



The Supreme Court of Ohio

Annual Report

1994

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Chief Justice

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Alice Robie Resnick
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Justices

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Introduction

For the Supreme Court of Ohio, 1994 was a year marked by significant accomplishments and progress. Among the highlights:

1. The reelection of Justice Alice Robie Resnick to the Court, the election of Justice Deborah L. Cook, and the retirement of Justice A. William Sweeney after 18 years of service.
2. The filing of a record 2,769 cases in the Supreme Court.
3. Completion of the first phase of an important initiative on court security, including the adoption of statewide Court Security Standards.
4. A comprehensive review of Ohio's judicial election system by the Citizens' Committee on Judicial Elections.
5. Announcement of a two-part effort to develop a multi-disciplinary, unified response to domestic violence and other family-related issues in the courts, including the Domestic Violence Task Force and the Family Court Feasibility Study, both funded by grants from the Department of Human Services.
6. Continuation of a multi-disciplinary effort in the war against drugs under a federal grant, including consideration of "drug courts" in Ohio.
7. Adoption of new Supreme Court Rules of Practice, the first major revision of the Rules.
8. Approval of a substantial federal grant from the United States Agency for International Development to launch a comprehensive program of legal education for judges and lawyers in Ukraine.
9. A visit by a six-member Ohio delegation to China as the second phase of the Ohio-Shanghai Judiciary Program.
10. Continued progress in seeking federal and state grant funds to maximize the use of general revenue funds.
11. Consideration of 21 proposals to amend or adopt Supreme Court rules and the rules of practice and procedure for Ohio courts.
12. Significant activity by 12 standing committees, nine special committees, and a commission and task force created as a result of legislation.

Key Issues and Events of 1994

Court Security

The Supreme Court adopted the recommendations of a select committee calling for new security standards in courtrooms across the state.

The Supreme Court/Ohio Judicial Conference Committee on Court Security developed the proposals following a year-long study of security measures in Ohio and around the country. Chief Justice Moyer appointed the panel in May 1993 with the admonition that "our courtrooms must be safe and secure." The Court Security Standards became effective in October 1994.

The Standards require the state's 269 courts to develop a security policy and procedure plan to be submitted to the Supreme Court by July 1995. The Standards call for all persons entering a court facility, including elected officials, court personnel, attorneys, law enforcement personnel, and security officers to be subject to security screening. Courts should have armed, uniformed law enforcement officers assigned to each courtroom. However, recognizing that the needs and resources of each court are different, it is recommended that each court have a security advisory council to develop a workable plan.

The Standards also cover the following areas: weapons in court facilities, prisoner transport, alarms for judges and court personnel, closed-circuit video surveillance, restricted access to offices, and structural design of courtrooms and hearing rooms. The Supreme Court will follow the courts' progress and future security needs through annual reports filed by the local courts.

Citizens' Committee On Judicial Elections

In May, Chief Justice Moyer announced the formation of the Citizens' Committee on Judicial Elections to conduct a "top-to-bottom look at (Ohio's judicial election system) - its strengths, its weaknesses, and how we can improve the way we elect our judges." Ten of the 17 committee members were not attorneys, which was intended to bring a "fresh perspective."

The Committee reviewed studies conducted by the Ohio State Bar Association and the Board of Commissioners on Grievances and Discipline. The Committee conducted a series of public hearings throughout the state, and by year's end, held a final public hearing on a draft proposal prepared by the Committee.

The key recommendations included:

- Automatic disqualification of Supreme Court Justices in cases in which they received campaign contributions of \$500 or more from an attorney or individual in a case, or \$4,000 or more from a law firm involved in a case. Other judges would be disqualified if they received \$250 or more from a lawyer or party in a case, or \$2,500 or more from a law firm in a case.
- Individual contributions would be limited to \$500 to candidates in municipal, common pleas, and court of appeals campaigns and \$1,000 for Supreme Court races.
- Contributions from political action committees would be limited to \$5,000 for Supreme Court races and \$2,500 for all other judicial campaigns.
- Judicial candidates would be permitted to address public issues so long as statements made in a campaign would not compromise the judge's impartiality in the courtroom.
- All judicial candidates would be required to obtain special training in judicial campaign practices and ethics.

The proposal will be submitted to the Court for consideration in 1995.

Domestic Violence Initiative and Family Court Feasibility Study

In September, Chief Justice Moyer announced a two-step effort to address the problem of domestic violence and family issues in the courts. A special committee will study the feasibility of implementing the family court concept in Ohio. Juvenile and domestic relations courts are already combined in Stark, Richland, Erie, Franklin, Trumbull, and Lorain Counties. The study was recommended by the Governor's Task Force on the Investigation and Prosecution of Child Abuse and Child Sexual Abuse Cases and will be funded through an interbranch agreement with the Department of Human Services (see page 25).

The Chief Justice will appoint the Domestic Violence Task Force. The 31-member panel will seek ways to coordinate the efforts of those who deal with domestic violence at the local level. "Every day in courts throughout Ohio, judges see cases involving domestic violence. Each community has its own response to the problem," the Chief Justice said. "The Task Force goal is to determine how we can best deal with these crimes that harm our families, especially the children."

Substance Abuse and the Courts

In October, Chief Justice Moyer announced that the Supreme Court and the "Ohio Team" received a total of \$50,852 in a continuation grant from the State Justice Institute to continue Ohio's efforts in the war against drugs. Chief Justice Moyer said "this is a great example of cooperative effort among the courts, treatment community, corrections, and law enforcement to build lines of communication and coordinate our resources in the war against drugs."

