



The Supreme Court of Ohio

Annual Report

1991

THE SUPREME COURT OF OHIO

ANNUAL REPORT

1991

**Thomas J. Moyer
Chief Justice**

**A. William Sweeney
Robert E. Holmes
Andy Douglas
Craig Wright
Herbert R. Brown
Alice Robie Resnick
Justices**

The Supreme Court of Ohio
30 East Broad Street, Third Floor
Columbus, Ohio 43266-0419

(614) 466-3456
(800) 826-9010

Stephan W. Stover
Keith T. Bartlett
Richard A. Dove
Ruth Ann Elmer
Harry Franken
Paul S. Fu
James R. Jump
Walter S. Kobalka
Diane C. Lahm
Marcia J. Mengel
Edward J. Nyhan
M. K. Rinehart
Laurence B. Stone

Administrative Director
Assistant Administrative Director
Associate Director for Legal and Legislative Services
Associate Director for Court Services
Communications Director
Librarian
Counsel to the Court
Reporter
Secretary, Commission on Continuing Legal Education
Clerk
Manager, Office of Court Technology and Services
Fiscal Officer
Executive Director, Judicial College

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INTRODUCTION

For the Supreme Court of Ohio, 1991 was a year marked by challenges, accomplishments, and solid progress:

1. A record 2,576 new cases filed in the Supreme Court;
2. The nation's first statewide live broadcast of Supreme Court oral arguments;
3. Continuation of the war against drugs, including participation of an Ohio team at the National Conference on Substance Abuse and the Courts, chaired by Chief Justice Thomas J. Moyer;
4. An important statewide initiative in court case management and delay reduction;
5. A new, competitively bid contract to publish the Ohio Official Reports;
6. Continuation of innovative programs in dispute resolution and court technology;
7. Consideration of 29 proposals to amend or adopt Supreme Court rules and other rules of practice and procedure for Ohio courts;
8. A second statewide Bench-Bar Conference featuring a keynote address by United States Supreme Court Justice John Paul Stevens;
9. Significant activity by ten standing committees and offices, seven special committees, and three committees and commissions created as a result of legislation.

KEY ISSUES AND EVENTS OF 1991

The statistics for Ohio courts over the last five years reflect continued increases in case filings, with more than three million new cases filed each year. This is an average of more than 4,000 new filings for each judge, nearly 400 more cases per judge than were filed in 1980. Overall, including pending cases and reactivated cases, more than four million cases were before the courts of Ohio last year.

The ability of the Ohio judiciary to manage ever-increasing caseloads is impressive considering the fact that the total budgets of the Supreme Court, Judiciary, Court of Claims, and Judicial Conference make up only one-half of one per cent of the total state budget, and court budgets make up only 2.4 per cent of county budgets statewide.

The Supreme Court has assisted the trial and appellate courts in operating more efficiently in an attempt to absorb the increasing caseloads with a minimum of resources. For example, the Supreme Court adopted a requirement that each court develop and implement a case management program to assist in the timely consideration and disposition of cases. There have been major strides in moving courts toward the twenty-first century with appropriate, cost-effective use of technology, including prototype case management software and an interactive information network.

Another issue receiving special attention has been dispute resolution, which helps to preserve the time and resources of judges for matters that cannot be resolved in a forum other than the courtroom. The Court has also placed continuing emphasis on the use of education to improve court operations and the quality of service to the public.

Case Management and Delay Reduction Initiatives

Twenty years ago, under the leadership of Chief Justice C. William O'Neill, Ohio was the first state in the nation to undertake a comprehensive program to manage caseloads and reduce delay. Ohio continues to be a leader in case management.

Based on a recommendation from the Supreme Court Committee to Study the Impact of Substance Abuse on the Courts, the Court adopted a requirement that each court develop its own case management plan by July 1, 1991. The Court recognized that the process may be as important as the product, because

the development of a case management plan requires each court to examine, evaluate, and improve the process by which it manages its caseload.

The Court also required every court to conduct a physical case inventory of all pending cases by September 1, 1991, and annually thereafter, which will provide greater consistency of application of the rules regarding statistical reporting and more accurate and meaningful caseload statistics. The improved statistics also will permit the Supreme Court to provide greater assistance to the trial and appellate courts, particularly in the utilization of resources.

At year's end, the Court announced a two-part effort, funded by grants from the Governor's Office of Criminal Justice Services, to improve case management and reduce delay in courts using education and direct technical assistance. A \$123,000 grant will permit the Judicial College to present 15 regional conferences on caseload management and delay reduction, including: 1) basic and advanced caseload management; 2) substance abuse; 3) adult probation; 4) felony sentencing alternatives; and 5) misdemeanor sentencing alternatives. A \$118,000 grant for technical assistance related to court delay reduction will permit the Court to: 1) establish pilot and permanent court delay reduction projects; 2) establish a clearinghouse for information on court delay reduction; 3) provide consulting services and technical assistance to courts; and 4) support travel and tuition to courses on delay reduction.

Court Technology

One way to better manage limited resources is through technology. The Court continued its efforts to bring the benefits of technology to all courts in Ohio.

The Ohio Supreme Court Computer-Assisted Recordkeeping (OSCAR) system, now in its second generation, is the prototype personal computer case management software developed by the Supreme Court Office of Court Technology and Services. It has been distributed to more than 60 courts and training has been made available. OSCAR assists courts in tracking and scheduling pending cases and organizing caseload data for the monthly statistics reports.

The Ohio Supreme Court Administrative Network (OSCAN) permits electronic communication with the Supreme Court and among participating courts, including electronic mail and group conferencing. OSCAN makes available the

Supreme Court announcement lists, calendar, case summaries, press releases, and the status of rule proposals.

The Supreme Court and Department of Youth Services continued their joint Juvenile Data Network project to develop computer software that will assist juvenile courts of all sizes in automating information processing and the collection and analysis of juvenile court data statewide.

The Supreme Court also unveiled a plan to provide funding and purchasing assistance for computerization of trial and appellate courts. The Court recommended legislation to permit current filing fees assessed for computerized legal research to be used to purchase computer hardware and software. In addition, the judiciary is participating in Ohio's Cooperative Purchasing Program, which offers local governments the opportunity to purchase certain items, including computer hardware, at substantial discounts.

