** at any non-profit organization Other _____

Enroll by _____ days as condition of probation. _____ days custody _____ hours as condition of probation. _____ hours in lieu of _____ fines/fees \$ _____ days outbty _____ days credit for time served/completed _____ hours credit for time served/completed _____

TOTAL days to be completed _____ TOTAL hours to be completed _____

One day per week Weekends only Out of county work authorized _____

ALCOHOL/DRUGS Standard Alcohol Conditions (VC22606): (1) Not drive with a measurable amount of alcohol/drugs in blood. (2) Submit to any test at the request of a peace officer for detection of alcohol/drugs in blood. (3) Violate no laws regarding driving a motor vehicle while under the influence or in the possession of alcohol, drugs, or both. (4) Not drive without a valid license and liability insurance. Abstain from alcohol. Not be in places where you know or a law enforcement officer informs you that alcohol is the main item for sale, except in the course of employment. Not knowingly use or possess any controlled substance without a valid prescription.

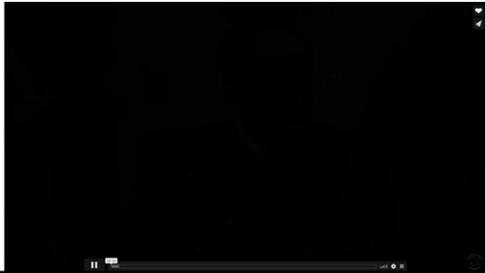
FOURTH AMENDMENT WAIVER: Submit person, vehicle, place of residence, property, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer (to expire _____)

ENROLL IN & COMPLETE First Conviction Program 25 / 6 / 9 / 12 month Education component only Multiple Conviction Program Out of county with Sobering DUI - HMO(b) & (c) Coast Guard Safe Boating School w/DUI component. 8 hr. Traffic Visitors School Attend self-help meetings per _____ week month for _____ days / months and show proof to the _____ court Assessment Unit by _____ and every 30 days thereafter. STAR Residential Non-Residential treatment program for _____ days / months. As directed by Assessor.

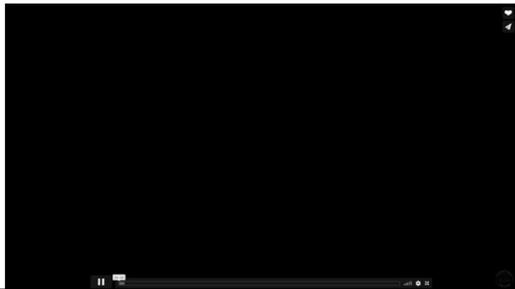
PROOF OF ENROLLMENT PROGRESS COMPLETION _____ to the court at REVIEW HEARINGS Assessment Unit AND every 30 / 60 / _____ days THEREAFTER.

MADO Program - completion proof to the court by _____ Concurrent with _____

Arraignment
(First-appearance docket)



The Computerized Judge



Some things that have resulted in
positive perceptions of fairness

* According to us, so consider the source...!!!

THE SUPREME COURT of OHIO

1. Know that you don't know everything!	6. Always act like your mom is watching
2. Always try to be prepared	7. Be yourself...to a point
3. Even the small stuff is important	8. You don't have anything to prove -You're the JUDGE!!
4. Don't make promises you can't keep	9. LISTEN
5. How you say it is almost as important as what you say	10. They expect the worst...prove them wrong!

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One last thing. You should be aware of...

YOU are biased.

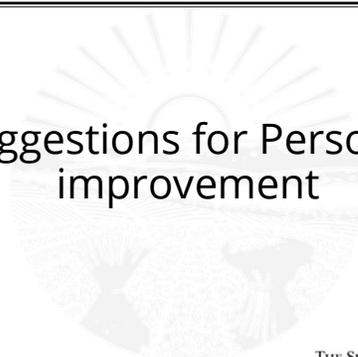
It matters.

THE SUPREME COURT of OHIO

What is "Implicit Bias?"

- What is "Implicit Bias?"
 - Preference for or against a group (i.e., positive or negative) based on stereotypes/attitudes we hold that tends to develop early in life.
- Implicit bias may, but does not necessarily, predict real-world behavior.

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Suggestions for Personal improvement

THE SUPREME COURT of OHIO

Potential Action Items/ Ideas to Implement

Explain court processes clearly to laypeople litigants

Pronunciation of names

Use proper pronouns

Teachback Method

Remove distractions

Quotes/post-its for yourself and others

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Increase Your Motivation to be Fair

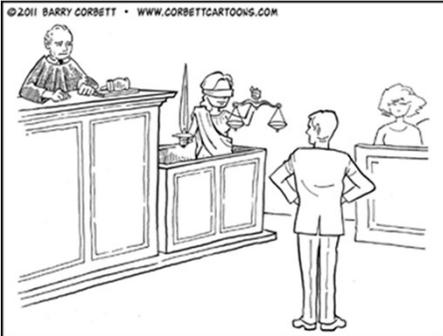
- The more motivated that you are to be fair, the greater the possibility that you actually will be fair!!
- *But motivation requires that you know there is an issue!*

THE SUPREME COURT of OHIO

'I beseech ye . . . , think that ye may be mistaken.' I should like to have that written over the portals of every church, every school, and every courthouse, and, may I say, of every legislative body in the United States. I should like to have every court begin, 'I beseech ye . . . , think that we may be mistaken.'

Learned Hand

WWW.STOREMYPNC.COM



“As a matter of fact, I AM putting the entire system on trial.”

The Starfish Story





Part II: Ensuring Access with Language Services

Hon. David A. Hejmanowski

Delaware County Juvenile and Probate Court

Bruno Romero

Manager, Interpreter Services Program

Office of Court Services



New Judge Orientation

Bruno G. Romero

Manager, Language Services Section

THE SUPREME COURT of OHIO

Bilinguals are not Interpreters

- Bilinguals may speak two languages.
- Interpreters convert messages in one language into another language without changing, omitting or distorting the messages.
- Bilingualism is necessary but not sufficient (KSA).

THE SUPREME COURT of OHIO

Knowledge	Skills	Ability
At least two languages	Case preparation	Concentrate and focus
Legal system	Research terminology	Convey meaning
Legal terminology	Apply short-term memory	Conserve intent, tone, style
Modes of interpretation	Process information quickly	Reflect register
Code of conduct	Ask for clarification	Deliver accuracy

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Language Proficiency (ILR Scale)

- Speaking 0 (No Proficiency)
- Speaking 0+ (Memorized Prof+)
- Speaking 1 (Elementary Prof)
- Speaking 2 (Limited Working Prof)

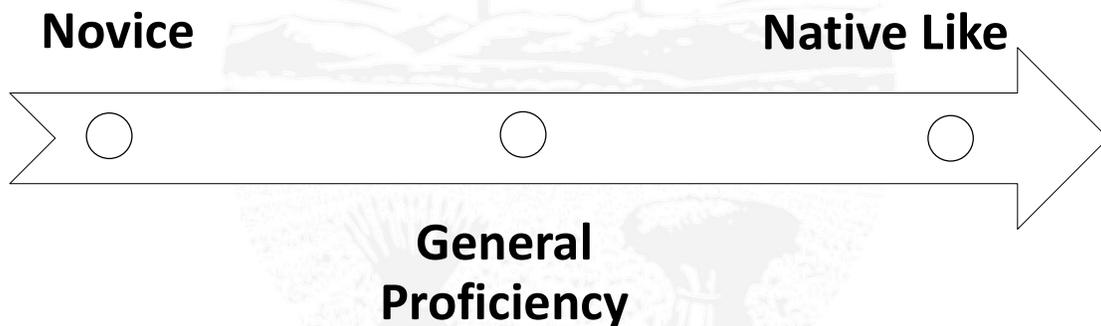
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ILR Scale (Interagency Language Roundtable)

- Speaking 3 (General Professional Prof)
- Speaking 4 (Advanced Professional Prof)
- Speaking 5 (Functionally Native Prof)

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Language (Bilinguals) on the Scale



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Interpreters on a Scale

No Training

Credentialing



Training +
Assessment

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Objectively Measured Skill & Ability

Unassessed

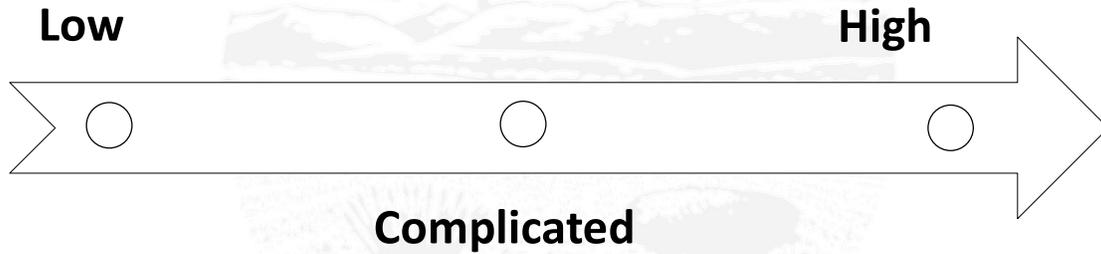
Certified



Semi-
Qualified

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Gravity of the Proceeding



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TRACK	CERTIFIED	PROVISIONAL	REGISTERED (FOREIGN & SIGN)	REMOTE TI OR VRI (ROSTER)	LAN GUAGE- SKILLED	REMOTE TI OR VRI (NON- ROSTER)
Orientation Training	✓	✓	✓	✓	Unknown	Unknown
Written Exam	80%+	80%+	80%+	80%+	Unknown	Unknown
Modes Training	✓	✓	✓	✓	Unknown	Unknown
Oral Exam or Assessment	70%+	60%+	Native-like Proficiency	70%+	Unknown	Unknown
Prep Time: Self- Study Hrs (SSH)	SSH+OT+MT	SSH+OT+MT	SSH+OT+MT	SSH+OT+MT	Unknown	Unknown
Continuing Ed	24 hrs./2 yrs.	24 hrs./2 yrs.	24 hrs./2 yrs.	24 hrs./2 yrs.	Unknown	Unknown
Years of Experience	X	X	X	X	Unknowns	Unknown
Academic Degree	75-80%	75-80%	85-90%	75-80%	Unknown	Unknown