The Ohio Team consists of Chief Justice Thomas J. Moyer; Luceille Fleming, Director of the Department of Alcohol and Drug Addiction Services; Geno Natalucci-Persichetti, Director of the Department of Youth Services; Reginald A. Wilkinson, Director of the Department of Rehabilitation and Correction; Judge Tommy Thompson of the Franklin County Court of Common Pleas, representing the Ohio Judicial Conference; Steve Young, President of the Fraternal Order of Police of Ohio, Inc.; R. Larry Schneider, President of the Ohio Prosecuting Attorneys Association; David Bodiker, State Public Defender; and James Jeffrey, President-Elect of the Ohio State Bar Association.

The grant will fund the employment of a project coordinator to facilitate the creation of local working teams and agreements. The project coordinator will bring together the local counterparts of the Ohio Team, including the courts, treatment, probation, corrections, prosecutors, public defenders, and law enforcement to work together to make the most effective use of the resources that are available in the community.

The project coordinator will also assist in the formation of an Advisory Committee on Substance Abuse and the Courts, which will include judges, court administrators, clerks, probation officers, prosecutors, public defenders, and law enforcement officers at various levels to help facilitate communication within the judicial branch as well as with other disciplines.

Supreme Court Rules of Practice

In January 1994, the Court adopted new Supreme Court Rules of Practice. The new Rules, which became effective June 1, 1994, are designed to simplify and expedite case processing. Some of the significant amendments provide that:

- Appeals from courts of appeals are perfected by filing a notice of appeal directly in the Supreme Court instead of filing first in the court of appeals.
- In discretionary appeals and claimed appeals of right, the filing of a memorandum in support of jurisdiction is a jurisdictional requirement.
- Untimely filings are strictly prohibited.

- Motions for reconsideration may be filed only in connection with final case dispositions.

The new Rules were published with staff and committee commentary to provide guidance to attorneys and rationale for the procedural changes. Sample Court filings (“forms”) are also included with the Rules to provide examples for filing various documents.

Ukraine-Ohio Rule of Law Program

In September, the Court received a substantial grant from the U.S. Agency for International Development to launch a comprehensive program of legal education for judges and lawyers in Ukraine.

This Program is a culmination of a two-year effort by Ohio to assist Ukraine in building democratic institutions, including an independent judiciary. In 1992, the Court hosted a delegation of top officials from Ukraine’s Supreme Court, Lawyers’ Association, and Supreme Rada (parliament). In 1993, Chief Justice Moyer led a fact-finding delegation to Ukraine to determine how Ohio’s judges and attorneys may assist the Ukraine court system.

Ohio court officials will oversee the training program, which will include seminars and classes on property law, contracts, basic trial procedure, and judicial ethics. In addition to providing fundamental legal principles, the Program will introduce the latest in court technology and training.

Two Ohio Judicial College representatives visited Ukraine in September to continue discussions with Ukrainian officials on the legal education program and to consider creation of a judicial college for Ukraine. The Court hosted a 21-member delegation from Ukraine in December. All travel was funded by the grant.

Shanghai-Ohio Judiciary Program

In July, Chief Justice Moyer led a six-member delegation representing the Supreme Court of Ohio and Capital University Law and Graduate Center to China. The delegation visited the Shanghai High People’s Court, Beijing High People’s Court, High People’s Court of the People’s Republic of China, three law schools, and an academic association of judges, lawyers, and professors, which is similar to U.S. bar associations.

The primary purpose was to advise Chinese court officials on plans to develop a commercial court system to keep pace with China’s booming economy. The members of the Supreme Court delegation paid their own travel expenses.

Grants

The Supreme Court administered a record \$789,983 in federal and state grant funds in 1994. During the last four years, the Court has aggressively sought grant funds to maximize the use of state general revenue funds and assist the Court in developing new and innovative programs. Sources of the grants have included the federal State Justice Institute and the state Office of Criminal Justice Services, Department of Public Safety, Commission on Dispute Resolution and Conflict Management, and the Ohio State Bar Foundation.

In addition, the Court received major grants from: (1) the Department of Human Services to fund the Family Court Feasibility Study and Domestic Violence Task Force (see page 3), and (2) the U.S. Agency for International Development for judicial and legal education in Ukraine (see page 5). The amount of the grants will be established in 1995.

State Justice Institute

During 1994, the Supreme Court administered four grants from the State Justice Institute totaling \$173,785. The grants included: (1) \$30,000 for measurement of Trial Court Performance Standards (see page 23); (2) \$10,933 for a decision-making study by the Lucas County Court of Common Pleas; (3) \$82,000 for video conferencing by the Judicial College (see page 16); and (4) \$50,852 to sustain a multi-disciplinary effort in the war against drugs (see page 4).

Office of Criminal Justice Services

In 1994, the Supreme Court administered \$384,502 in grants to Court offices from the Office of Criminal Justice Services. Two of the grants totaling \$223,040 were used to provide direct technical assistance and consulting services in the area of case management and court delay reduction (see page 24). Two grants totaling \$120,016 were used to study sentencing trends (see pages 21 & 22), and a \$41,446 grant was used for mediation evaluation (see pages 19 & 20).

Department of Public Safety

The Supreme Court received two grants from the Department of Public Safety, \$70,000 for the Juvenile Data Network (see page 25), and \$45,000 for Judicial College trial court education and training (see page 16).

Commission on Dispute Resolution and Conflict Management

In 1994, the Supreme Court administered \$91,696 in grants from the Commission on Dispute Resolution and Conflict Management for training and technical assistance in the area of dispute resolution (see pages 19 & 20).

Ohio State Bar Foundation

The Supreme Court received a \$25,000 grant from the Ohio State Bar Foundation for data collection and analysis of information gathered from a variety of court-connected dispute resolution programs (see pages 19 & 20).