For the first time, the Judiciary budget includes a specific appropriation for computerization. Funds appropriated for Project Benchmark have enabled the Supreme Court to begin development of a comprehensive effort to link the courts, clerks, and other components of the judicial system into an information network.

As a result of the success of the nation's first statewide Court Technology Conference, sponsored by the Supreme Court in 1990, the second conference is scheduled for October 1992.

Dispute Resolution

Ohio has become a leader in the search for methods to reduce the need for litigation by resolving disputes in alternative ways.

The Supreme Court, the Ohio Judicial Conference, the County Commissioners Association of Ohio, and the Ohio Municipal League reinstated a program to mediate disputes between courts and local legislative authorities, particularly with respect to budgets. Under the program, teams of judges and county commissioners or city council members have been trained in mediation principles to work with their peers to resolve disputes.

The Supreme Court Committee on Dispute Resolution submitted a preliminary report to the Court that outlines a number of pilot projects conducted by the

Committee. The Municipal Courts Mediation Project for small- and medium-sized courts was established in Zanesville, Cambridge, Marietta, and Lancaster. Settlement rates among the four programs ranged from 80 to 93 per cent. The Committee plans to establish four additional programs in the second phase of the project and prepare an implementation and training manual for local courts.

The Committee worked closely with the Ohio Commission on Dispute Resolution and Conflict Management. The Court supported continued funding of the Commission through 1993, and assisted the Commission in hosting a conference sponsored by the National Institute of Dispute Resolution for states desiring to establish a statewide commission.

Programs funded by grants from the Commission on Dispute Resolution and Conflict Management, and the amount of the grant, are: 1) the model municipal court mediation project discussed above, \$60,000; 2) a child support, custody, and visitation mediation model in Summit County, \$23,000; 3) a model program for mediation of juvenile assault in Montgomery County, \$19,000; and 4) a program training attorneys in settlement week and early neutral evaluation concepts, \$20,000.

Education

In his September State of the Judiciary address to the Ohio Judicial Conference, Chief Justice Moyer stated that education is the fastest, most efficient way to effect positive change in our court system and make judges and court personnel aware of new ideas. Since 1987, the Court has placed great emphasis on education and training for judges, referees, and court personnel and on educating the public, particularly students, about the role of the judiciary.

The year 1991 saw the nation's first statewide live broadcast of Supreme Court oral arguments. The historic broadcast, co-sponsored by the Media Law and Law-Related Education Committees of the Ohio State Bar Association, was carried on public television stations statewide. There was also a conference for high school teachers, which included information on the judicial system, briefings on the facts of the case to be broadcast, and pre- and post-broadcast classroom discussions; written materials for students and a resource manual for teachers; and four videotapes for classroom use that explained the Ohio judicial system and the case.

The Court also received the Ohio State Bar Foundation Ritter Award for its off-site court program. Since 1987, the Court has held oral argument in 19 Ohio counties for the purpose of educating high school students about the judicial system. See page 11.

Other Supreme Court education activities are outlined on pages 11, 20, and 21.

Grants

In order to maximize the use of state general revenue funds, the Court has aggressively sought and received grants from a variety of sources. In the past two years, the Court has been awarded nearly \$550,000 in state and federal grants.

The Court received two grants of more than \$243,000 from the Governor's Office of Criminal Justice Services under the Federal System Improvement and Delay Reduction Act of 1990; the projects are described in greater detail on page 3.

The Supreme Court Committee on Dispute Resolution received and administered four grants totaling \$122,000 from the Commission on Dispute Resolution and Conflict Management; the projects are described on page 5.

The Judicial College received four grants totaling \$88,553: a \$15,000 grant from the Ohio Department of Highway Safety to support a course on driving under the influence; and three grants from the federal State Justice Institute, two totaling \$58,553 to support a teleconferencing project for referees, and \$15,000 for a faculty development workshop for judges and referees.

The Supreme Court also received a \$50,000 grant from the State Justice Institute to test trial court performance standards. The project is outlined on page 21. The Office of Court Technology and Services was awarded a \$43,857 grant from the Governor's Office of Criminal Justice Services to develop the Juvenile Data Network described on page 4.

The Court has also supported grant proposals developed by trial and appellate courts.

Budget Issues and Cost-Saving Measures

In February and March, the Chief Justice, recognizing that declining state revenues would make it difficult to meet appropriations for the fiscal year 1991, reduced the budgets for the Supreme Court and components of the judicial system by more than two per cent, or more than \$1 million, for the duration of the fiscal year. The Chief Justice also reduced the initial Supreme Court request by 6.1 per cent for fiscal year 1992 and 1.3 per cent for fiscal year 1993, and the request from the courts of appeals and the Judiciary budget by 11.8 per cent for fiscal year 1992 and 6.9 per cent for fiscal year 1993 prior to submission to the General Assembly.

In addition, the Court, as a result of competitive bidding, awarded the contract for state judges' liability insurance coverage to two Ohio firms at a savings of nearly 22 per cent, or \$113,032, compared to the 1990 premium.

Publication Contract for Ohio Official Reports

West Publishing Company is the new publisher of the Ohio Official Reports, effective July 1, 1991. The contract, which is the first ever competitively bid, doubles the number of pages published per year and reduces the cost to subscribers. The total number of pages published per year has been increased to more than 8,000 compared to an average of 4,000 pages in recent years. The number of published court of appeals opinions will double and the number of published trial court opinions will quintuple in the first year of the contract.

Response to the Drug Crisis

Chief Justice Moyer chaired the National Conference on Substance Abuse and the Courts, sponsored by the Conference of Chief Justices, the Conference of State Court Administrators, the State Justice Institute, and the Bureau of Justice Assistance. The Conference brought together representatives of the disciplines with which courts must interact on drug-related cases. The goal of the Conference was to develop models for state court systems to create better communication and more effective coordination of those efforts. The Ohio team, led by the Chief Justice, included the Director of the Ohio Department of Alcohol and Drug Addiction Services, the Director of the Ohio Department of Youth Services, the Director of the Ohio Department of Rehabilitation and Correction, the Superintendent of Public Instruction, the President of the Ohio

Common Pleas Judges Association, the State Public Defender, the President of the Ohio Prosecuting Attorneys Association, and the President of the Ohio Fraternal Order of Police. Follow-up meetings are scheduled in early 1992.