Appointment Process: Foreign Language

- **Certified** Foreign Language Interpreter
- **Provisionally Qualified** Foreign Language Interpreter
- **Registered** Foreign Language Interpreter
- **Conditionally Approved** Foreign Language Interpreter (Proposed)
- **Language-Skilled** Foreign Language Interpreter
- **Telephonic** or **Video** Remote Interpreter (VRI)

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THANK YOU

Contact information:

Bruno G. Romero
bruno.romero@sc.ohio.gov
614.387.9403

THE SUPREME COURT *of* OHIO

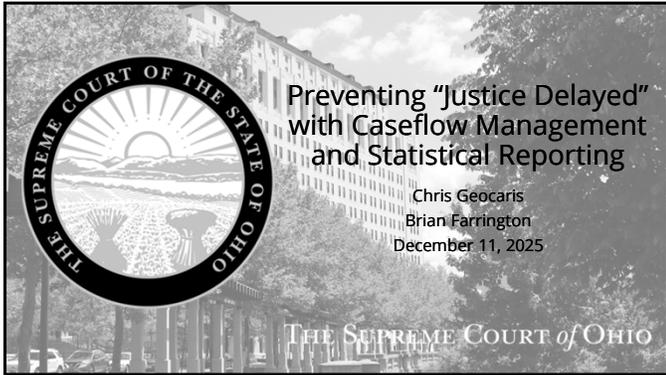
Part III: Preventing “Justice Delayed” with Caseflow Management and Statistical Reporting

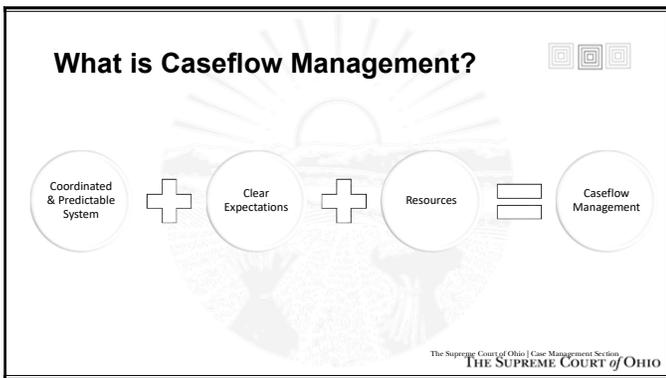
Brian Farrington

Director, Data & Analytics, Office of Court Services

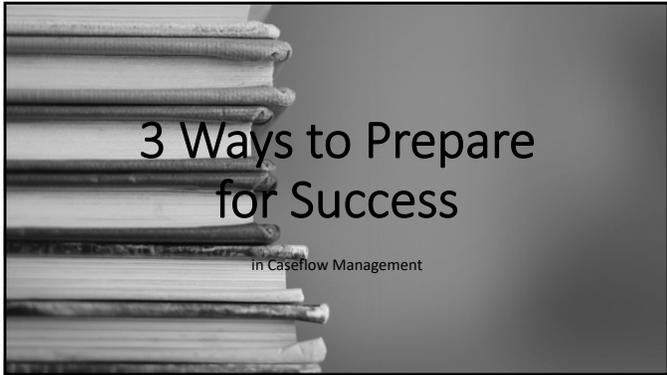
Christopher C. Geocaris, Esq.

Deputy Director, Office of Court Services

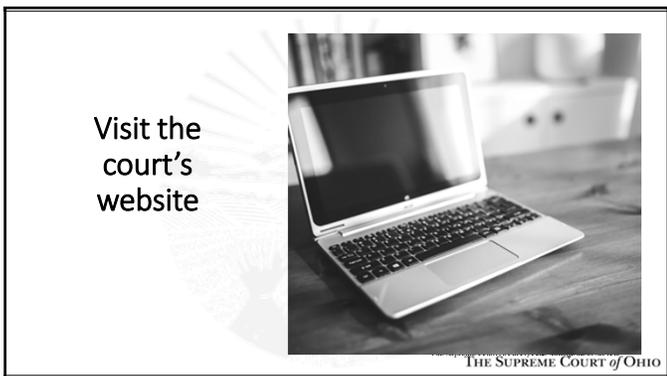




- ### Seven Fundamentals of Caseflow Management
- Judicial Leadership and Vision
 - Court Consultation with Stakeholders
 - Court Supervision of Case Progress
 - Standards and Goals
 - Controlling Continuances
 - Early Court Interventions and Early Dispositions
 - Monitoring and Information Systems
- The Supreme Court of Ohio | Case Management Section
THE SUPREME COURT of OHIO















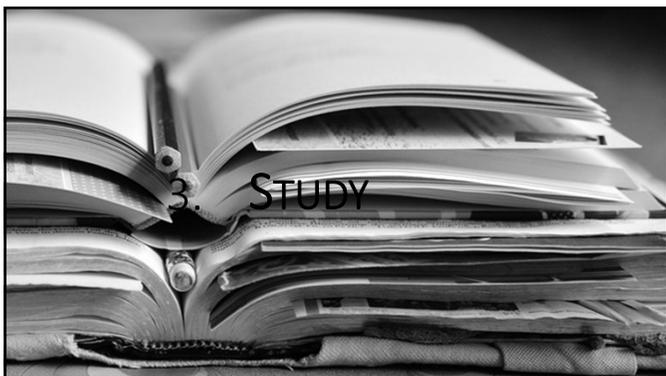
What are your Courtroom Expectations?

The Supreme Court of Ohio | Case Management Section
THE SUPREME COURT of OHIO



What are your Performance Measure Related Goals?

Court of Ohio | Case Management Section
THE SUPREME COURT of OHIO





Read the Rules of Superintendence



Seek Case Management System (CMS) Training



Review SCO Resources

- Bench Card
- Toolkits
- Desktop Guides
- Reporting Instructions
- Data Dashboards



Seeing the Forest

- How many cases do we have pending now?
- What is the trend with our incoming cases?
- How are we disposing of cases?
- Are we keeping pace with incoming cases?
- Do we have a backlog?

THE SUPREME COURT of OHIO

Statistical Reporting under Sup.R. 37

Type of Data

- Trial court data is aggregate, not case-level
- Appellate court data is mix of aggregate and case-level

Reporting Frequency and Method

- Monthly: CP general, domestic relations, juvenile, and municipal and county courts
- Quarterly: Appellate and probate
- Reports are filed electronically with Case Management Section via the eStats system

THE SUPREME COURT of OHIO

Statistical Reporting under Sup.R. 37

Number of cases...

- Pending at the beginning of the month
- That came in during the month
- That were terminated during the month
- Pending at the end of the month
- Pending at the end of the month past the case processing time standards under Sup.R. 39

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Key Performance Indicators

Clearance Rate

Are we keeping pace with the volume of incoming cases?

Over-Age Rate

Do we have a backlog?

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Clearance Rate

Are we keeping pace with the volume of incoming cases?

Ratio of outgoing cases to incoming cases

Example: During 2024, a court took in 1,000 cases and disposed of 850 cases. It had an annual clearance rate of **85%** ($850/1,000 = 85\%$).

THE SUPREME COURT of OHIO

Clearance Rate

- Target: 100% or higher
- Watch for patterns of rates below 100%
- Small volume makes for wide swings

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Over-Age Rate

Do we have a backlog?

Percentage of pending cases that have been pending for longer than the applicable time standard

Example: On November 30, 2025, a court had 100 pending cases, and 25 of those cases had been pending for longer than the time standard. It had an over-age rate of **25%** (25/100 = 25%).

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Over-Age Rate

- Target: As low as practicable
- In *Disciplinary Counsel v. Sargeant, 2008-Ohio-2330* the Supreme Court established a threshold of 10%
- Pay attention to the **actual number** of over-age cases.
 - *Example:* 200 over-age cases out of 400 pending cases is a much different situation than 2 out of 4, even though both represent 50% over-age

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Seeing the Forest

- Your court's case management system
- [Data Dashboards](#)
- [eStats Public Report](#)
- Docket Status Update (quarterly emails to judges and court administrators)
- Ask us for help: data@sc.ohio.gov

THE SUPREME COURT of OHIO

"It's better to be approximately right than exactly wrong."

— John Tukey

Contact Information

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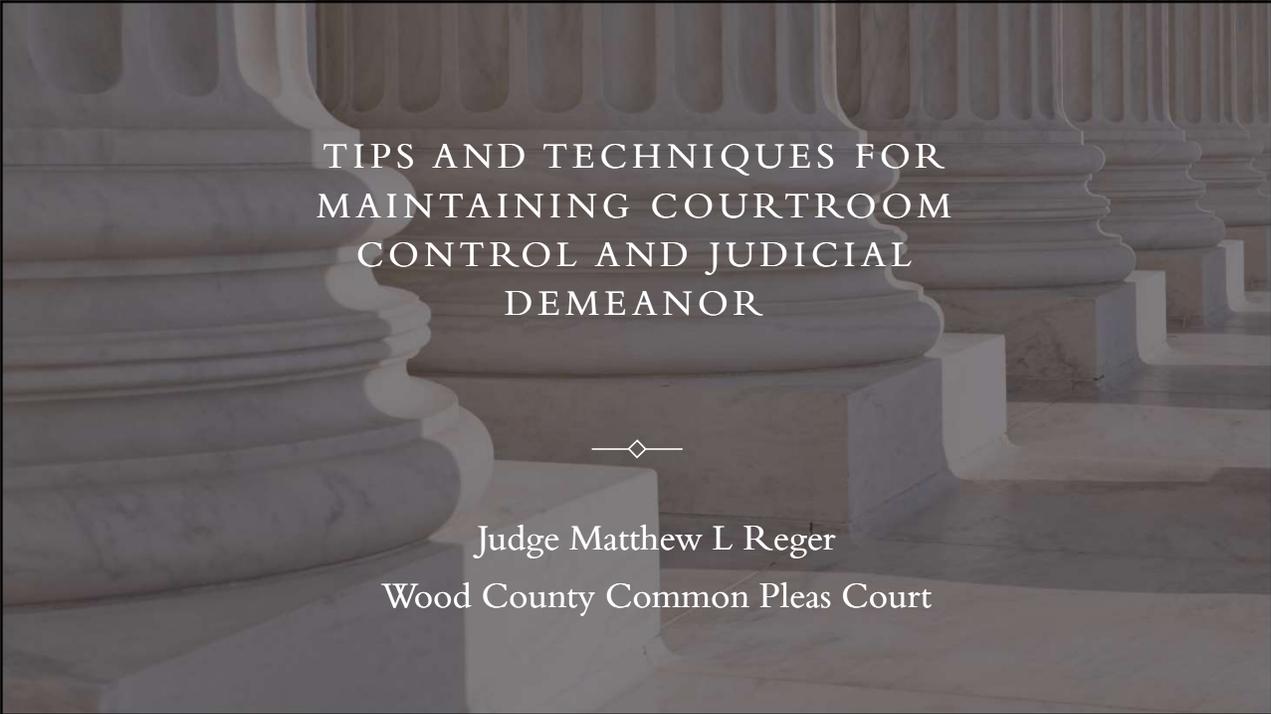
THE SUPREME COURT of OHIO

Part IV: The Art (and Science) of Judicial Decision-Making

Hon. Gene A. Zmuda
Sixth District Court of Appeals

Part V: Tips and Techniques for Maintaining Courtroom Control and Judicial Demeanor

Hon. Matthew L. Reger
Wood County Common Pleas Court



TIPS AND TECHNIQUES FOR
MAINTAINING COURTROOM
CONTROL AND JUDICIAL
DEMEANOR

—◇—
Judge Matthew L Reger
Wood County Common Pleas Court

A review of what you have already learned or know

How to establish and protect your reputation.