Supreme Court Grants

The Supreme Court also awarded grants to support pilot projects in trial and appellate courts. The Court awarded \$60,000 in the area of dispute resolution (see pages 19 & 20), and \$16,187 under the Technical Assistance Program (see page 23).

Supreme Court Caseload Statistics

A record 2,769 cases were filed in the Supreme Court in 1994, including 229 original actions, 55 habeas corpus cases, 3 federal court certifications of state law questions, 97 disciplinary matters, 3 admissions matters, and 2,382 appeals, as follows: 18 claimed appeals of right, 1,310 discretionary appeals (non-felony), 629 discretionary appeals (felony), 173 direct appeals, 36 certified conflicts, 74 appeals from the Board of Tax Appeals, 7 appeals from the Public Utilities Commission, 18 death penalty cases, 115 *Mumhan* appeals, 1 appeal of an election contest under Section 3515.15 of the Revised Code, and 1 appeal under Section 4121.25 of the Revised Code. For additional statistical information, see Appendices A through F.

Rules Amended or Adopted in 1994

The Supreme Court considered 21 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 of adopted rules are listed in Appendix G.

Rules of Practice and Procedure

Pursuant to Article IV, Section 5(B) of the Ohio Constitution, the Supreme Court submitted to the General Assembly proposed amendments to the Rules of Evidence and Rules of Civil, Criminal, Appellate, and Juvenile Procedure. The amendments included: admissibility of expert testimony; signing of pleadings; resolution of discovery disputes in civil cases; adoption of local rules of court; delayed appeals in criminal cases; and amendment of nearly all of the Rules of Juvenile Procedure, primarily to make them consistent with statutory changes.

Unauthorized Practice of Law

On the recommendation of the Supreme Court Task Force on the Unauthorized Practice of Law, the Court adopted amendments to Rule VII of the Rules for the Government of the Bar, Unauthorized Practice of Law. The amendments change the method by which unauthorized practice of law complaints are adjudicated. The Board of Commissioners on the Unauthorized Practice of Law will continue to hear formal complaints filed by bar associations and Disciplinary Counsel. However, under the amended rule, the Board will file a report and recommendation with the Supreme Court, which will enter an appropriate order. The procedure for adjudicating unauthorized practice of law cases will mirror the procedure for adjudicating disciplinary complaints against lawyers and judges pursuant to Rule V of the Rules for the Government of the Bar.

Nondiscrimination

Disciplinary Rule 1-102, Misconduct, was amended on the recommendation of the Gender Fairness Task Force. The amended Rule makes it a disciplinary violation for a lawyer, in his or her professional capacity, to engage in discrimination prohibited by law on the basis of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability.

Confidentiality

Balancing the need to maintain accurate attorney registration records and make those records available to the public with security concerns from the judicial system, the Supreme Court amended Rule VI, Section 1 (G) of the Rules for the Government of the Bar to exclude residence addresses, residence telephone numbers, and social security numbers from the attorney registration records that are public documents. The Rule provides that attorneys' and judges' business addresses will remain public records, but that an attorney's home address is a public record only if it is the only address provided by the attorney. The exemption for social security numbers is consistent with the Court's recent holding in *State ex rel. Beacon Journal Publishing Co. v. City of Akron*, (1994), 70 Ohio St. 3d 605. For the past several years, the Court has not requested residence telephone numbers from attorneys, although many of these numbers remain in the attorney registration records.

Supreme Court Activities

Report to the Ohio Judicial Conference

In his eighth annual report on the State of the Judiciary, Chief Justice Moyer focused on the importance of reintroducing individual responsibility in our society. "In a civilized society, those who deny responsibility shift to others the burden to assume more."

The impact of avoiding responsibility is evident in all courts, including the juvenile courts, he noted. "Twenty-five years ago juveniles committed minor offenses such as truancy, vandalism, or petty theft. The guilty were punished, they showed remorse, and were sent on their way with their parents. But today, it is often difficult to distinguish the juvenile docket from the general division criminal docket."

Passage of the proposed criminal sentencing reform bill will set a tone of responsibility. It will provide alternatives for dealing with those who are responsible and those who are not.

Chief Justice Moyer also announced the Domestic Violence Task Force and Family Court Feasibility Study (see page 3).

In addition, he noted that “there are legitimate questions about how we elect our judges. Thoughtful citizens rightfully ask how our judges whose campaigns must raise vast sums of money can fairly preside over cases that may have an impact on their contributors.” He noted that the Citizens’ Committee on Judicial Elections was “well underway.”

He concluded that in our system of justice, judges, lawyers, and court personnel “accept responsibility for preserving our civilized society with the rule of law.”

Supreme Court Session at the State Capitol

In April, the Supreme Court took a journey back in history, holding a special one-day session in the courtroom that the Court used at the beginning of the century. The Court returned to the ornate room in the Senate Office Building to hear oral arguments in the courtroom, now known as the North Hearing Room, in which the Supreme Court held its sessions from 1901 to 1974, when it moved to its present quarters.

Off-Site Court

In the last eight years, the Supreme Court has conducted court sessions in 27 counties throughout the state, primarily for the benefit of high school students. Approximately 12,600 high school students and a total of 17,300 individuals have attended the sessions. The education program includes meetings with editors and reporters from high school newspapers, briefings prior to and following oral arguments, and related coursework. In 1994, the Court heard oral arguments in Hancock and Scioto Counties.

Court Education Activities

Students from primary and secondary schools, colleges, universities, and law schools from Ohio, the nation, and the world visit the Supreme Court of Ohio each year. In 1994, more than 200 groups and 8,000 individuals visited the Court.

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

The Supreme Court participated in the Youth in Government Model Supreme Court program.