SUPREME COURT CASELOAD STATISTICS

A record 2,576 cases were filed in the Supreme Court in 1991, including 303 original actions, 3 federal court certifications of state law questions, 72 disciplinary matters, 14 admissions matters, and 2,184 appeals, as follows: 1,338 motions to certify the record, 646 motions for leave to appeal, 124 direct appeals, 32 certified conflicts, 23 appeals from the Board of Tax Appeals, 11 appeals from the Public Utilities Commission, 1 appeal from the Power Siting Board, and 9 death penalty cases.

For additional statistical information, see Appendices A through E.

RULES AMENDED OR ADOPTED IN 1991

In 1991, the Supreme Court considered 29 proposals to amend or adopt Court rules and rules of practice and procedure for Ohio courts. The full text of proposed and final rule amendments are published in the Ohio Official Reports Advance Sheets and the Ohio State Bar Association Report; the publication and effective dates are listed in Appendix F.

Rules of Practice and Procedure

Pursuant to Article IV, Section 5(B) of the Ohio Constitution, the Supreme Court submitted to the General Assembly amendments to the Rules of Appellate Procedure, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Evidence, Rules of Juvenile Procedure, and Rules of the Court of Claims. The amendments included provisions addressing the facsimile filing of documents; service by publication in domestic relations actions; admissibility of pleas and offers of pleas in criminal cases; competency of a spouse to testify against the other spouse in a criminal action; competency of experts to testify in civil actions brought against doctors, podiatrists, or hospitals; proof of bias; and application of the hearsay rule to statements made by the victim in a child abuse case.

The General Assembly conducted hearings on the proposed rules, but took no further action. The rules became effective July 1, 1991.

Mayor's Court Education and Procedure Rules

Based on recommendations from the Mayor's Court Education and Procedures Standards Advisory Committee, the Supreme Court adopted the Mayor's Court Education and Procedures Rules. The rules, which were adopted pursuant to a request from the General Assembly, prescribe education requirements for mayors who conduct mayor's courts and facility and operational standards for mayor's courts.

Attorney Registration

The Supreme Court amended Rule VI of the Rules for the Government of the Bar to establish a new registration status for retired attorneys and to streamline the sanction procedures for attorneys who fail to register with the Court. Administrative changes also were made in the rule, and the collection of demographic information from attorneys was authorized.

Uniform Lawyer Number

The Supreme Court adopted new Rules of Superintendence to require that the Supreme Court attorney registration number be the official attorney identification number used by all courts. Attorneys must use the number on all filings beginning January 1, 1992, and, after January 1, 1993, the number will be the only identification number used in Ohio courts.

Reimbursement to Certified Grievance Committees

The Supreme Court adopted an amendment to Rule V of the Rules for the Government of the Bar that allows certified grievance committees to be reimbursed for certain direct expenses incurred in investigating allegations of misconduct against lawyers and judges.

Continuing Legal Education Fees

The Supreme Court amended Rule X of the Rules for the Government of the Bar to eliminate the biennial filing fee assessed on attorneys who file continuing legal education reports. Beginning in 1992, the Commission on Continuing Legal

Education will be funded through a combination of sponsor accreditation fees and attorney registration funds.

SUPREME COURT ACTIVITIES

Report to the Ohio Judicial Conference

In his fifth annual report to the Ohio Judicial Conference on the State of the Judiciary in September, Chief Justice Moyer announced that he will appoint a Commission on the Future of the Ohio Court System in 1992. "Such a Commission recognizes the need for long-range planning for the court system . . . to determine what justice and the justice system should be in the next century. It should seek to predict the role of the courts in the future and to seek solutions for existing issues." He said that the Commission will study and make recommendations on at least the following issues: 1) the quality of justice, including public perception, access to the judicial system, and the effects of delay and cost on the judicial system and its participants; 2) criminal justice issues and substantive law changes; 3) the organization and administration of the court system; 4) alternative paths to justice; and 5) technology, including methods of increasing access to justice through the use of technology, new forms of crime being spawned by technological advances, and issues relating to privacy and public access to information.

Chief Justice Moyer also told the Conference of his hope that during 1992, with the assistance of the Cleveland International Program, plans will be implemented to offer judges from Hungary and other emerging democracies an opportunity to visit courts in Ohio for comprehensive, first-hand understanding of the structure and operation of an independent judiciary.

The Chief Justice also said that Ohio's court system is one of the taxpayers' best bargains: "Although the judicial branch provides one-third of our government's function, the operations of the judicial branch receive only about three per cent of the total state and local government budgets. . . . We cannot reduce our expenditures by refusing to file new cases or telling litigants to try filing again next year when we may have more time for them. We cannot declare that no more family law matters will be heard for the rest of the fiscal year or that only persons who pay may appear in court."

Off-Site Court Program

In 1991, the Court heard oral arguments in Sandusky, St. Clairsville, Eaton, and Bowling Green as part of the off-site court program; 2,140 high school students were part of a total attendance of 2,600 at these sessions. The program emphasizes law-related education, and includes meetings with editors and reporters from high school newspapers, briefings prior to and following oral arguments, and related coursework.

Since 1987, the Court has held sessions in 19 sites; 8,500 students have attended sessions as part of a total attendance of nearly 12,000.

Court Education Activities

Students from The Ohio State University College of Law and the Ohio Northern University Pettit College of Law, including exchange students from Iceland, attended sessions of the Supreme Court.

The Supreme Court continued to support the Ohio Center for Law-Related Education, its Mock Trial Program, and other Center activities. The Court provides financial support and is represented on the board of trustees and board of directors of the Center.

The Supreme Court participated in the Youth in Government Model Supreme Court program, with 50 high school students involved in the Supreme Court program.

The Supreme Court continued its law student intern program with the Capital University Law and Graduate Center and The Ohio State University College of Law. In 1991, the program was expanded to include the University of Toledo College of Law, University of Cincinnati College of Law, and Ohio Northern University Pettit College of Law. A total of 38 students participated during 1991, serving with all seven Justices and the offices of the Administrative Director, Counsel to the Court, and Reporter.

For the fifth year, the Supreme Court participated in the Bench-Bar-Deans Conference sponsored by the Ohio State Bar Association to discuss legal education, admission to the practice of law, and other issues of common interest to the nine Ohio law schools, the bar, and the judiciary.