In the Courtroom you are protecting the Court's reputation
along with your own.

“Robe-itis” shows itself in the courtroom

What you want to avoid doing:



Whose courtroom is it?

Is it yours?

Is it the citizens?

Your role as a
caretaker



Make the Record your
Friend



Make the Record your
friends: To do's

Make

Make a record of who is
before you and what case
you are referencing

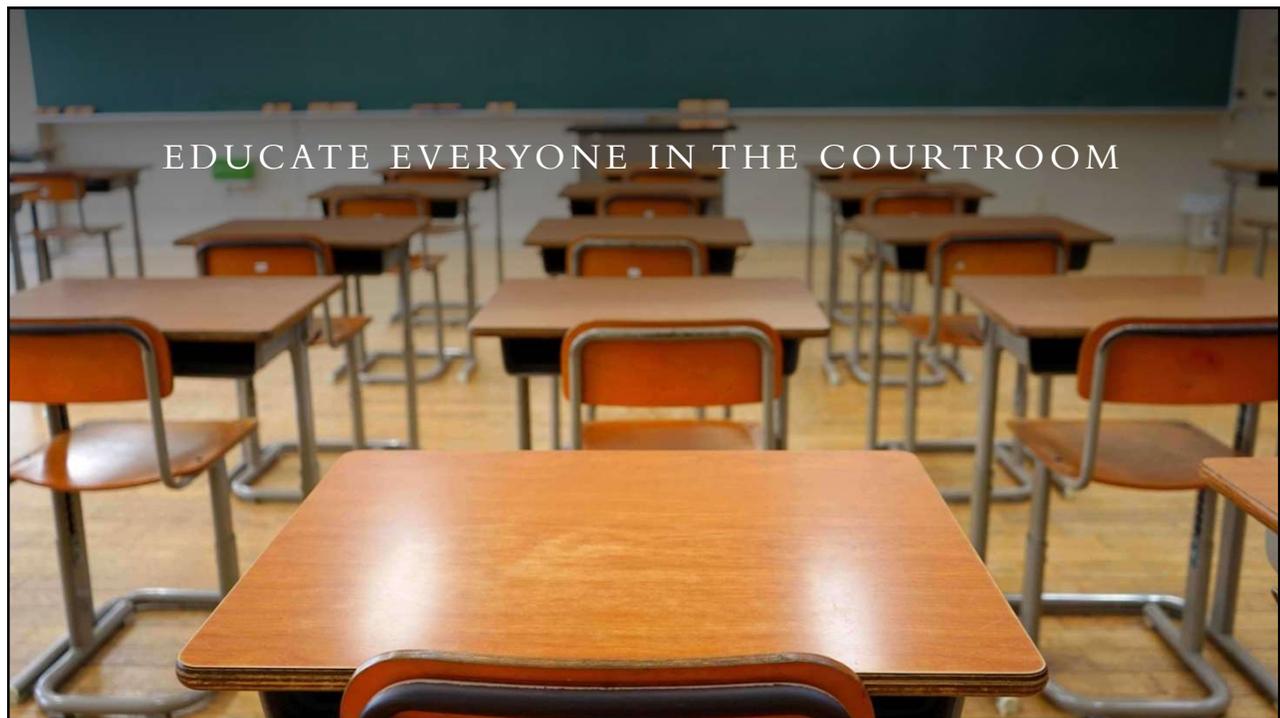
Explain

Explain the purpose for
the hearing

Have

Have a bench book

Is this judge explaining his sentence or venting or both



Educate everyone in the courtroom: Who is in the courtroom?



What do all these parties in the courtroom know about the legal system?



It varies

Some are attorneys

Some aspire to be attorneys

Some just want to know what is going on

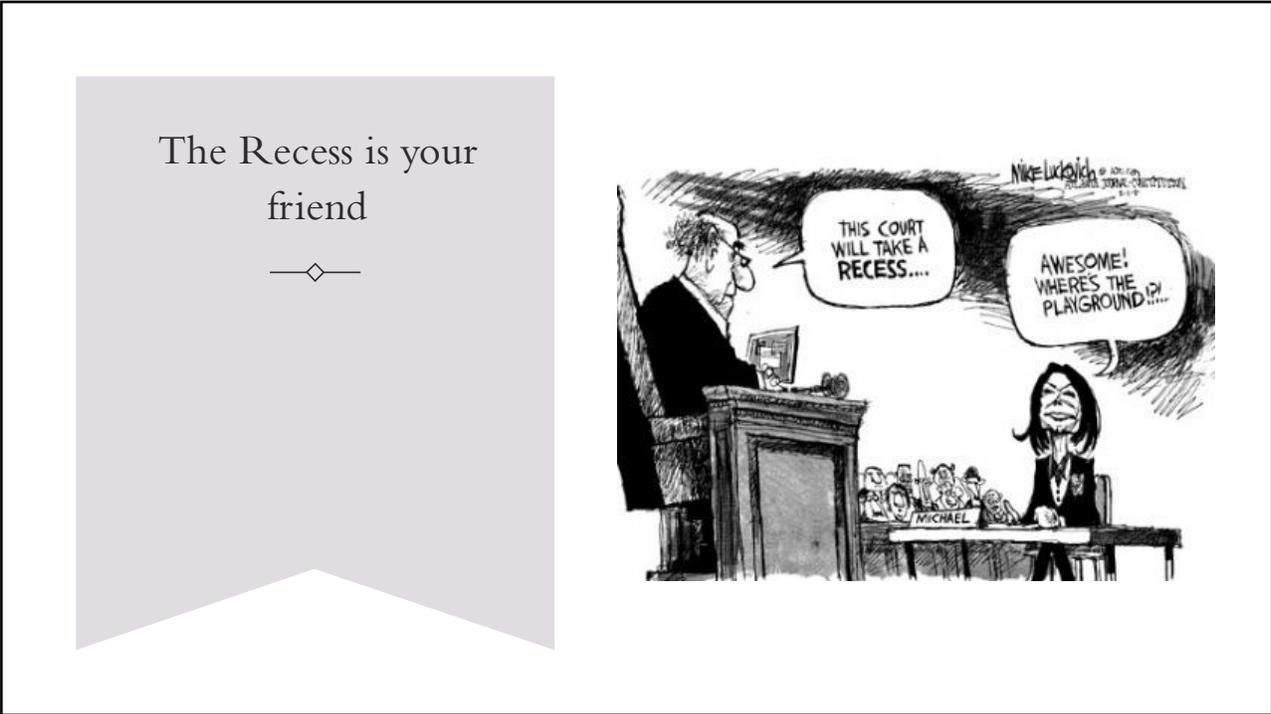
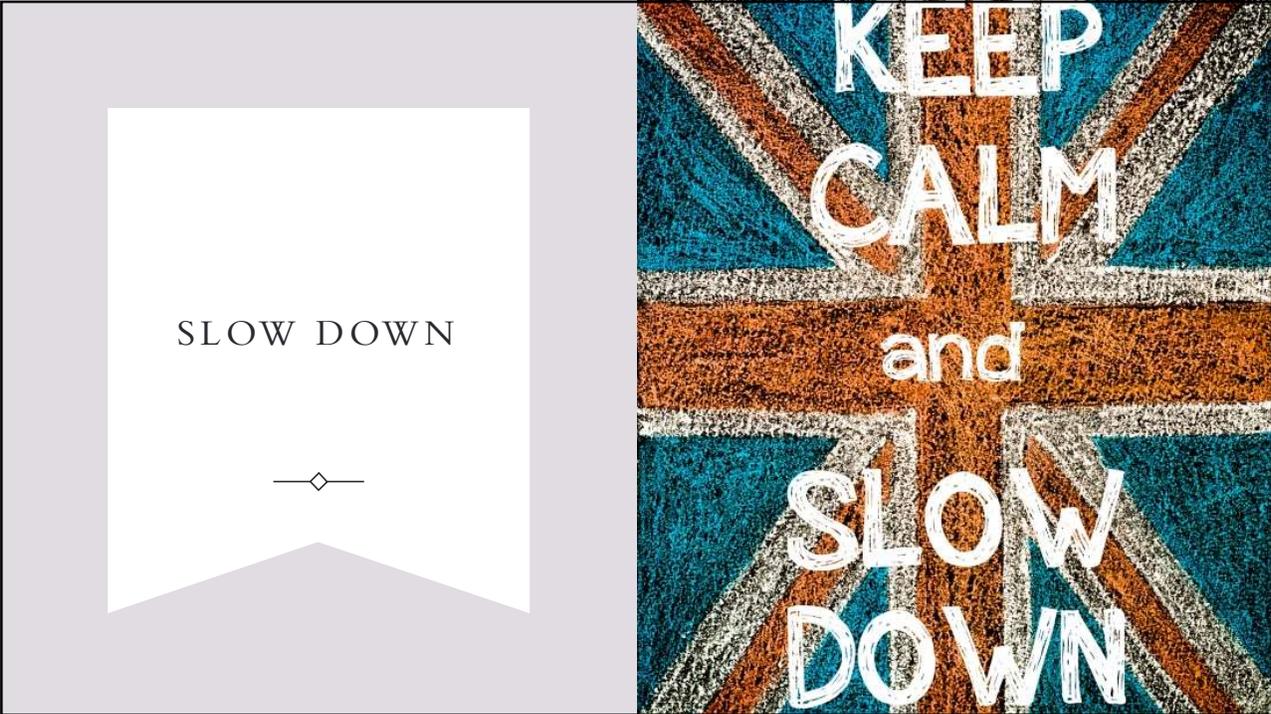