Ohio Government in Action

In February, the Supreme Court hosted a judicial branch day as part of the Ohio Center for Law-Related Education Government in Action Program. Elementary, middle, and high school teachers from throughout Ohio met with the Chief Justice, observed oral argument, reviewed the cases with attorneys who participated in oral argument, and participated in discussions with legal experts on court procedures and the relationship between the courts and media. The Program gives participating teachers a unique view of state government and assists teachers in learning about governmental relations through on-site and hands-on experiences.

Supreme Court Extern Program

The Supreme Court continued its law student extern program with Capital University Law and Graduate Center, The Ohio State University College of Law, University of Toledo College of Law, University of Cincinnati College of Law, Ohio Northern University Pettit College of Law, University of Akron C. Blake McDowell Law Center, and University of Dayton School of Law. Seven of Ohio's nine law schools and a total of 46 students participated during 1994, serving all seven Justices and the offices of the Administrative Director, Counsel to the Court, and Sentencing Commission. The Court also participated in the Columbus Bar Association Minority Clerkship Program for the second year.

Bench-Bar-Deans Conference

For the eighth 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.

Continuing Legal Education Consortium

The Court continued its participation in the Continuing Legal Education Consortium with the Attorney General, Legislative Service Commission, and other state departments and agencies. The Consortium provides a curriculum of continuing legal education courses for government attorneys. In 1994, the Consortium presented 17 courses for a total of 51 credit hours.

Supreme Court Standing Boards, Commissions, and Committees

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

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

The Committee was established in 1988 under Rule 65 of the Rules of Superintendence for Courts of Common Pleas to develop procedures to administer the continuing legal education requirements and experience standards for the appointment of counsel for indigent defendants in capital cases. The Committee certifies attorneys as counsel for indigent defendants in capital cases, approves educational seminars, and reviews and recommends amendments to Rule 65.

In 1994, the Committee continued to monitor the operation and impact of Rule 65. Proposed amendments to the Rule were published for comment and finalized for consideration by the Court in 1995.

The Committee approved three continuing legal education seminars to fulfill the specialized training requirements of Rule 65, certified new applicants who met the requirements of the Rule, decertified attorneys who did not satisfy the two-year continuing education standard, and distributed two updated lists of certified counsel to common pleas judges. A total of 578 attorneys currently are certified to accept appointment as counsel for indigent defendants in capital cases.

Board of Bar Examiners

Chairs: Jay Harris and Keith McNamara; Secretary: Marcia J. Mengel

The Board of Bar Examiners is created by Rule I, Section 4 of the Rules for the Government of the Bar and is responsible for administration of the Ohio bar examination pursuant to the Court's authority to regulate admission to the bar in Article IV, Section 2(B)(1)(g) of the Ohio Constitution.

In 1994, the Court adopted a Board of Bar Examiners proposal to make significant changes to the Ohio bar examination. Effective in January 1995, these changes include a reduction in the length of the bar examination from three to two and one-half days, elimination of the essay subjects of federal income taxation and administrative law, a reduction in the size of the Board from 24 to 18 members, and the appointment of readers to assist the Board with grading essay answers. In addition, the Court adopted the Multistate Professional Responsibility Examination. Applicants who take the July 1995 or a subsequent Ohio bar examination must also pass the Multistate Professional Responsibility Examination prior to admission to the bar.

The Board administered the bar examination to 513 applicants in February 1994, with 379 (73.9 percent) passing, and administered the July 1994 bar examination to 1,311 applicants, with 1,173 (89.5 percent) passing.

Commission on Certification of Attorneys as Specialists

Chair: Frank E. Bazler; Secretary: Diane Chesley-Lahm

The Commission on Certification of Attorneys as Specialists was created in 1993 when the Supreme Court adopted Rule XIV of the Rules for the Government of the Bar. The Commission will create a mechanism under which attorneys with special expertise in a field of law may become certified as specialists and recommend guidelines for attorneys certified as specialists to communicate their specialization to the public. The Commission held its first meeting on April 28, 1994, and met six additional times in 1994 to develop standards, regulations, and by-laws.

The Commission studied the standards and regulations adopted by the American Bar Association and other states that have specialization programs. The standards and regulations will be submitted to the Court early in 1995, and will establish procedures for certifying agencies seeking accreditation. Ohio attorneys will achieve certification by meeting practice requirements and passing tests administered by the accredited certifying agency. The Commission will also consider requirements for renewal.

Board of Commissioners on Character and Fitness

Chair: Michael B. Michelson; Secretary: Marcia J. Mengel

The Board of Commissioners on Character and Fitness is established under Rule I, Section 9 of the Rules for the Government of the Bar. The Board oversees investigation of the character, fitness, and moral qualifications of applicants for admission to the practice of law in Ohio.

Sixteen new character and fitness cases were filed with the Board in 1994; 13 of these were appeals from admissions committee determinations, and three were *sua sponte* investigations. The Board continued its efforts to work more closely with law schools on character and fitness issues, inviting law school deans or their representatives to meet with Commissioners.

Board of Commissioners of the Clients' Security Fund

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

The Board of Commissioners of the Clients' Security Fund is established by Rule VIII of the Rules of the Government of the Bar to administer the Clients' Security Fund, through which the Board pays reparations of up to \$25,000 to individuals who are harmed by the misconduct of attorneys.

The Fund began the year 1994 with 311 docketed claims. During 1994, 200 new claims were received and 86 of those claims were docketed for Board consideration. The Board of Commissioners held its regular quarterly meetings and heard a total of 178 claims. The Board found 77 claims eligible for compensation for a total amount of \$456,851.06. Seven of the claims awarded in 1994 were for the maximum award of \$25,000.

In 1994, the Clients' Security Fund Board and staff continued public education efforts. In the area of theft prevention, the Board pursued legislation to prevent thefts of personal injury settlements. In addition, legislation is pending to develop an insurance rule for payee notification.