SUPREME COURT STANDING COMMITTEES AND OFFICES

Board of Bar Examiners

Chairman: James F. DeLeone; Secretary: Marcia J. Mengel

In late 1990, the Bar Examination Review Committee, chaired by Justice Herbert R. Brown, recommended significant changes in the administration and grading of the bar examination.

In 1991, as a result of amendments to Rule I of the Rules for the Government of the Bar, the Board altered its method of grading the bar examination. Beginning with the February 1991 examination, all 24 essay answers for each applicant were graded. Because of the increase in grading responsibilities, the Board used 12 attorney graders to assist in grading.

The Board began using a new process under which essay scores are adjusted to take into account differences in essay difficulty from one examination to another, in an effort to ensure that an essay score represents the same degree of competence regardless of when the score was earned.

The February 1991 bar examination was administered to 631 applicants, and the July 1991 bar examination was administered to 1,280 applicants.

Rules Advisory Committee

Chair: Kathleen B. Burke; Secretary: Keith T. Bartlett

The Rules Advisory Committee considered a number of proposed new rules and amendments to existing rules of practice and procedure suggested by the Supreme Court, bar associations, lawyer organizations, judges, lawyers, and other interested parties. As a result of this review, 17 substantive amendments were recommended to the Court and approved for submission to the General Assembly in January 1992, including revisions to the Rules of Evidence, Criminal Procedure, Juvenile Procedure, Civil Procedure, and Appellate Procedure.

Board of Commissioners on Grievances and Discipline

Chairman: Frederick L. Oremus; Secretary: Jonathan W. Marshall

The Board of Commissioners on Grievances and Discipline: 1) issued 29 advisory opinions on ethical questions arising under the Code of Professional Responsibility, Code of Judicial Conduct, Rules for the Government of the Bar,

Rules for the Government of the Judiciary, and the Ohio Ethics Law; 2) conducted a third statewide training seminar for members of certified grievance committees; 3) presented 38 continuing education programs for Ohio judges and lawyers; and 4) completed a comprehensive review of Rule V of the Rules for the Government of the Bar and recommended amendments to the Supreme Court.

The Board had 57 new cases in 1991, and 46 cases were certified to the Supreme Court. The Board conducted 44 hearings and disposed of 63 matters.

Office of Disciplinary Counsel

Disciplinary Counsel: J. Warren Bettis

In 1991, the Office of Disciplinary Counsel experienced the greatest increase ever in complaints filed against lawyers and judges. The office received 2,512 complaints, up from 2,050 in 1990, for an increase of 22.5 per cent.

After investigation, the Office dismissed 2,159 cases, and took formal action before the Board of Commissioners on Grievances and Discipline in 25 cases. The Office also reviewed 290 appeals from decisions of certified grievance committees of bar associations and investigated 31 allegations of unauthorized practice of law.

In addition, the Office of Disciplinary Counsel made presentations at 35 ethics seminars throughout the state.

Board of Commissioners on Character and Fitness

Chairman: Gerald B. Lackey; Secretary: Marcia J. Mengel

The Board of Commissioners on Character and Fitness is responsible for investigation of the character, fitness, and moral qualifications of applicants for admission to the practice of law in Ohio.

A record number of cases were heard by the Board in 1991, due, in part, to an increase in sua sponte investigations by the Board. In addition, the Board investigated and held post-admission hearings regarding the pre-admission conduct of some attorneys.

Board of Commissioners on the Unauthorized Practice of Law

Chairman: Kenneth F. Seibel; Secretary: Keith T. Bartlett

The Board of Commissioners on the Unauthorized Practice of Law considered complaints alleging the unauthorized practice of law and granted authorization to seek injunctions in the court of common pleas.

The Board's subcommittee on public relations and education prepared articles for publication and materials for use in presenting seminars on the unauthorized practice of law. Proposed amendments to Rule VII of the Rules for the Government of the Bar were prepared for consideration by the Court in 1992.

The Board expanded the scope of its opinions, and, for the first time, formal opinions of the Board were published in the Ohio Official Reports. The Board published three opinions to educate the bench, bar, and public on the types of activities that constitute the unauthorized practice of law.

Traffic Rules Review Commission

Chairman: Kirwan M. Elmers; Secretary: Richard A. Dove

The Commission recommended amendments to the Ohio Traffic Rules and the Uniform Traffic Ticket. The Commission also recommended the authorization of an experimental traffic ticket project in the Bowling Green Municipal Court.

Board of Commissioners of the Clients' Security Fund

Chairman: Thomas A. Heydinger; Administrator: James E. Green

The Fund received and docketed more than 100 claims and made 32 awards totalling \$214,756. The number of claims docketed increased by approximately 66 per cent over 1990, and the potential liability of the Fund increased by a similar amount.

The Board and staff of the Clients' Security Fund continued their efforts to reach persons qualifying for relief under the Fund through a public education and information program.

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

Chairman: Judge Everett Burton; Secretary: Keith T. Bartlett

The Committee continued to improve and refine its procedures and to monitor the operation and impact of Common Pleas Superintendence Rule 65. The Committee has assisted other states in adopting and implementing similar rules.

The Committee approved two continuing legal education seminars to fulfill the specialized training requirement of Rule 65, continued to certify new applicants who met the requirement of the rule, decertified attorneys who did not satisfy the two-year continuing education standard, and distributed an updated list of certified counsel to all common pleas and appellate judges. Approximately 560 attorneys currently are certified to accept appointment as counsel for indigent defendants in capital cases.

Commission on Continuing Legal Education

Chairman: Judge Mark K. Weist; Secretary: Diane C. Lahm

The Court amended Rule X of the Rules for the Government of the Bar to eliminate the \$15 filing fee effective in 1992. Based on recommendations from the Commission, the Court also amended Rule X to permit the Commission to charge fees for accreditation of sponsors and activities and eliminate the changing of report periods due to an attorney's change of name.

A total of 14,745 attorneys with last names beginning from M to Z were required to report the completion of at least 24 hours of approved continuing legal education, including two hours of ethics and substance abuse instruction, during the preceding two years. By March 31, 90 per cent were in full compliance with the rule, which represents a high percentage of compliance for the first report period compared with the experience of other states.