FLUENT IN
LEGALESE



This judge let the Defendant let the defendant be heard





Sarcasm never comes off as you want it to



ANGER IN THE
COURTROOM
MUST HAVE A
PURPOSE

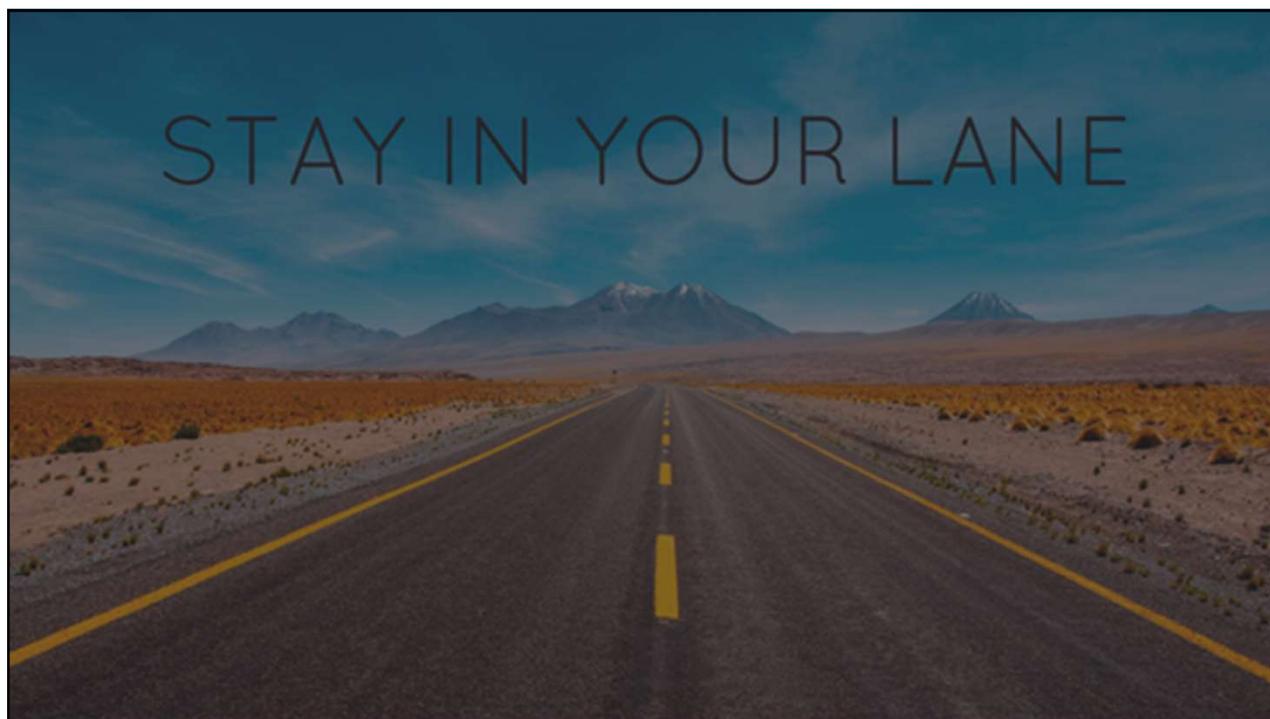




EVERYONE IS A
PERSON, MOST
ARE CITIZENS,
AND SOME ARE
VOTERS

—◇—





Additional Items



THE SUPREME COURT *of* OHIO
JUDICIAL COLLEGE

SAVE THE DATE – REGISTRATION OPENING SOON

Course Title

Administrative Judge Fundamentals

FOR JUDGES AND COURT ADMINISTRATORS

Date | Time | Location

Friday, February 20, 2026 | 8:45 a.m. - 4:05 p.m.

Thomas J. Moyer Ohio Judicial Center | 65 South Front Street, Columbus, Ohio 43215 | Phone: 614-387-9445

Course Description

Effective and efficient courts require strong leadership. This fundamentals-level course is designed to allow current or prospective administrative judges to become familiar with duties, requirements, and proven practices in managing a court, its resources, and staff. It is optional for judges to invite their court administrator to accompany them for this course. Participants who have not completed the self-study online course Human Resources Basics for Judges within the past 12 months are strongly urged to complete/review it prior to this course.

As a result of this course, participants will be able to:

- Identify court functions that are within the responsibilities of the administrative judge;
- Fulfill administrative judge requirements set forth in the Ohio Rules of Superintendence;
- Describe caseflow and performance measures that ensure a well-functioning court;
- Identify fair practices that protect the court from liability under the Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), Fair Labor Standards Act (FLSA), Title VII, and other laws; and
- Explain updates to the Judicial Assignment Program.

Faculty to include: Hon. Carla J. Baldwin, *Youngstown Municipal Court*, Kimberly V. Riley, Esq., *Partner, Montgomery Jonson LLP*, Hon. Gene A. Zmuda, *Ohio Sixth District Court of Appeals*.

Questions? Contact Judicial College staff at OhioCourtEDU@sc.ohio.gov.



Judicial Legal Advice Hotline

Assigned Legal Counsel

Common Pleas, Municipal and County Judges	Legal Firm	Services Provided
Appellate Districts 1, 2, 3, 4, 6, 8, 9, 11, and 12	Montgomery Jonson LLP 600 Vine Street, Suite 2650 Cincinnati, OH 45202 judicialhotline@mojolaw.com Phone: 513.241.4722	Claim Defense and Hotline
Appellate Districts 5, 7, and 10	Isaac Wiled & Burkholder LLC Two Miranova Place, Suite 700 Columbus, OH 43215-5098 Judges@isaacwiles.com Phone: 614.340.7451 (Brian Zets) Fax: 614.365.9516	Claim Defense and Hotline
Appellate Court Judges	Legal Firm	Services Provided
Appellate Districts 1, 2, 3, 4, 6, 8, 9, 11, and 12	Ohio Attorney General Constitutional Offices Section constitution.mail@ohioattorneygeneral.gov Phone: 614.466.2872	Non-Disciplinary Claim Defense and Hotline
Appellate Districts 5, 7, and 10	Isaac Wiled & Burkholder LLC Two Miranova Place, Suite 700 Columbus, OH 43215-5098 Judges@isaacwiles.com Phone: 614.340.7451 (Brian Zets) Fax: 614.365.9516	Disciplinary Claim Defense and Hotline

Assigned Judges appointed by the Chief Justice under the Authority of the Supreme Court of Ohio per Article IV, Section 6 of the Ohio Constitution: Jurisdiction is determined by the location of the court where the judge was sitting at the time the claimed matter occurred.

For more information visit: <https://www.supremecourt.ohio.gov/judges/judges/judicial-liability-insurance/>.

SAMPLE Document
Judicial Officer Speaking Engagement Agreement
New Judges Orientation – December 2025

This Agreement is made and entered into by and between ORGANIZATION NAME (“Organization”), and JUDICIAL OFFICER NAME, (“Speaker”). Speaker and Organization agree as follows:

1. Speaker agrees to attend and participate at the Organization’s Event (“Event”) as described below:

Event Information

Title: _____

Location: _____

Date: _____

2. The Organization agrees to not use Speaker’s name, image, and/or likeness without consent from Speaker. No speech shall be recorded, reproduced, or transmitted from the place of speech, in any manner or by any means whatsoever, unless there is a specific written amendment to this Agreement;
3. The Organization will not use or reproduce Speaker’s PowerPoint presentation(s), outlines, or other materials (“Speaker materials”), unless there is a specific written amendment to this Speaker Agreement regarding the use and reproduction of Speaker materials;
4. Should the Organization seek Continuing Legal Education (“CLE”) accreditation from the Supreme Court of Ohio’s Commission on Continuing Legal Education and that accreditation is approved, the Organization shall notify the Speaker of such participation;
5. The Organization agrees to act in compliance with state and federal laws as well as in accordance with Ohio Code of Judicial Conduct, Supreme Court Rules of the Government of the Judiciary of Ohio, Ohio Rules of Professional Conduct, or any other related authorities. Furthermore, the Organization agrees to not cause Speaker to be in violation of any such laws or rules by the Organization’s actions pertaining to the Speaking event, the Speaker’s participation in such event, and use of Speaker materials;
6. This Agreement may be modified or amended in writing signed by authorized signatories of the Organization and the Speaker;
7. This Agreement constitutes the entire agreement between the parties, barring a modification or amendment that has been signed by both parties;
8. This Agreement takes effect on the date of the final signature below;

9. This Agreement shall be construed and interpreted, and the rights of the parties determined in accordance with the laws of the State of Ohio;
10. This Agreement shall be binding upon the parties hereto, their successors and assigns, upon due execution by both parties; and
11. This Agreement may be executed by electronic signature and in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of the last signature below.

JUDICIAL OFFICER NAME

JUDICIAL OFFICER NAME
Street Address
City, State, Zip

Date

ORGANIZATION NAME

Authorized Signatory for Organization
Name _____
Title _____
Address _____

Date



Dispatch FROM THE Front Lines

Identifying the Veteran Population Within the Criminal Justice System

By David Pelletier
Project Director, Justice For Vets

Why Identify Veterans?

Identifying and then targeting interventions for certain populations within the criminal justice system is common practice.¹ However, the military and veteran community is often overlooked as a culturally relevant population. Identifying this population provides an opportunity to engage with unique resources while integrating cultural competency.

To identify justice-involved veterans at the earliest possible opportunity, communities need to incorporate a structured and targeted process within the criminal justice system that surveys the justice-involved population to determine those that have served in the U.S. armed forces. Only through identification can a community connect justice-involved veterans to resources and interventions explicitly designed to support them, including veterans treatment courts (VTCs) and U.S. Department of Veterans Affairs (VA) Veterans Justice Outreach Program (VJO) specialists.