Commission on Continuing Legal Education

Chair: Robert F. Sprague; Secretary: Diane Chesley-Lahm

In 1988, the Supreme Court adopted Rule X of the Rules for the Government of the Bar to require all attorneys in Ohio to complete continuing legal education "to maintain and improve the quality of legal services in Ohio." Rule X requires each of the approximately 35,000 active lawyers in Ohio to complete 24 hours of continuing legal education every two years, including training in ethics and substance abuse. The Commission administers Rule X.

In 1994, pursuant to 1993 amendments to Rule X that transferred to the Commission the administration and enforcement of continuing education for judges, the Commission mailed 400 final reporting transcripts to judges with last names beginning with the letters M-Z. In 1993, Rule X was amended to allow late compliance with the educational requirements contingent upon payment of a late compliance fee; 240 attorneys paid the late compliance fee in 1994.

A total of 18,224 attorneys with last names beginning with the letters A-L were required to report 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, 1994, 88 percent were in full compliance with the Rule. For the year, the Commission had an excellent 95.9 percent compliance rate.

The Supreme Court issued 765 sanction orders during 1994 against attorneys with last names beginning from M-Z, the group required to report in 1993, down approximately 18 percent from the previous biennium. In addition, the Commission held hearings on notices of non-compliance, processed 10,100 applications for accreditation of continuing legal education activities from 4,000 sponsors, and considered 12 appeals from the Secretary's denial of accreditation. Interim progress reports and final reporting transcripts were mailed to 16,250 attorneys and judges with last names beginning with M-Z who were required to report for the third time by January 31, 1995.

Board of Commissioners on Grievances and Discipline

Chair: Stanley M. Chesley; Secretary: Jonathan W. Marshall

The Board of Commissioners on Grievances and Discipline is established by Rule V of the Rules for the Government of the Bar and is charged with administering, interpreting, and enforcing Rule V, which deals with lawyer and judge discipline.

In 1994, the Board established new records for receiving, hearing, and processing disciplinary cases involving Ohio lawyers and judges. The Board received 88 new formal complaints and disposed of 95 disciplinary cases. The Board held 89 disciplinary hearings and certified 79 matters to the Supreme Court.

The Board also continued its work on recommending changes in the Code of Judicial Conduct and Code of Professional Responsibility governing judges and lawyers. It also recommended amendments to the formal disciplinary procedures contained in Rule V.

The Board also: (1) received 60 requests for advisory opinions and issued 14 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) provided partial reimbursement to local certified grievance committees for ongoing grievance and discipline expenses for the third year; (3) conducted a sixth statewide training seminar for members of certified grievance committees, interested lawyers, and judges; and (4) presented 20 continuing legal education programs for judges and lawyers.

Office of Disciplinary Counsel

Disciplinary Counsel: Geoffrey Stern

The Office of Disciplinary Counsel is responsible for the investigation and prosecution of matters involving the professional responsibilities of Ohio's 43,584 attorneys and judges. During 1994, the Office received 3,054 complaints, a 17.6 percent increase from 2,597 filed in 1993. These original complaints, together with appeals and unauthorized practice matters, totaled 3,449 matters in 1994, a 15.6 percent increase from 1993.

After intake and investigation, 3,685 complaints were dismissed. Formal action before the Board of Commissioners on Grievances and Discipline was taken in 66 cases, compared to 41 cases in 1993. In addition, the Office received and reviewed 340 appeals from decisions of certified grievance committees throughout the state, the same as in 1993, and investigated 55 complaints and allegations of unauthorized practice of law, compared to 46 in 1993.

Judicial College Board of Trustees

Chair: Judge Jerry L. Hayes; Executive Director: Laurence B. Stone

Created in 1976, the Judicial College provides an extensive program of educational programs and activities for judges. In 1988, the program was expanded to include court referees and magistrates. In 1990, the College began to provide programs for nonjudicial court personnel throughout the state.

In 1994, the Judicial College presented 55 days of courses to 3,194 attendees. The number of days presented and number of attendees were less than the respective figures for 1993. The decrease was due to the fact that no major new legislation required extensive training for the Judiciary, as with the DUI/DUS legislation in 1993.

Eleven video teleconference programs were conducted for domestic relations, juvenile, and municipal court referees under a grant from the State Justice Institute. One video teleconference for court support personnel was also conducted under the grant. A total of 713 court personnel participated in these teleconferences.

A special video teleconference on judicial ethics and substance abuse was also presented for judges in December, with 217 participants. Three sessions of a new course for acting judges were presented to 181 attorneys who serve as acting judges in municipal courts.

The Chair and the Executive Director visited Kiev, Ukraine to assist in the development of the judicial education program for the Ukrainian Higher Arbitration Courts. The Executive Director also served on a committee that coordinated the hosting of 21 Ukrainian judges for a ten-day educational program in Ohio.

The Executive Director completed a two-year term as President of the National Association of State Judicial Educators.

Commission on Professionalism

Chair: Richard G. Ison; Secretary: Richard A. Dove

The Commission on Professionalism was created by Rule XV of the Rules for the Government of the Bar in 1992. The Commission is charged with implementing a program of education, monitoring professionalism activities in Ohio and other states, promoting professionalism, and recommending methods of enhancing professionalism for members of the bar.

In 1994, the Commission on Professionalism recommended to the Court a Creed of Professionalism and Statement of Aspirational Ideals and proposed amendments to include professionalism training as part of continuing legal education requirements. These proposals will be considered by the Court in 1995.