The Supreme Court issued 694 sanction orders against attorneys with last names beginning from A to L, the first group to report in 1990. In addition, the Commission held 96 hearings on notices of non-compliance; processed 9,200 applications for accreditation of continuing legal education activities from 2,500 sponsors; and considered 14 appeals from the Secretary's denial of accreditation. Interim progress reports and final reporting transcripts were mailed to 17,519

attorneys with last names beginning from A to L who are required to report for the second time by January 31, 1992.

Judicial College Board of Trustees

Chairman: Judge George M. Glasser; Executive Director: Laurence B. Stone

The Judicial College presented 58 days of courses to 2,628 attendees, up slightly from 1990. The College also produced a one-hour videotape on judicial ethics, which was used as part of seven two-hour judicial ethics and substance abuse sessions attended by 272 judges.

Under a grant from the State Justice Institute, the College conducted 19 teleconference programs for domestic relations, juvenile, and municipal court referees, with a total of 937 attendees. Upon expiration of the grant, the College conducted three teleconferences with funding from the Supreme Court, one each for municipal and domestic referees, and a special two-hour teleconference on substance abuse for 117 juvenile court judges and referees. The number of classroom sessions for referees also increased in 1991.

A two-day faculty development workshop, funded by a State Justice Institute grant, was presented for 20 referees who will be teaching referee courses.

The College also assumed responsibility for developing and presenting courses for nonjudicial court personnel.

SUPREME COURT SPECIAL COMMITTEES

Bench-Bar Committee

Co-Chairs: David C. Comstock and Judge William H. Wolff, Jr.; Staff Liaison: Richard A. Dove

The Bench-Bar Committee planned and hosted the "1991 Bench-Bar Conference: Professionalism, Judicial Ethics and Campaign Financing, and Specialization--To Attain the Solution." More than 200 judges and attorneys from throughout Ohio attended the two-day conference, which provided participants the opportunity to focus on these areas of concern and make recommendations for rule and statutory amendments. Justice John Paul Stevens of the United States Supreme Court was the keynote speaker.

Advisory Committee on Court Technology

Chairman: Judge Thomas A. Swift; Staff Liaison: Edward J. Nyhan

The Committee continued to provide support to the Court and the Office of Court Technology and Services. See pages 3 and 4.

Committee on Dispute Resolution

Chairman: David A. Ward; Staff Liaison: Arthur J. Marziale, Jr.

The activities of the Committee on Dispute Resolution are described on pages 4 and 5.

Task Force on the Unauthorized Practice of Law

Chairman: Joseph F. Cook, Sr.; Staff Liaison: Keith T. Bartlett

In response to a request by the Ohio State Bar Association, the Supreme Court Task Force on the Unauthorized Practice of Law was established in 1990 to conduct a complete review of the status of the unauthorized practice of law in Ohio and Rule VII of the Rules for the Government of the Bar, and report to the Court.

In 1991, the Task Force held public hearings in Columbus, Lima, Cincinnati, and Cleveland. Twenty-one persons presented oral testimony, and written testimony was submitted by 30 individuals or organizations. The Task Force also completed research on topics related to the unauthorized practice of law.

Committee to Review the Supreme Court Rules of Practice

Chair: Justice Alice Robie Resnick; Staff Liaison: Marcia J. Mengel

In February 1991, Chief Justice Moyer appointed the Committee to Review the Supreme Court Rules of Practice to study the Rules of Practice and recommend amendments to the Court. The Committee consists of practicing attorneys who have experience with various types of cases that come before the Court. The Committee held its first meeting in March, and expects to conclude its work in 1992.

Joint Task Force on Gender Fairness

Co-Chairs: Justice Alice Robie Resnick and Carol J. Suter

In 1991, the Supreme Court of Ohio and the State Bar Association established the Joint Task Force on Gender Fairness. The purpose of the Task Force is to

reduce gender bias in the courts and legal profession by gaining equal treatment for all judges, lawyers, court personnel, litigants, law students, and witnesses.

The first meeting of the 32-member Steering Committee was held in May; approximately 80 additional members have been appointed to the Task Force, and ten subcommittees have been established.

Civil Legal Needs Assessment Implementation Committee

Chairman: Denis J. Murphy; Staff Liaison: Richard A. Dove

The Civil Legal Needs Assessment Implementation Committee was formed by the Supreme Court and the Ohio State Bar Association in late 1991 to implement the recommendations contained in the Ohio Legal Needs Assessment, a study prepared for the Ohio State Bar Association, the Ohio State Bar Foundation, and the Ohio Metropolitan Bar Leaders Conference. The Committee will begin its work in early 1992.

STATUTORY COMMITTEES

State Criminal Sentencing Commission

Chairman: Chief Justice Thomas J. Moyer

In 1990, the General Assembly created the State Criminal Sentencing Commission to conduct a review of Ohio's sentencing statutes and sentencing patterns and make recommendations regarding necessary statutory changes.

In 1991, the Commission heard presentations from sentencing experts in Ohio, New Jersey, and Pennsylvania, and began developing recommendations for changes in Ohio's sentencing structure.

Mayor's Court Education and Procedures Standards Advisory Committee

Chairman: Judge D. William Evans, Jr.; Staff Liaison: Richard A. Dove

Pursuant to section 1905.031 of the Revised Code, the Supreme Court in 1990 appointed the Mayor's Court Education and Procedures Standards Advisory Committee consisting of judges, attorneys, mayors, and a chief of police. The Committee was charged with developing and recommending to the Supreme Court education standards for mayors who conduct mayor's courts and operational standards for mayor's courts.

The Committee completed its work in 1991, recommending comprehensive education requirements for mayors who conduct mayor's courts, mayor's court facility standards, standards for mayor's court conduct and operation, and suggested forms. These rules and forms were adopted by the Court, and three separate education courses were accredited by the Commission on Continuing Legal Education to enable mayors to satisfy the first phase of education prior to July 1, 1991.

Task Force on Court Costs and Indigent Defense

Chairman: Justice Craig Wright; Staff Liaison: Richard A. Dove

The Task Force on Court Costs and Indigent Defense was established in Amended Substitute House Bill 298 of the 119th General Assembly to review existing funding and service delivery systems for indigent defense and to recommend ways to make those systems more cost-effective and efficient. The Task Force, which consists of judicial, legislative, and executive appointees, held an organizational meeting in late 1991.