Veterans Treatment Courts

A VTC is designed specifically to work with justice-involved veteran and military populations. Through this model, court teams can leverage the shared experiences and camaraderie of the military and veteran community. These courts also facilitate engagement and interaction with resources such as the Veterans Health Administration, Veterans Benefit

Administration, state departments of veterans affairs, and community veterans service organizations. This integration of services and resources is often done in partnership with a VJO specialist.

Veterans Justice Outreach Program Specialists

VJO specialists provide a range of services to assist justice-involved veterans, including outreach to veterans across the possible span of their interactions with the criminal justice system, such as law enforcement encounters, courts, jails, and state and federal prisons. VJO specialists provide this outreach to assess each veteran's needs and to connect that veteran with appropriate VA services at the earliest possible point.

In their work in VTCs, VJO specialists serve as liaisons between the VTC team and the VA medical center or other facility from which eligible participants are receiving care. With a veteran's permission, VJO specialists keep the judge and other members of the court team apprised of the veteran's use of treatment and other VA services over time, informing the judge's decisions about the veteran's progress through the court system.²

While the work that VJO specialists do with veterans who participate in VTCs is often the most visible aspect of the program, it is necessary to remember that VJO specialists may be able to assist any justice-involved veteran who is eligible for VA care, regardless of whether he or she is being considered for or is ultimately admitted to a VTC. Developing local communication processes that make VJO specialists aware of individuals identified as veterans at the earliest opportunity—regardless of where and by what mechanism that identification takes place—enables the specialists to work toward the shared mission of facilitating veterans' access to VA health care and other needed services.

How Do You Define “Veteran”?

Unfortunately, for the criminal justice system, identifying the justice-involved veteran population is not a simple matter, as the term “veteran” has no single meaning.

Federally, 38 CFR Chapter I Department of Veterans Affairs defines “veteran,” in part, as “a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.”³ Notice here that veteran status is limited to those with active military service and requires that their discharge be “*other than dishonorable*.”

This statutory definition alone may be both more exclusive and more inclusive than a community wants to adopt. It also does not fully encompass the idea that, for purposes of interventions, veteran identity is based on a shared cultural identity. Using this definition could exclude reserve and National Guard members, as well as individuals whose service ended with unfavorable discharges. As noted in Justice For Vets’ August 2021 Dispatch from the Front Lines, “Almost all service members who are incarcerated while serving are subsequently discharged with other-than-honorable (OTH), bad conduct, or dishonorable discharges, and because of this are often ineligible for the same resources that an honorably discharged member may receive.”⁴

Additionally, this federal definition may include commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration (NOAA) who meet the legal definition of a veteran but may not have the same cultural experience, having served in the more expansive uniformed services rather than the narrowly defined armed forces.⁵

Other entities providing services, including states, localities, and supporting agencies, also may have varying definitions of who they consider to be a veteran,

all based on access determinations rather than cultural identity.⁶ These definitions may exclude individuals based on discharge status, lack of combat exposure, or the geographic area or era of an individual’s service.

Finally, within the military and veteran community there are varying interpretations of what it means to be a veteran. Some of those beliefs mirror the definitions above, such as requiring honorable service or combat experience, and they do not assess whether an individual has the cultural characteristics specific to military service.

While these definitions are important to understand and engage with in terms of access to resources, they do not fully capture the justice-involved population, which may possess unique values, training, history, and experiences that are distinct characteristics of military and veteran cultures. When addressing veteran culture rather than resource access, the focus is on identifying a population with those shared experiences who can be better served through learned competency, specific interventions, tools, and resources. As the VA notes in its Community Provider Toolkit, “Awareness of your clients’ military service and potential implications can inform treatment planning and open doors to resources and benefits.”⁷

Identifying the Justice-Involved Veteran Population: Asking the Question

Determining whether an individual is a veteran is not as simple as asking, “Are you a veteran?” Affirmative responses to this question may be affected by several factors, including shame associated with being involved in the criminal justice system or a feeling of being disconnected from the veteran community because of gender⁸ or race. Factors such as whether the individual meets access criteria such as the definition required for VA services may also influence responses. Asking “Are



To improve the rate of self-reporting one’s veteran status, a community may choose to highlight the benefits of identifying military service. This can be done by presenting information to the justice-involved population and their communities (such as family) about specific veterans programs, such as a veterans treatment court or other unique opportunities. In this way, communities may help the individual overcome potential shame regarding their circumstances and identify their military service.

Examples of this information may be

- Poster (such as the one shown here)
- Tri-fold or flier about veteran-specific programming, located at bail bondsman or court offices

you a veteran?” does not elicit an objective, binary yes or no. In some cases, an individual’s response will reflect their unique feelings regarding their veteran status, making it a subjective evaluation. Such a reflection can and often does limit self-identification of justice-involved veterans. This is particularly true when the question is aimed at determining cultural identity as a veteran rather than one’s ability to access resources.

Rephrasing the question to focus on military service can help capture a greater affirmative response rate from those who possess the cultural characteristics of the veteran population. When you ask more directly, “Are you now or have you ever served in the United States armed forces, including the National Guard and Reserves?” individuals are more free to make an objective determination about their military experience. Either they served or they did not, regardless of discharge, era, or other qualifiers that may affect access to services but not their cultural identity. This question is widely understood to elicit far more affirmative responses, identifying many individuals who otherwise would not have responded yes to “Are you a veteran?”

VA Search Tools: VRSS and SQUARES

While changing the question to focus on whether an individual has served in the military improves affirmative response rates, that still may not identify all veterans within the system. As noted earlier, some individuals may not self-identify due to shame or not feeling connected to the veteran community. The U.S. Department of Justice’s Bureau of Justice Statistics estimates that 7 to 8 percent of the U.S. prison and jail populations are veterans.⁹ Yet in the California Department of Corrections and Rehabilitation, for example, only 2.7 percent of inmates self-identified as veterans. This disparity highlights the unreliability of self-reporting for capturing the true extent of veterans among the justice-involved population. Broader national comparisons are not available because most states do not capture or report this data.

To help address this discrepancy, there are two VA programs that allow entities to identify whether an individual has prior military service: Veterans Re-Entry Search Service (VRSS) and Status Query and Response Exchange System (SQUARES). While surveying or self-reporting should still be incorporated throughout the criminal justice process, each of these tools can play a role in further identifying whether an individual has served in the military. VRSS should be strategically implemented for those within the criminal justice framework; SQUARES can be vital for agencies partnering outside of the criminal justice system.

Veterans Re-Entry Search Service (VRSS)

VRSS is a secure web-based tool that allows the VA to offer its criminal justice partners an improved method of identifying veterans within their justice-involved populations. Criminal justice partners include not only correctional facilities such as prisons, jails, and detention centers but also entities within the court system like pretrial services, probation, prosecutors, and public defenders’ offices. Requesting access to and using VRSS is done through <https://vrss.va.gov>. After requesting and receiving an account, users can upload to the tool lists of justice-involved individuals to be compared with records in the VA’s military personnel records, checking for any record of military service, rather than just VA eligibility. Uploaded lists are limited to 14 predetermined fields, with 6 of those information fields being mandatory: the full social security number (SSN), a unique personal identification number (PID), first name, last name, and then a facility name and state.

After the submission, typically within a few hours, users will receive a list indicating those individuals who have a record of military service. This list will contain only the PIDs, to be matched on the user’s end with the individuals’ complete profiles. While veteran status is not protected information, the VA cannot return any other personal information. In addition to returning responses to the initial requester, VRSS forwards the names of those identified to the VA’s VJO specialists, allowing more targeted and effective outreach within the criminal justice system.

Early tests of users’ VRSS files found that veterans made up from 7.7 percent to 9.5 percent of the justice-involved population. As noted above, in one of these early tests, California identified that 7.7 percent of its inmates had a record of military service, although only 2.7 percent had self-identified as veterans. This means that more than 5,000 veteran inmates would otherwise have gone unidentified, missing their chance at VA reentry assistance and other available resources. VA recommends updating VRSS listings on a regular basis, especially in jails where the population changes daily.

To return a result, VRSS requires certain data to be input for each individual. These data points are often already available, requiring only formatting for submission.

- First name
- Last name
- Complete SSN
- PID (a user-created unique Identifier)
- Facility name
- Facility state

Status Query and Response Exchange System (SQUARES)

Another tool developed by the VA's Homeless Programs Office is SQUARES. It is a VA web application that provides external homeless service organizations with reliable, detailed information about veteran eligibility (<https://www.va.gov/homeless/squares/index.asp>). Users submit identity attributes for individuals (name, date of birth, SSN, gender), and SQUARES returns information regarding their veteran status and eligibility for homeless programs. The tool facilitates quick and simple access to care for homeless and at-risk veterans. While this tool was originally designed for more traditional homeless service providers, criminal justice users have been granted access with an agreement to use the data to advance the goal of ending veteran homelessness. Because incarceration as an adult male is the single highest risk factor for being homeless at some point,¹⁰ the VA grants access to criminal justice systems to improve the identification of veterans in their systems and to connect them with services. As part of the intake process, the VA may request an email from a local VA colleague who can validate your criminal justice system's role in the community effort to end veteran homelessness.

Comparison of VRSS and SQUARES

VRSS and SQUARES differ in their functionality and the output file provided to both the criminal justice system and the local VJO program. VRSS is built to accept inmate/defendant records submitted in large batches. SQUARES can accept large batch files as well, but it also offers a rapid individual query function that allows a user to obtain a result for an individual within a few minutes. To the criminal justice system, VRSS provides a simple yes or no regarding the existence of a record of any military service for each individual queried. Within about two hours of the initial submission, VRSS notifies the external requester of which individuals from the submitted file have a record of military service. "Yes" results are delivered via the return of a unique inmate or defendant ID number that must be included with each individual record submitted to VRSS. "No" results are communicated through the absence of those unique ID numbers from the requester's results file. VRSS also forwards this information to the VJO staff who work in the requester's jurisdiction, in a format that includes some additional data from VA records that can help facilitate efficient outreach and access to VA services for the veterans identified.