Rules Advisory Committee

Chair: Judge Donald R. Ford; Secretary: Keith T. Bartlett

The Rules Advisory Committee is established by Rule XII of the Supreme Court Rules for the Government of the Bar and is responsible for reviewing proposed new rules and amendments to the rules of practice and procedure for the courts of Ohio. In 1994, the Rules Advisory Committee continued to review proposed new rules and rule amendments submitted to the Court, bar associations, attorney and judge associations, and other interested parties. The Committee's annual recommendations were submitted to the Court, published twice for public comment, and, after revisions, filed with the General Assembly. Subsequently, 56 substantive amendments to the Rules of Evidence and Rules of Criminal, Civil, Appellate, and Juvenile Procedure took effect on July 1, 1994 (see pages 8 & 9).

The Committee also reviewed additional proposals that were submitted to the Court for initial consideration in September. The proposed amendments approved by the Court for submission to the General Assembly in January 1995 will, unless modified by the Court or disapproved by the General Assembly, take effect on July 1, 1995.

Traffic Rules Review Commission

Chair: Judge Frederick Hany, II; Secretary: Richard A. Dove

The Traffic Rules Review Commission was established in 1969 with the Rules of Practice and Procedure in Traffic Cases for all Courts Inferior to Common Pleas, 12 Ohio St. 2d. Section 2937.46 of the Revised Code authorizes the Supreme Court to establish traffic rules and develop a uniform traffic ticket.

In 1994, Judge Frederick Hany, II of the Ottawa County Municipal Court was named as Chair of the Commission, replacing Kirwin Elmers, who had served as Chair since 1980.

The Commission proposed to the Court amendments to the Traffic Rules and Uniform Traffic Ticket. The amendments allow the waiver of court appearances by persons charged with a second moving traffic violation in 12 months and revise certain information contained on the Uniform Traffic Ticket that is reported to the Bureau of Motor Vehicles. The amendments were proposed by municipal and county court judges to streamline procedures and reduce the number of required courtroom appearances in routine traffic cases.

The amendments also added the Director of the Department of Public Safety as an *ex officio* member of the Commission. The Rule and Uniform Traffic Ticket amendments were approved by the Court following publication for comment and became effective on September 19 and November 1, 1994.

Board of Commissioners on the Unauthorized Practice of Law

Chair: John W. Waddy, Jr.; Secretary: Keith T. Bartlett

The Board of Commissioners on the Unauthorized Practice of Law is established by Rule VII of the Rules for the Government of the Bar. Rule VII was promulgated pursuant to the Court's authority to regulate the unauthorized practice of law contained in Article IV, Section 2(B)(1)(g) of the Ohio Constitution.

Four new complaints alleging the unauthorized practice of law were filed with the Board in 1994. Of the cases pending at the beginning of the year, hearings were conducted in three cases and two cases were decided on stipulations of fact. One case was pending at the end of 1994. The Board also approved applications for reimbursement of expenses and attorney fees and received requests for advisory opinions.

In addition, the Board addressed the difficult question of defining the "practice of law." The Board also made plans to implement the amendments to Rule VII that will take effect January 1, 1995, and responded to numerous requests for information on the unauthorized practice of law.

Supreme Court Special Committees

Bench-Bar Planning Committee

Co-Chairs: John Butz and Judge Denise Dartt; Staff Liaison: Richard A. Dove

The Bench-Bar Planning Committee hosted the fourth statewide Bench-Bar Conference on November 17 and 18 in Columbus. More than 220 attorneys and judges met to discuss criminal case processing, civil case processing, and family court and juvenile justice. A report from the Conference will be sent to the Supreme Court, Ohio Judicial Conference, and the Ohio State Bar Association in early 1995. The Conference honored retiring House Speaker Vernal G. Riffe, Jr. for his many contributions to the Ohio bench and bar during his 36 years of service in the Ohio House of Representatives.

Citizens' Committee on Judicial Elections

Chair: Judge Richard B. McQuade, Jr.; Staff Liaisons: Richard A. Dove and Jay Wuebbold

The Citizens' Committee on Judicial Elections was formed in 1994 to conduct a review of Ohio's judicial election system. The activities of the Committee are described on pages 2 and 3.

Supreme Court/Judicial Conference Committee on Court Security
Co-Chairs: Judges Michael J. Voris and Evelyn J. Stratton; Staff Liaison: Ruth Ann Elmer

The activities of the Committee on Court Security are described on page 2.

Advisory Committee on Court Technology
Chair: Judge Thomas A. Swift; Staff Liaison: Edward J. Nyhan

In 1988, Chief Justice Moyer appointed the Supreme Court Advisory Committee on Court Technology and charged the Committee with the preparation of a comprehensive plan for the application of technology in the courts, including computers, telecommunications, and other media. In 1994, the Committee continued to provide support to the Court and the Office of Court Technology and Services in identifying and considering technology issues for the present and the future.

During the course of the year, the Committee met on a bi-monthly basis to hear status reviews of Project Benchmark, OASIS, and other projects (see pages 28 & 29). It also assisted the Office in addressing various issues, including a digital signature standard for the security of electronically created court documents.

In 1995, the Committee will review the Project Benchmark interim report and assist the Office in recommending a course of action (see page 28).

Committee on Dispute Resolution
Chair: Judge James L. DeWeese; Staff Liaison: C. Eileen Pruett

In August 1989, Chief Justice Moyer appointed the Committee on Dispute Resolution to investigate alternative, complementary dispute resolution methods that are efficient and satisfactory to the parties involved, and to explore different processes to resolve disputes that normally are tried in the court system. From 1989 to 1991, the Committee conducted a comprehensive review of existing programs in Ohio and across the nation, and, with the support of the state Commission on Dispute Resolution and Conflict Management, conducted a number of pilot projects. The Committee is currently working to formalize dispute resolution as part of the court system of Ohio.