OFFICE OF THE ADMINISTRATIVE DIRECTOR

Stephan W. Stover, Administrative Director

Court Services Initiative

Since 1987, the Court and staff have conducted a variety of programs to provide service and support to trial and appellate courts, including information and technical assistance.

Court Visitation Program

Since 1987, the Supreme Court staff has made nearly 300 visits to 227 of the 269 courts in Ohio to meet with judges, administrators, and other court personnel. In 1991, the Court staff visited 77 courts.

Technical Assistance Program

In 1988, the Supreme Court, in conjunction with the National Center for State Courts, established the Technical Assistance Program to foster innovative programs and stimulate improvements in the administration of Ohio's courts. In 1991, the Program granted \$19,900 to ten individual projects. A \$10,000 grant was awarded for a fine and fee collection

improvement project study conducted by the National Center for State Courts at the Mansfield Municipal Court. In addition, \$15,000 was allocated to the Judicial College for court personnel education programs.

Examples of specific projects include: 1) multi-site statewide training for probation personnel sponsored by the Ohio Chief Probation Officers Association; 2) training for paraprofessionals doing in-house treatment with high-risk youth sponsored by the Delaware County Juvenile Court; 3) a pilot project to develop pamphlets and videotapes to acquaint the public with the court system sponsored by the Portage County Municipal Court; and 4) a project designed to study the feasibility of establishing a single office to coordinate the use of community services sponsored by the Licking County Common Pleas and Municipal Courts.

Education and Training

Court Personnel Education and Training Committee

The Court Personnel Education and Training Committee consists of representatives of the Ohio Association of Court Administrators, Ohio Clerk of Courts Association, Ohio Association of Municipal Court Clerks, Ohio Bailiffs Association, Ohio Chief Probation Officers Association, Ohio Shorthand Reporters Association, Ohio Urban Juvenile Court Administrators Association, and Ohio Association of Court Referees and Magistrates. Its purpose is to establish and maintain a formal program of education for court personnel.

In 1991, the Committee was moved under the auspices of the Judicial College. The Committee presented eight different educational programs in 22 sessions.

Mentor Program

The Mentor Program for newly elected judges, now in its fourth year, was moved under the auspices of the Ohio Judicial Conference.

Continuing Legal Education Consortium

Since 1989, the Supreme Court, Attorney General, Legislative Service Commission, and other state agencies have worked together to establish a

curriculum of continuing legal education courses for government attorneys. In 1991, nine courses were offered in 14 sessions, with a total of 25.75 hours of credit. Courses were offered at no charge.

Legislation and Governmental Relations

The staff of the Supreme Court worked with judges and members of the General Assembly to secure the enactment of legislation creating a new judicial position in the Lucas County Court of Common Pleas, an environmental division in the Franklin County Municipal Court, and a new municipal court in Clermont County to replace the existing county court. The staff also provided information to the General Assembly on the removal of population-based formulas for the creation and elimination of municipal and county court judicial positions.

The Chief Justice and staff worked with the Governor, legislative leaders, the Ohio State Bar Association, and the Attorney General to obtain state funding for the Ohio Center for Law-Related Education. The moneys will be used by the Center to provide continuing citizenship education activities to primary and secondary students and to obtain additional public and private funds for new programs.

The Court also cooperated with the General Assembly, State Public Defender, and County Commissioners Association of Ohio to create the Task Force on Court Costs and Indigent Defense, which is described on page 19.

Staff continued to monitor legislation introduced in the 119th General Assembly and responded to requests for information on pending legislation from judicial associations, judges, court personnel, and attorneys.

Trial Court Performance Standards

Ohio is one of the five states selected by the National Center for State Courts to evaluate trial court performance standards as part of a three-year project funded in part through grants from the State Justice Institute and the Bureau of Justice Assistance. The general division common pleas courts in Hamilton, Meigs, and Stark Counties are the test sites; Wayne County and Montgomery County Common Pleas Courts are also participating on a volunteer basis. The courts are testing 22 performance standards in the following areas: access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence.

Affidavits of Disqualification

The Ohio Constitution and state statutes authorize the filing of an affidavit of disqualification as a procedure for requesting removal of a judge from a case on the grounds of bias, prejudice, or interest.

The Chief Justice and staff continued to improve the administration of affidavits of disqualification. The number of comprehensive bench opinions issued by the Chief Justice increased, and several will be published in 1992.

The number of affidavits filed in 1991 was 209, compared to 186 filed in 1990.

Assignment of Judges

The Chief Justice made 2,314 assignments of judges to trial and appellate courts in 1991.

Court Statistical Reporting Section

The Court Statistical Reporting Section continued its efforts to improve the statistical reporting system. Thirteen regional training sessions were held in the spring, attended by 343 judges, clerks of court, and other court personnel from nearly 200 trial courts. Eight court visits were made for further training and consultation, and 11 formal presentations were made to various groups.

A revised Rules of Superintendence Implementation Manual, which includes the Rules of Superintendence and detailed instructions for completing court statistical reports, was distributed to all judges and court administrators.

Court Personnel Meetings

The Supreme Court staff coordinated and hosted meetings of the administrators of the eight largest common pleas courts, administrators of the eight largest municipal courts, and several technology interest groups.

Supreme Court Portraits

The Court completed a two-year effort to inventory and restore portraits of the members of the Court dating from 1819. The project was coordinated by

Jayne Stone Brown, the widow of Justice William B. Brown. The collection was installed in chronological order, and a catalog is being developed. The project was the subject of an article in Ohio Official Reports.

Automated Legal Research

Since 1989, the Supreme Court has contracted to provide legal research services for all courts in the state at substantial savings. The Court has purchased master subscriptions from Mead Data Central, Inc. (LEXIS) and West Services, Inc. (WESTLAW) that eliminate monthly subscription fees for trial and appellate courts and provide training at no cost to judges and court staff.

In 1991, the Court entered into a new master contract for LEXIS that is expected to save 20 per cent in the first year and 25 per cent in the second year over government rates.

LAW LIBRARY

Paul S. Fu, Librarian

The Supreme Court Law Library is the largest state supreme court law library in the nation, with more than 300,000 equivalent volumes.