SQUARES provides more information in the output file it generates for the external requester, including the veteran's eligibility for a range of VA homeless programs. However, SQUARES does not forward any information to the local VJO program. Obtaining this information is vital for the local VJO specialists' ability to contact these veterans through outreach and begin the process of connecting them with appropriate VA services. VJO specialists can assist identified justice-involved veterans in this way regardless of whether they are being considered for or ultimately enter your VTC; this linkage provides a valuable alternative pathway for a broader population of justice-involved veterans to access the stabilizing services and long-term supports available through the VA. If your jurisdiction chooses to use SQUARES instead of VRSS, it is important to develop an alternative method to share the names of the identified veterans with your local VJO program.

Summary

Within the criminal justice system, attempts to identify individuals who have prior military service or veteran status should be done early and often. Identification is integral, because without it communities miss opportunities to integrate services and resources specifically available to this population.

This principle is expressly reflected in *The Ten Key Components of Veterans Treatment Courts*, Key Component #3, which states:

"Early identification of veterans entering the criminal justice system is an integral part of the process of placement in the Veterans Treatment Court program. Arrest can be a traumatic event in a person's life. It creates an immediate crisis and can compel recognition of inappropriate behavior into the open, making denial by the veteran for the need for treatment difficult."¹¹

Identification should be achieved by asking, "Have you ever served in the U.S. Armed Forces..." and incorporating the tools provided by the VA. Asking the question is the easiest, though least reliable, way to identify whether an individual is a veteran. VRSS requires some technical prowess, given the need to have data and input it into the system. However, VRSS returns a more accurate response and interfaces directly with the VA's VJO program. It also enables scalable veteran identification, as opposed to the one-off reporting provided by self-identification.

Finally, SQUARES enables either individual or batch queries, uses VA and Department of Defense data for validity, and provides an expedient response from the system. However, unlike VRSS, SQUARES is not a criminal justice-facing program, as it is designed for agencies focused on homelessness. It also does not notify the VA that identification has occurred.

To varying degrees, these identification strategies can be implemented at many points within the criminal justice system. These points include during booking at a jail or detention center, by pretrial services agencies, at court appearances, by defense counsel, and by any supervision agency, including probation or parole. Additionally, the question can be added to intake forms, judicial colloquies, and other written policies and procedures to ensure that the inquiry is not dependent on a single individual but instead is built into the system.

Whether identification is done by verbal questioning, inquiry on a form, or using the web-based VA tools, it is essential to record the information about prior military service or veteran status in a way that informs the criminal justice system. Veteran status is not protected information and can be shared whether received through self-reporting or the VA tools.

Including this information in an individual's case or client file allows the system to respond appropriately. For example, defense attorneys can engage in conversations that may lead to mitigation, or prosecutors may find individuals appropriate for diversion programs or VTCs. Similarly, supervision agencies like probation may identify candidates for VTCs and connect veterans with tools to assist in achieving case plan goals. These outcomes may include employment assistance through the Department of Labor, education assistance through the VA,¹² and interventions like Moral Reconciliation Therapy (MRT) for veterans.¹³

Identifying justice-involved veterans within the criminal justice system allows communities to ensure that they are best addressing the needs of these individuals, both through access to resources and cultural competency. Rehabilitation and restoration, two goals of the criminal justice system, are best achieved by applying interventions and resources specific to the populations within the system. Veteran identity provides the opportunity for communities to access not only unique but often cost-reducing resources like the VA and enhance outcomes through cultural competency.

About the Author

David Pelletier, J.D., is a project director for Justice For Vets, a division of NADCP. He is a Marine Corps veteran who served primarily as a legal service specialist with a secondary role as a marksmanship instructor. Presently, he is responsible for assisting jurisdictions in the planning and implementation of veterans treatment courts. Mr. Pelletier received his J.D. from Washington and Lee University School of Law and is a member of the Virginia State Bar. He received his B.A. in history with a minor in legal studies from George Mason University in Fairfax, Virginia. His work experience is in criminal defense, and he served as a student attorney in Washington and Lee's Criminal Justice Clinic and interned with the Fairfax County Public Defender Office. Prior to joining Justice For Vets, he was a volunteer attorney and fellow at the Arlington Public Defender Office, handling misdemeanor cases.

¹ Readings on culture as a responsibility principle:

Kane, M., Bechtel, K., Revicki, J., McLaughlin, E., & McCall, J. (2011). *Exploring the role of responsibility and assessment with Hispanic and American Indian offenders*. Crime and Justice Institute at Community Resources for Justice. https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/CRJ_Role_of_Responsibility.pdf

Cobb, K. A., Mowatt, M. A., & Mullins, T. (2013). *Risk-needs responsibility: Turning principles into practice for tribal probation personnel*. U.S. Department of Justice, Bureau of Justice Assistance. <http://www.appa-net.org/eweb/docs/appa/pubs/rmrtpptpp.pdf>

Marlowe, D. B., Shannon, L. M., Ray, B., Turpin, D. P., Wheeler, G. A., Newell, J., & Lawson, S. G. (2018). Developing a culturally proficient intervention for young African American men in drug court: Examining feasibility and estimating an effect size for Habilitation Empowerment Accountability Therapy (HEAT). *Journal for Advancing Justice* 1, 109–130. <https://www.nadcp.org/advancingjustice/journal-for-advancing-justice/>

² For more detailed information about the VA's role in a VTC, see Finlay, A. K., Clark, S., Blue-Howells, J., Claudio, S., Stimmel, M., Tsai, J., Buchanan, A., Rosenthal, J., Harris, A. H. S., & Frayne, S. (2019). Logic model of the Department of Veterans Affairs' role in veterans treatment courts. *Drug Court Review*, 2, 45–62. NIHMSID: 1038038. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6996232/>.

³ 38 CFR Chapter I – Department of Veterans Affairs. <https://www.law.cornell.edu/uscode/text/38/101>

⁴ Lowery, M. (2021, August). *The Department of Defense's inTransition Program*. Dispatch from the Front Lines. Justice For Vets. <https://justiceforvets.org/resources/resource-library/general-veterans-treatment-court/dispatches-from-the-front-lines/>

⁵ Wright, Captain S. F. (2021). *NOAA and PHS veterans are entitled to benefits administered by the Department of Veterans Affairs (VA)*. Reserve Organization of America Law Review, No. 210003. <https://cdn.ymaws.com/www.roa.org/resource/resmgr/LawReviews/2021/21003-LR.pdf>

⁶ Rose, V. (2010, February 9). *Definition of veteran in Connecticut, Maine, and other states*, Research Report 2010-R-0040. Connecticut General Assembly, Office of Legislative Research. <https://www.cga.ct.gov/2010/rpt/2010-R-0040.htm>

⁷ U.S. Department of Veteran Affairs. Community Provider Toolkit. <https://www.mentalhealth.va.gov/communityproviders/military-experience.asp>

⁸ Goldstein, A. N. (2018, March 8). *Women are the most visible servicemembers, and the most invisible veterans*. Center for a New American Security. <https://www.cnas.org/publications/reports/women-are-the-most-visible-soldiers-and-the-most-invisible-veterans>

⁹ Bronson, J., Carson, E. A., Noonan, M., & Berzofsky, M. (2015, December). *Veterans in prison and jail, 2011–12*. Special Report. U.S. Department of Justice, Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/vpj1112.pdf>

¹⁰ Burt, M. (1996). *National Survey of Homeless Assistance Providers and Clients*. U.S. Census. <https://www.census.gov/programs-surveys/nshapc.html>

¹¹ Justice For Vets (2010). *The ten key components of veterans treatment courts*. <https://justiceforvets.org/resource/ten-key-components-of-veterans-treatment-courts/>

¹² See the following Justice For Vets Dispatches from the Front Lines by Stiner, M. (2012):

Veterans treatment courts and the U.S Department of Labor: Putting veterans back to work

Veterans treatment courts send veterans back to school

The VBA in veterans treatment courts: Accessing the full range of support

<https://justiceforvets.org/resources/resource-library/general-veterans-treatment-court/dispatches-from-the-front-lines/>

¹³ See Little, G. L., & Robinson, K. D. (2013). *Winning the invisible war: An MRT workbook for veterans*. Correctional Counseling. https://www.ccimrt.com/mrt_programs/veteransptsd/



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THE SUPREME COURT *of* OHIO

PRINCIPLES FOR THE USE OF MEDICATION FOR ADDICTION TREATMENT (MAT) IN COMMUNITY CONTROL, PROBATION, AND SUPERVISION

1. Probation or Community Control Officers are in a unique position to motivate and support recovery among individuals with an opioid use disorder who are on probation or community control.
 - a. Individuals, families, and communities benefit from reduced recidivism rates, increased public safety, and more efficient and coordinated use of resources that accompany a collaborative approach with treatment providers and courts to long-term recovery without jeopardizing accountability.
 - b. Community partnerships with treatment providers are important vehicles to coordinate efforts of the medical, behavioral health, social service, and criminal justice systems to achieve shared goals.
2. Probation or Community Control Officers and treatment providers should engage in ongoing education to ensure a common understanding of the evolving research and literature and commit to using best practices.
 - a. Cross-systems training will ensure all stakeholders have a current, complete, and shared understanding of core concepts such as the science of substance use disorders and MAT, behavioral health practices, evidence-based decision making, and court processes.
 - b. Known risk factors for relapse, recidivism, overdose, and other barriers to recovery should be reflected in probation or community control practices.
3. Probation or Community Control Officers should recognize any of the medications approved by the U.S. Food and Drug Administration (FDA) for treatment of an opioid use disorder as appropriate for use with justice-involved adults if prescribed for an individual by a qualified medical provider and administered in conjunction with behavioral health treatment.
 - a. Reduction in relapse rates is significantly improved with the inclusion of FDA-approved medications for opioid use disorders.
 - b. Medication should be used in conjunction with a comprehensive treatment plan that includes quality behavioral health services.
 - c. While each specific medication is effective for the treatment of opioid use disorders, like with any disease or condition, individuals respond differently to any particular treatment strategy.
4. Probation or Community Control Officers should refer offenders for a medical exam to consider whether MAT is appropriate and should monitor and enforce compliance with the full treatment plan.
 - a. Offenders who present with confirmed or suspected opioid use should be referred to a properly licensed medical professional for a complete, in person assessment.
 - b. Probation or Community Control requirements and expectations, including violations, should take into account whether the desired behavior is a proximal or distal goal for each stage of their recovery.
 - c. Seeking reassessments from treatment professionals is necessary and any adjustments to the medical and behavioral treatment plans that are indicated should be included in the supervision plan.