During 1994, the Committee continued its efforts to institutionalize dispute resolution processes in Ohio courts. Monitoring and evaluation efforts were expanded for domestic relations, juvenile, and general division common pleas, and municipal court mediation projects. Reports on research in several court-connected mediation programs were completed. The State Justice Institute awarded grant funding for pilot project evaluation programs to be implemented jointly with courts in Maine. The Committee also turned its attention to the needs of common pleas courts to develop additional alternatives to existing mediation and arbitration models. Careful study of

existing programs and recommendations regarding additional pilot projects for common pleas courts will be a major focus for the Committee in 1995.

Training continued to be a high priority. More than 200 court staff, volunteers, attorneys, and mental health professionals received advanced mediation training in 1994. Court referees and municipal court judges also received training, and funds were secured to conduct a training project in victim offender mediation.

In response to a growing interest in providing courses on the impact of divorce on children, the Supreme Court hosted two statewide meetings for parent education providers and mediation program coordinators. Court staff also began work on a pilot project to provide limited start-up funds for parent education projects.

The Committee and Court continued support for the efforts of the Commission on Dispute Resolution and Conflict Management, including a "Consumer Guide to Mediation Training" and a "Directory of Court and Community-based Mediation Programs." The Court and Commission produced a guide to conflict resolution for youth for use in juvenile courts, and sponsored training for elected officials who serve as facilitators for governmental disputes through GAP (Government Assistance Program).

Commission on Racial Fairness

Chair: Judge Ronald B. Adrine; Executive Director: Indira Rampersand

In June 1993, the Supreme Court and the Ohio State Bar Association created the Commission on Racial Fairness. The Commission's objective is to conduct a thorough examination of the justice system and legal profession to determine whether racial bias exists, and if bias is found to exist, to develop recommendations for change. In May 1994, the Commission established six subcommittees responsible for collecting and assessing data pertaining to specific areas of the judicial system and legal profession: (1) perception and participant treatment in the justice system; (2) criminal defendants in the justice system; (3) adjudication of civil matters; (4) employment and appointment practices; (5) judicial selection; and (6) education and cultural diversity.

From September to November 1994, the Commission held 12 public hearings around the state to hear the experiences, concerns, and recommendations of the legal community and the public. Hearings were held in Akron, Athens, Cincinnati, Columbus, Cleveland, Dayton, Lima, Lorain, Toledo, and Youngstown. Approximately 1,600 people attended the hearings, and more than 600 testified or submitted written testimony. In November 1994, the Commission designed several survey instruments to aid in the collection of statistical data, including surveys of judges, attorneys, law students, law school deans, and law firms. The surveys will be distributed to 8,000 judges and lawyers. The Commission also is undertaking research on the jury selection process and sentencing issues.

Committee to Review the Supreme Court Rules of Practice

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

At the recommendation of the Committee to Review the Supreme Court Rules of Practice, the Court adopted new Rules of Practice, which became effective June 1, 1994. The new Rules are described on pages 4 and 5.

Committee to Review the Rules of Superintendence

Chair: Judge John W. McCormac; Staff Liaison: Richard A. Dove

Created in late 1993, the Committee continued its review of the Rules of Superintendence, focusing on issues of case management and assignment and court administration. The Committee reviewed and recommended to the Court amendments proposed by the Ohio State Bar Association relative to the approval of journal entries and responding to the case of *Paletta v. Paletta* (1990), 68 Ohio App. 3d 507. These amendments were published and adopted by the Court, effective February 6, 1995.

Task Force on the Unauthorized Practice of Law

Chair: 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. The Task Force issued its final report in January 1993; proposed rule amendments were published for comment in 1994, and adopted by the Court effective January 1, 1995.

Supreme Court Statutory Commissions

State Criminal Sentencing Commission

Chair: Chief Justice Thomas J. Moyer; Executive Director: David J. Diroll

The State Criminal Sentencing Commission was created by the General Assembly in 1990 to conduct a review of Ohio's sentencing statutes and sentencing patterns, and to make recommendations regarding necessary statutory changes. In 1994, the Sentencing Commission began to consider recommendations for misdemeanor sentencing. Meanwhile, the Commission worked with the General Assembly on the felony proposals made in 1993. The Commission's efforts focused on traffic, victims, and drug issues, and classifying unclassified offenses.

Some of the key elements of the felony sentencing bill include “truth-in-sentencing” - the sentence imposed by the judge in open court would be the sentence actually served, community-based corrections, judicial discretion in sentencing, victim notification, and reorganized felony classifications. The bill passed the House, but the Senate did not complete action before the end of the session.

The Commission staff conducted research on jail populations, fines and costs, mayors’ courts, privatization, and other topics. The Commission worked with state and local government representatives to help ensure adequate state funding for its recommendations.

Task Force on Criminal Fine Distribution

Chair: Judge Michael L. Close; Staff Liaison: Richard A. Dove

In December, the Task Force on Criminal Fine Distribution recommended major changes in the distribution of criminal fines. The Task Force was established by the General Assembly under Am. Sub. H.B. No. 154 of the 120th General Assembly.

The Task Force recommended that: (1) all fines collected be reported to a single state office such as the Auditor of State or Treasurer of State; (2) the government entity operating the court in which a case is filed be responsible for the costs of prosecution and incarceration; (3) the General Assembly eliminate the earmarking of fine money for designated funds; (4) state court costs be eliminated and local courts be allowed to assess adequate costs; and (5) the General Assembly carefully consider recommendations on the adequacy of fines made by the State Criminal Sentencing Commission.

The Task Force recommended that all fine revenue collected by state and local governments be reported to a single state office on an annual or semi-annual basis.