The Supreme Court Law Library is the first state supreme court law library to establish a totally integrated online library system. Installation of the cataloging module was completed in 1989, and the online public access catalog was installed and bar-coding of the entire collection was completed in 1990. The acquisition module was installed in 1991, and the serials and circulation modules will be installed in 1992.

The online public access catalog, the Supreme Court Research Online Law Library (SCROLL), provides speed, accuracy, and search by author, subject, title and keyword, and can be accessed by both in-house and remote users. With the proper modem and computer equipment, library patrons can have access to the system from anywhere in Ohio. More than 150 out-of-town users have already registered to access the SCROLL database.

In 1991, a total of 44,700 patrons visited the Law Library. The Library added 13,111 printed volumes, 186,019 pieces of microfiche, and 1,404 rolls of microfilm to the collection. In addition, the library staff responded to 27,741 reference questions.

CLERK'S OFFICE

Marcia J. Mengel, Clerk

Clerk's Office

In 1991, the Clerk's Office processed a record 2,576 new cases and scheduled 263 cases for oral argument. The Clerk's Office also processed 1,257 continuing legal education enforcement matters, the first to come before the Court pursuant to Rule X of the Rules for the Government of the Bar.

Admissions Office

The Admissions Office processed more than 3,700 admission applications, including approximately 1,400 law student registrations, 2,200 bar examination applications, 128 applications for admission without examination, and six applications for temporary certification under Rule IX of the Rules for the Government of the Bar. In addition, the Office processed the first foreign legal consultant applications filed since the adoption of Rule XI of the Rules for the Government of the Bar.

The Admissions Office issued 2,500 certificates of good standing and 325 legal intern certificates. The Office conducted two admission ceremonies; in May, 484 applicants were admitted to the bar, and in November, 1,068 applicants were admitted.

Attorney Registration Office

Pursuant to Gov. Bar R. VI, attorneys admitted to practice in Ohio are required to register with the Supreme Court on a biennial basis. The 1991-1993 attorney registration biennium began on September 1, 1991.

During the year, more than 38,000 attorneys registered for the biennium, with 31,816 registering for active status, 4,998 registering as inactive, and 266 registering for corporate status. In addition, 1,136 attorneys registered for "retired" status, created for attorneys age 65 and over who no longer practice law.

REPORTER'S OFFICE

Walter S. Kobalka, Reporter

The Reporter's Office published 357 full Supreme Court opinions, 21 abbreviated entries, and 60 miscellaneous orders and orders in chambers, for a total of 438 edited works of the Supreme Court. In addition, 638 court of appeals opinions and 165 trial court opinions were published in the Ohio Official Reports.

Supreme Court opinions, announcement lists, rules, and notices accounted for 36 per cent of the pages available in the Ohio Official Reports. Court of appeals opinions accounted for 51 per cent and trial court opinions accounted for ten per cent of available pages.

The Reporter's Office, in cooperation with the Office of Court Technology and Services, continued electronic transmission to the publisher of opinions, announcement lists, rules, and notices, which reduced the time between editing and publication.

OFFICE OF COURT TECHNOLOGY AND SERVICES

Edward J. Nyhan, Manager

The activities of the Office are summarized on pages 3 and 4.

PUBLIC INFORMATION OFFICE

Harry Franken, Communications Director

The Public Information Office provided an extensive program of public information and education, including weekly announcements of Court decisions, publication of summaries of 186 opinions and other actions of the Supreme Court, 67 news releases, and memoranda to the news media on issues to be argued before the Supreme Court.

In addition, the Public Information Office responded to more than 1,376 requests for assistance or information from the public. The Office continued an education program with The Ohio State University School of Journalism and Ohio Dominican College.

FISCAL OFFICE

M. K. Rinehart, Fiscal Officer

The Fiscal Office provided administrative and support services for the Supreme Court and appellate and trial courts. Functions of the Office include preparation and maintenance of payrolls, administration of fringe benefits, and planning and preparation of the biennial budgets for the Judiciary and Supreme Court.

The Fiscal Office processes eight payrolls each month; a total of 19,000 payroll warrants and electronic fund transfer statements were distributed, as well as 6,742 warrants and electronic fund statements for expense reimbursement and payment to vendors and retired assigned judges. The Office also processed payments and monitored the accounts for 11 grants.

MASTER COMMISSIONERS

James R. Jump, Counsel to the Court

The Master Commissioners continued to provide research support for the Supreme Court, primarily in death penalty cases, appeals from the Public Utilities Commission of Ohio and the Board of Tax Appeals, disciplinary cases, original actions filed in the Court, and direct appeals originating in the courts of appeals.

COURT OF CLAIMS

Miles Durfey, Clerk

The Court of Claims has statewide, original jurisdiction over all civil actions filed against the State of Ohio.

Civil actions in the Court of Claims are determined in one of two ways. Actions against the state of \$2,500 or less are determined administratively by the Clerk or Deputy Clerk. Civil actions in excess of \$2,500 are heard and determined by a judge.

The Court of Claims also adjudicates all matters pertaining to an application for an award of reparations filed under the Ohio Victims of Crime Act. A single commissioner or a panel of commissioners appointed by the Supreme Court hears and determines such matters.

A judge of the Court may review and enter judgment in a civil action determined administratively and may hear and determine an appeal taken from an order of a panel of commissioners. In either event, the Court's judgment cannot be the subject of further appeal.

Civil Case Management

In 1991, 513 cases were decided by the judges of the Court of Claims. The number of filings of civil administrative determinations rose from 626 to 839, an increase of 34 per cent, and there were 716 dispositions.

Victims of Crime Compensation Case Management

A record 6,911 victims of crime compensation cases were filed in 1991, up 26 per cent from 1990 and a three-fold increase since 1987. A record 5,095 victims of crime cases were disposed of, up 10 per cent over the previous record year of 1990.