Principles for the Use of Medication for Addiction Treatment (MAT)
in Community Control, Probation, and Supervision

5. Probation or Community Control Officers should rely on medical providers and offenders to present well-informed medical treatment plans to the court, which may include MAT.
 - a. Providers should address opioid use disorders as a chronic relapsing disease of the brain and adhere to current and emerging evidence-based practices.
 - b. Any plans involving MAT should take an individualized approach to medication choice, delivery method, dosage, and length of treatment.
 - c. Probation or Community Control Departments should establish a process for identifying and working with qualified providers that prescribe appropriate medication as medically indicated for each participant.
6. When addressing probation or community control violations, Probation or Community Control Officers should consider how the potential collateral consequences of any sanction or violation may disrupt recovery.
 - a. Violations or supervision interventions should be implemented in a manner that minimize the unintended termination of medication, behavioral health treatment, health insurance, employment, and other resources needed to support long-term recovery.
 - b. When using confinement as a sanction, it may be necessary to consult with the participant's medical treatment provider in advance to ensure continuity of effective medical care within institutional formularies and other limitations.
 - c. Special populations, such as pregnant women, warrant additional considerations.
7. Probation or Community Control Officers should approach recovery as an ongoing process that may be initiated with the Probation or Community Control's intervention but is ultimately supported and sustained in the community.
 - a. Probation or Community Control should connect participants to recovery-oriented systems of care upon entry into the program.
 - b. Throughout the process, Probation or Community Control should build a participant's capacity to engage with community-based services and supports that will sustain recovery beyond program commencement.
 - c. Probation or Community Control Officers should assist or obtain from offenders post-supervision treatment and/or support plans prior to their exit from probation or community control.



**Department of
Mental Health &
Addiction Services**

Services to Courts



Supreme Court of Ohio and Affiliate Offices Resource Fair

*Supreme Court and Affiliate Office staff will be available
to answer questions during the Thursday lunch hour.*

Office of Court Services

The Office of Court Services oversees several sections and programs which provide traditional and innovative services in response to and with respect for the needs of the courts and the public.

Case Management

Chris Geocaris, Esq.
CaseMgmt@sc.ohio.gov
614.387.9410

Language Services

Bruno Romero
InterpreterServices@sc.ohio.gov
614.387.9403

Children and Families

Kyana Pierson, Esq.
cfc@sc.ohio.gov
614-387-9384

Domestic Violence

DomesticViolence@sc.ohio.gov
614.387.9408

Specialized Dockets

Sam Campbell, Esq.
SpecDocs@sc.ohio.gov
614.387.9425

Dispute Resolution

Marya Kolman, Esq.
DisputeResolution@sc.ohio.gov
614.387.9420

Ohio Judicial Conference

The Ohio Judicial Conference engages all judges in the process of ensuring the equal and efficient administration of justice.

Justin Long
Justin.Long@sc.ohio.gov
614.387.9756

Office of Data & Analytics

The Office of Data and Analytics offers technical assistance and education to help courts use data effectively for caseflow management and performance improvement.

Brian Farrington
Data@sc.ohio.gov
614.387.9444

Court & Personal Security

Discover how this office can assist local courts with comprehensive court security and site surveys, emergency procedure development, and operational planning for high-risk/sensitive trials.

John Groom
John.Groom@sc.ohio.gov
614.387.9905

Oath of Office

Staff from the Office of Chief Legal Counsel will be available to discuss the requirements for your oath of office.

Chief Legal Counsel
CLC@sc.ohio.gov
614.387.9510Liability

Liability Insurance

Learn about the judicial liability self-insurance program administered within the budget of the Supreme Court of Ohio.

Chief Legal Counsel
CLC@sc.ohio.gov
614.387.9510Liability

Compensation & Benefits

The Office of Human Resources supports the judiciary by providing high-level customer service timely and accurately.

Michele Jackubowski
HumanResources@sc.ohio.gov
614.387.9470

Pro Hac Vice

Staff from the Office of Bar Admissions will be available to discuss pro hac vice admission in the State of Ohio.

Britney Cider, Esq.
Britney.Cider@sc.ohio.gov
614.387.9318

Judicial Assignment Program

Gain insights into the procedures for requesting an assigned judge.

Dahria Beaver
JudicialAssignments@sc.ohio.gov
614.387.9415

Office of the Judicial College

The Judicial College provides continuing legal and professional education for judges, magistrates, acting judges, and non-judicial court personnel.

Chris Fields
OhioCourtEDU@sc.ohio.gov
614.387.9445

Law Library

Staff will be available to discuss services the Law Library can provide to judges.

LibRef@sc.ohio.gov
614.378.9680

www.supremecourt.ohio.gov



THE SUPREME COURT *of* OHIO

Supreme Court of Ohio Law Library Services for Judges

The Law Library at the Supreme Court of Ohio offers reference and research services to all Ohio judges. Librarians can assist you with research needs like:

- Locating Ohio legislative history including Senate and House Journals, bill analyses, and session law from *Laws of Ohio*.
- Obtaining briefs from our collection of Ohio Supreme Court briefs and records.
- Locating prior versions of Ohio Court Rules and Ohio Attorney General Opinions.
- Locating Ohio and other state legal forms.
- Obtaining prior versions of the Ohio Revised Code and Ohio Administrative Code sections.
- Locating superseded versions of all 50 state statutes.
- Finding older U.S. Supreme Court briefs.
- Obtaining citations from or running searches in Lexis or Westlaw.
- Finding articles from almost any law journal.
- Scanning pages from books in our collection.

All of the above materials can be scanned and emailed to you, so you have access to our materials no matter where you are.

The best way to reach us is to email your research questions to:

LibRef@sc.ohio.gov

For more complex research that you would like to discuss with a research librarian, please call us at **(614) 378-9680**.

We are happy to assist you with any of your legal research needs.



Office of Court Services CASE MANAGEMENT SECTION

Every court, regardless of size or jurisdiction, has unique strengths, as well as areas where its caseload management processes can be enhanced.

The Case Management Section provides a collaborative framework for courts to harness strengths and develop a practical plan for implementing comprehensive solutions to address case management issues.

CONTACT

casemgmt@sc.ohio.gov

614.387.9410

CASEFLOW & OPERATIONS MANAGEMENT REVIEW PROCESS

The most comprehensive service offered by Case Management is a caseload and operations management review. In this process, experienced court professionals trained in caseload management techniques study a court's operations from top to bottom and provide detailed, written recommendations on ways the court can improve its case management practices.

The following steps describe a typical case management review:

Determine the scope of the review through discussion with the administrative judge and key administrators.

Gather background information such as current workloads, case processing times, caseload statistics, annual reports, and previous studies; examine the court's local rules, written procedures, and job descriptions; review case files; and administer CourTools performance measures.

Conduct interviews with judges, magistrates, clerks, attorney practitioners, and other key justice partners.

Observe hearings and the manner in which court staff complete their day-to-day activities.

Formulate case management improvement goals and recommend solutions and for achieving those goals.

STATISTICAL REPORTING

Ohio Rules of Superintendence require courts to submit caseload statistics to the Case Management Section. Consistency and accuracy in reporting leads to better data quality and a thorough understanding of how cases are proceeding. These trainings promote the standardization of statewide reporting procedures.

PROCESS MAPPING

Case Management staff meet with local court staff for a day-long session tailored to map the court's current caseload process. After the process is visually depicted, opportunities for improvement are identified.

The process is reimagined to create a simpler, faster, better, and less costly system. Each training is tailored to meet the specific goals and objectives identified by the court's leaders, in coordination with Case Management.

EDUCATION

Case Management staff are available to train courts and their clerks in correctly performing their reporting obligations. These training sessions can be on-site, by Zoom, or at the Supreme Court.

ROUNDTABLES

Facilitated roundtable conversations are hosted by Court Services staff in the fall and spring. See sc.ohio.gov/jcs/courtsvcs for dates.

ADVISORY COMMITTEE ON CASE MANAGEMENT

The advisory committee provides ongoing advice to the Supreme Court and staff regarding the promotion of statewide rules and standards related to caseload and assists with the development of education and training programs.

What Courts are Saying

"[This training] showed that an outside view of the process can lead to better ways to address topics."

"The visual flow of cases, combined with the discussion...was eye-opening and educational."

"Thank you so much! We appreciate the Supreme Court for providing this service and enjoyed having you and your staff work with us this past year."



Office of Court Services CHILDREN & FAMILIES SECTION

The Children & Families Section works to improve court performance in cases involving children and families by providing resources, technical assistance, training, and policy recommendations, and administers Ohio's Court Improvement Program (CIP) federal grant for projects which enhance court child welfare practices.

*For more information visit
sc.ohio.gov/jcs/cfc.*

CONTACT

cfc@sc.ohio.gov
614.387.9385

CHILDREN & FAMILIES

The Advisory Committee on Children and Families makes policy recommendations to the Supreme Court of Ohio. The recommendations are researched, analyzed, and developed through subcommittees comprised of judicial officers, court staff, attorneys, and other judicial system stakeholders. Juvenile and domestic relations forms are promulgated by this group.

Current Subcommittees include:

- Adult Guardianship
- Family Law Reform Implementation (FLRI)
- Juvenile Justice
- Responding to Child Abuse, Neglect, Dependency

ROUNDTABLES

Roundtables allow judicial officers and court personnel in domestic relations, juvenile, and probate courts to discuss issues and share perspectives on current practice needs. Facilitated roundtable conversations are hosted in the fall and spring.

DOMESTIC VIOLENCE PROGRAM

The Advisory Committee on Domestic Violence makes policy recommendations to the Supreme Court of Ohio regarding statewide rules and uniform standards in establishing and operating domestic violence programs, delivery of services, and issues which support Ohio courts' response to domestic violence and related offenses. Protection order forms are promulgated by this group.

The Domestic Violence Program provides technical assistance and specialized resources to strengthen courts and justice system partners' responses to domestic violence, stalking and sexual assault. The Program disseminates information, monitors trends, offers education, and recommends forms, rules, and standards that promote effective response to these cases, and manages the Court's Violence Against Women Act (VAWA) grant funds.