CASES FILED

JURISDICTIONAL MOTIONS

Motions to Certify	1,338
Motions for Leave	646

MERIT DOCKET

Original Actions	303
Direct Appeals	124
Certified Conflicts	32
Appeals from Board of Tax Appeals	23
Appeals from Public Utilities Commission	11
Appeals from Power Siting Board	1
Death Penalty Cases	9
Certified State Law Questions	3

DISCIPLINARY CASES 72

ADMISSIONS CASES 14

TOTAL 2,576

FINAL DISPOSITIONS

JURISDICTIONAL MOTIONS (Denied or Dismissed)

Motions to Certify	1,173
Motions for Leave	<u>606</u>
<u>TOTAL</u>	1,779

MERIT DOCKET

Original Actions	310
Direct Appeals	148
Certified Conflicts	30
Appeals from Board of Tax Appeals	37
Appeals from Public Utilities Commission	2
Appeals from Power Siting Board	1
Death Penalty Cases	14
Merit Cases Pursuant to Allowance*	177
Certified Questions of State Law	<u>3</u>
<u>TOTAL</u>	722

* This category includes all discretionary appeals that were instituted as motions to certify the record or motions for leave to appeal, allowed by the Court, and heard and disposed of on the merits.

CASES ALLOWED

<u>MOTIONS TO CERTIFY</u>	134
<u>MOTIONS FOR LEAVE</u>	<u>29</u>
<u>TOTAL</u>	163

APPENDIX C

CASES PENDING

<u>CASE TYPE</u>	<u>PENDING AS OF 1/1/92</u>
Motions to Certify and Motions for Leave*	614**
Original Actions	67
Direct Appeals	120
Certified Conflicts	36
Appeals from Board of Tax Appeals	26
Appeals from Public Utilities Commission	16
Death Penalty Cases	21
Certified Questions of State Law	<u>0</u>
<u>TOTAL</u>	900

* This category includes jurisdictional motions that were awaiting Court review on January 1, 1992. It also includes discretionary appeals that had been allowed in by the Court and were pending on the merits on January 1, 1992.

** One hundred forty-seven of these cases had been allowed in by the Court and were pending on the merits as of January 1, 1992. The remainder were pending as jurisdictional motions.

APPENDIX D

DISCIPLINARY AND ADMISSIONS CASES

CASES FILED

DISCIPLINARY DOCKET

Regular disciplinary cases	42
Automatic suspensions for felony conviction	8
Resignations	14
Reciprocal discipline cases	2
Disciplinary cases involving judges	0
Miscellaneous disciplinary matters	<u>6</u>

TOTAL 72

ADMISSIONS DOCKET

Character and fitness cases	7
Miscellaneous admissions matters	<u>7</u>

TOTAL 14

FINAL DISPOSITIONS

DISCIPLINARY DOCKET

Public reprimands	25
Definite suspensions	6
Definite suspensions with probation	10
Indefinite suspensions	14
Disbarments	4
Automatic suspensions for felony conviction	8
Automatic suspension cases withdrawn	1
Resignations	15
Resignations withdrawn before Court action taken	1
Reciprocal discipline imposed	0
Reciprocal discipline cases dismissed	1
Disciplinary cases involving judges	1
Miscellaneous disciplinary matters	<u>5</u>

TOTAL 91

ADMISSIONS DOCKET

Character and fitness cases	4
Miscellaneous admissions matters	<u>8</u>

TOTAL 12

1991 RULE AMENDMENTS

App. R. 3 and 33; Civ. R. 3, 4.3, 4.4, 5, 10, 75, and 86; Crim. R. 16 and 59; Evid. R. 410, 601, 609, 616, 807, and 1102; Juv. R. 1, 32, and 47; C.C.R. 6 and 9; Recommendations of the Rules Advisory Committee

Final Publication: September 9, 1991

Effective: July 1, 1991

Gov. Bar R. X; Continuing Legal Education Course Accreditation Fee and Elimination of Attorney Filing Fee

Final publication: November 11, 1991

Effective date: January 1, 1992

C.A. Sup. R. 2; C.P. Sup. R. 5; M.C. Sup. R. 12; Annual Case Inventory

Final publication: February 18, 1991

Effective date: February 18, 1991

May. R. 1-7, and 20; Gov. Bar R. X; Mayor's Court Education Requirements

Final publication: February 18, 1991

Effective date: February 18, 1991

Gov. Bar R. I; Recommendations of the Bar Examination Review Committee

Final publication: February 4, 1991; September 2, 1991

Effective date: February 1, 1991; October 1, 1991; February 1, 1992

C.A. Sup. R. 4; C.P. Sup. R. 9.01; M.C. Sup. R. 19; Uniform Lawyer Number

Final publication: May 27, 1991

Effective date: January 1, 1992

C.P. Sup. R. 16 and Standard Probate Forms; Estates and Guardianships

Final publication: September 9, 1991

Effective date: September 1, 1991

Gov. Bar R. VI and X; Attorney Registration, Retired Status and Attorney Registration Fund

Final publication: July 15, 1991

Effective dates: July 1, 1991; September 1, 1991

Gov. Bar R. IX; Limited Practice Certification
Final publication: July 15, 1991
Effective date: July 2, 1991

May. R. 1, 3, 4, 6, 1-14, and 20, and Forms; Procedural and Facility Standards;
Final publication: July 22, 1991
Effective date: August 1, 1991

C.P. Sup. R. 7; M.C. Sup. R. 2 and 16; Continuances for Disciplinary Proceedings
Final publication: October 7, 1991
Effective date: October 1, 1991

Gov. Bar R. I; Admissions Matters and Joint Undergraduate and Law Degree Programs
Final publication: January 13, 1992
Effective dates: May 1, 1992; August 1, 1992

Gov. Jud. R IV and V; Gov. Bar R. X; Judicial College Proposals
Final publication: November 11, 1991
Effective date: January 1, 1992

Gov. Bar R. V; Reimbursement to Certified Grievance Committees
Final publication: October 21, 1991
Effective date: November 1, 1991

Gov. Bar R. X; Change of Name and Reporting Requirements
Final publication: November 11, 1991
Effective date: January 1, 1992

Gov. Bar R. II; Legal Interns
Final publication: January 6, 1992
Effective date: January 1, 1992

Gov. Bar R. VI; Attorney Registration, Corporate Status, and Registration Information
Final publication: January 6, 1992
Effective date: January 1, 1992

Traffic Rules; Uniform Traffic Ticket Pilot Project
Final publication: November 25, 1991
Effective date: October 21, 1991

C.P. Sup. R. 4 and 5; Probate Case Assignments and Statistical Reports
Final publication: January 6, 1992
Effective date: January 1, 1992

C.P. Sup. Form 76-B; Judicial By-Pass of Parental Notification of Abortion
Final publication: December 30, 1991
Effective date: January 1, 1992

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