Office of Court Services DISPUTE RESOLUTION SECTION

The Dispute Resolution Section promotes statewide rules and uniform standards for dispute resolution programs in Ohio Courts; provides guidance to courts instituting or revitalizing their dispute resolution program; provides dispute resolution training to judges, magistrates, court personnel, and dispute resolution professionals; provides mediation services for Supreme Court litigants and Ohio local and county public officials; provides resources to courts, attorneys, and the public about dispute resolution processes; and receives advice from, and provides assistance to, the Commission on Dispute Resolution.

OH-RESOLVE: OHIO'S ONLINE DISPUTE RESOLUTION PILOT PROJECT

Online dispute resolution is an online, court-monitored messaging system that is a quick and convenient way for litigants to resolve disputes from a computer or smartphone.

GOVERNMENT CONFLICT RESOLUTION SERVICES (GCRS)

GCRS is a dispute resolution program to assist local and county public officials in resolving and preventing conflicts on budget issues, public records requests, organizational disputes, and other matters without court involvement.

DISPUTE RESOLUTION EDUCATION

Dispute resolution training includes required education courses for new mediators, advanced programs for experienced practitioners, and roundtables for dispute resolution professionals to discuss techniques, programs and current issues with others from around the state.

CONSULTATION WITH OHIO COURTS ABOUT THEIR DISPUTE RESOLUTION PROGRAMS

Dispute Resolution maintains a directory of dispute resolution programs in Ohio Courts.

For more information visit supremecourt.ohio.gov.

CONTACT

disputeresolution@sc.ohio.gov or 614.387.9420



Office of Court Services LANGUAGE SERVICES SECTION

The Language Services Section provides technical assistance, resources, and policy recommendations to Ohio Courts to improve access to individuals who are hard of hearing, deaf, deaf-blind, and have limited English language proficiency.

Technical services include consultation regarding solutions to communication barriers, use of interpreters, and locating interpreters in languages of lesser diffusion (LLD), which may be the language of a small linguistic population.

The section prepares sign and foreign language interpreters for credentialing and compliance with the Code of Professional Conduct for Court Interpreters and Translators.

PROVIDING TECHNICAL ASSISTANCE TO COURTS AND OTHER JUSTICE PARTNERS

- Provide information to the courts regarding compliance with Title VI of the Civil Right Act, Title II of the American with Disabilities Act, Rules of Superintendence for the Courts of Ohio (80-89).
- Offer certification and credentialing for court interpreters. Post a roster of interpreters for the courts to use.
- Sponsor training for interpreter credentialing and language access training for court personnel.
- Administer and manage a complaint process on the appointment of interpreters in court under Sup.R. 88 and 89.
- Bench cards, guides, tool kits, and videos on the use of interpreters and language access.

The Language Services Section of the Office of Court Services supports the work of the Advisory Committee on Language Services. The Committee advises the Supreme Court on statewide rules and uniform standards for the operation of language service programs in Ohio Courts; develops education programs for judges and court personnel; and advises on the development and delivery of language services to Ohio Courts.

CONTACT

interpreterservices@sc.ohio.gov
614.387.9403 and 614.387.9404



Office of Court Services SPECIALIZED DOCKETS SECTION

The Supreme Court of Ohio's Specialized Dockets Section, part of its Office of Court Services, provides technical support to trial courts in analyzing the need, planning, implementation, and certification of specialized docket programs. The Commission on Specialized Dockets certifies judges who have the education and meet standards to coordinate delivery of mental health and/or substance use services.

TECHNICAL ASSISTANCE

- Guidance and support for the development of certification documents.
- Certification site visits.
- Referral to mentor courts within the state.
- Onsite assistance to enhance best practices within dockets.
- Facilitation of community mapping and docket implementation.
- Notification and letters for local, state, and federal grant opportunities.
- Connection to national technical assistance providers, such as the National Association of Drug Court Professionals, Justice for Vets, Children and Family Futures, and the Center for Court Innovation.

CONTACT

specdocs@sc.ohio.gov
614.387.9425

SPECIALIZED DOCKETS TYPES

ADULT

- Drug Courts
- Mental Health Courts
- OVI/DUI Courts
- Domestic Violence Courts
- Human Trafficking Courts
- Re-entry Courts
- Veterans Courts
- Family Dependency Treatment Courts

JUVENILE

- Drug Courts
- Mental Health Courts
- Human Trafficking Courts
- Truancy Courts
- Re-entry Courts

EDUCATION

- Annual Specialized Dockets Conference.
- Topic- and population-specific events (i.e., Legal Trends, Human Trafficking, Domestic Violence) offered throughout the year with CLE and CEU credit.
- Online education available through the Supreme Court of Ohio's Judicial College.
- On-demand and in-person education offered by the National Drug Court Institute (NDCI).
- NDCI Implementation Training for courts not yet operating, teams with significant staff changes, or teams that have never attended an implementation before.
- NDCI Operational Tune-Up Trainings for adult drug courts or veterans treatment courts with at least two years' operating experience.
- Justice For Vets Mentor Boot Camp.

WEB RESOURCES

- Family Dependency Treatment Court Standards
- Principles for the Use of Medication Assisted Treatment (MAT) in Drug Courts
- Regional Judicial Opioid Initiative Ohio Team Common Language Glossary.

ROUNDTABLES

Facilitated roundtable conversations are hosted by Court Services staff in the fall and spring. See sc.ohio.gov/jcs/courtsvcs for dates.



GCRS Government Conflict Resolution Services

Government Conflict Resolution Services (GCRS) is a program offered by the Supreme Court of Ohio to provide flexible and practical assistance in resolving and preventing conflict among public officials on various matters including, but not limited to, budget issues, public records requests and other organizational issues, without court involvement.

Services Offered

Neutral Evaluation

A process in which the parties to a dispute present their claims or defenses, and describe the principal evidence on which their claims or defenses are based, to a neutral third party who then shares his/her impressions about the strengths and weaknesses of each matter.

Mediation

A process in which a neutral third party, called a mediator, helps the parties communicate and negotiate with each other to help them reach a voluntary agreement regarding their dispute. The mediator helps the parties clarify their positions and interests, identify underlying concerns, and create practical solutions for resolving their dispute.

Facilitation

A process that focuses on the tasks needed to run a productive and impartial meeting. In facilitation, a neutral party (the facilitator) moderates discussions by ensuring the fluid and orderly exchange of information and ideas from all participants. Facilitation is primarily concerned with assisting individuals in refining their communication and organizational skills so that they may learn to work more efficiently with one another in a group setting.

What Types of Disputes does GCRS Address?

GCRS can assist in the resolution of any conflict involving public officials at the state, county, or local levels of government. Examples of disputes that may benefit from GCRS include: fiscal, budget, operations management, (planning, logistics, materials, risk management, internal controls, organizational design), public records, policy (administrative rule, internal procedures), facilities maintenance, and zoning.

Why Should I Use GCRS?

Conflict resolution processes, such as those offered through GCRS, are powerful tools that can be used to clarify communications, build stronger working relationships and reach consensus. Public officials have found that involving an impartial third party is an effective way to reach agreement and prevent disputes from escalating into unproductive, contentious impasses.

Is it Confidential?

It depends. In general, assistance provided through GCRS is confidential. However, certain public bodies or officers may be subject to Ohio's Open Meetings Act. Under such circumstances, GCRS services would not be confidential.

How Much Does it Cost?

GCRS is provided at NO COST to public officials.

Who Selects the Neutral?

Dispute Resolution Section staff will engage an appropriate third-party neutral after speaking with the parties and/or their respective representatives.

Where is GCRS Conducted?

Dispute Resolution Section staff will work with you to determine a location that is agreeable and convenient for all participants.

Get Started with GCRS TODAY!

GCRS is provided through **The Supreme Court of Ohio Dispute Resolution Section**

PHONE: 614.387.9420 | EMAIL: DisputeResolution@sc.ohio.gov

THE GCRS PROCESS

- 1. Request for GCRS:** The Supreme Court of Ohio Dispute Resolution Section (“DRS”) receives a request for services. Requests for services can be made either by filling out a GCRS Request for Services Form and submitting it electronically through the GCRS website or by telephoning the Dispute Resolution Section at 614.387.9420.
- 2. Information Gathering:** DRS will collect information from the requester of GCRS including, but not limited to:
 - Contact information
 - Preferred service
 - Nature of the dispute
 - Time-frame in which the service should ideally be conducted
 - Whether the service would be open to the public or conducted privately.
- 3. Eligibility Determination:** DRS will confirm that all individuals involved are public officials and that the dispute involves a public matter or impacts the ability to perform public duties.
- 4. Consent to Use GCRS:** After speaking with the requester of GCRS and determining eligibility, DRS will contact the non-requester of GCRS to determine interest and willingness to participate in GCRS. DRS will gather information from the non-requester as outlined in the section on Information Gathering, above.
- 5. Selection of Service:** DRS confers with participants to determine which service (neutral evaluation, mediation or facilitation) would best suit their needs.
- 6. Assignment to Third Party Neutral:** DRS will select an appropriate third party neutral, as well as a subject matter expert, if necessary, after considering the preferences of the participants. While participants may express their preference for a certain third party neutral, the ultimate selection rests with DRS.
- 7. Scheduling the Service:** DRS will coordinate with the participants a date, time and location for the service. It will also be determined at this time whether the service will be conducted privately or whether it will be open to the public. If the session is not open to the public, participants are expected to choose a facility with access to multiple rooms so that the third party neutral may caucus with the participants should the need arise.
- 8. Conduct Service:** The assigned third party neutral will conduct the service. Prior to the commencement of the dispute resolution session, the participants will be required to sign an agreement consenting to the use of dispute resolution to attempt to resolve their dispute. They will also be required to sign a confidentiality agreement if the session is not open to the public.
- 9. Agreement:** If an agreement is reached, a memorandum of agreement will be written and signed by all parties to the dispute. The third party neutral will provide a copy of the memorandum of agreement to each party.
- 10. Outcome Report:** The third party neutral will send an outcome report to DRS informing DRS of the results of the service so that it may maintain statistics on GCRS success rates. The outcome report only discloses whether the parties engaged in a dispute resolution process, who participated in the process and whether the matter was resolved. The outcome report does not give information as to the substance of any agreements reached during the dispute resolution process.



THE SUPREME COURT *of* OHIO
JUDICIAL COLLEGE