OFFICE OF THE ADMINISTRATIVE DIRECTOR

Stephan W. Stover, Administrative Director

Reorganization

The Office of the Administrative Director was reorganized in 1994, due in part to the departure of Ruth Ann Elmer, Associate Director for Court Services. The Assistant Administrative Director assumed new responsibilities, including overall supervision of Court contracts and purchasing, and the day-to-day operations of the Office.

The Associate Director for Legal and Legislative Services assumed responsibility for coordinating the staffing of Supreme Court boards, commissions, and committees that are affiliated with the Office, affidavits of disqualification, and certain Court

educational programs, including the Ohio Center for Law-Related Education and the Off-Site Court program (see pages 10 & 11).

The Court Statistics Officer assumed responsibility for assignment of judges, and the Case Management Coordinator assumed responsibility for the Technical Assistance Program and court personnel meetings.

In addition, the Office will receive support from a new staff counsel and a staff attorney assigned part-time to the Office. The staffing of Court boards, commissions, and committees will be reorganized in early 1995.

Technical Assistance Program - Ruth Ann Elmer/Cherstin Hamel

Since 1988, the Supreme Court, in conjunction with the National Center for State Courts, has operated the Technical Assistance Program to foster innovative programs and stimulate improvements in the administration of Ohio's courts. More than \$229,087 has been awarded in 104 grants to trial and appellate courts. In 1994, the Program granted \$16,187 for 20 individual projects.

Technical assistance projects included: (1) a planning retreat for a county criminal justice system; (2) a study of the truancy actions and court involvement; and (3) skills enhancement training for probation officers.

Legal and Legislative Services - Richard A. Dove

The staff monitored several bills during an abbreviated 1994 legislative session, including the recommendations of the State Criminal Sentencing Commission, ethics legislation that impacted upon judges and other public officials, and legislation to create several new judicial positions in the courts of common pleas. The House and Senate Judiciary Committees requested and were provided with information on the relative need for new positions contained in Sub. H.B. No. 21. The staff and members of the Supreme Court Rules Advisory Committee also testified in support of proposed amendments to the rules of practice and procedure that are submitted to the General Assembly for review pursuant to the Ohio Constitution.

Trial Court Performance Standards - Ruth Ann Elmer

Ohio was one of the four states participating in the National Center for State Courts project to evaluate the Trial Court Performance Standards. The three-year project was funded in part through grants from the State Justice Institute and the Bureau of Justice Assistance. The general division common pleas courts in Meigs, Wayne, and Stark Counties participated as demonstration sites. The courts tested 22 performance standards on the following issues: access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence. The report was completed and published in 1994.

Affidavits of Disqualification - Keith T. Bartlett

The staff assisted the Chief Justice in the consideration of 205 affidavits of disqualification, a constitutional and statutory procedure for seeking the removal of a judge on the grounds of bias, prejudice, or interest.

Case Management Programs - Cherstin Hamel

A variety of case management technical assistance services were provided to common pleas, municipal, and juvenile courts statewide by the Coordinator of Case Management Programs. Projects included: (1) reviews of caseload operations; (2) drug court technical assistance; (3) development and analysis of differentiated case management and case data collection systems; (4) facilitations between courts and criminal justice agencies; (5) caseload education for court personnel; (6) presentations to new judges; (7) ongoing program evaluations; and (8) a clearinghouse of state and national delay reduction information.

Educational programs on "Development of Effective Intervention Strategies at the Pretrial Stage of the Criminal Justice Process" and "Pretrial Decision-Making" were sponsored by the Supreme Court and the Ohio Association of Pretrial Services Agencies. Training in caseload management and intake strategies was provided to the Cuyahoga County Juvenile Court.

A model mediation program to reduce custody and visitation, delinquency, unruly, and paternity filings was established in the Van Wert County Common Pleas General Division and Probate/Juvenile Courts.

The Coordinator of Case Management Programs and several common pleas judges represented Ohio in a four-state, midwest workshop on "Managing Caseloads and Trial Dockets Effectively," which will be replicated in Ohio in 1995.

Assignment of Judges - Ruth Ann Elmer/Doug Stephens

Chief Justice Moyer made 2,374 assignments of judges to trial and appellate courts in 1994.

Court Statistical Reporting Section - Doug Stephens

The Statistical Reporting Section received and analyzed court statistical reports, published the annual *Ohio Courts Summary*, provided report form training to court employees, and responded to numerous court inquiries. The Rules of Superintendence Committee is reviewing the statistical reporting requirements (see page 21).

Juvenile Data Network - Doug Stephens

The Court continued its efforts to implement a pilot Juvenile Data Network. In cooperation with the Juvenile and Family Court Judges Association and through grants from the Ohio Department of Public Safety and the Office of Criminal Justice Services, the network began with the collection of demographic and case-related data from eight juvenile courts to test the operational aspects of a statewide Juvenile Data Network. After a year of operation, evaluation of the pilot project will determine the necessary steps and precautions of implementing the system.

Family Court Feasibility Study - Doug Stephens

In September, Chief Justice Moyer announced the Family Court Feasibility Study (see page 3). As recommended by the Governor's Task Force on the Investigation and Prosecution of Child Abuse and Child Sexual Abuse Cases, and through an interbranch agreement with the Department of Human Services, a request for proposal to secure a consultant to conduct a feasibility study of the advantages and disadvantages of a family court system in Ohio was drafted to be released in early 1995.

Court Personnel Meetings - Ruth Ann Elmer/Cherstin Hamel

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

LAW LIBRARY

Paul S. Fu, Librarian

With a collection of more than 350,000 equivalent volumes, the Supreme Court Law Library is the largest state supreme court law library in the nation. The Law Library has a comprehensive collection of Ohio, federal, and other state laws, and a core collection of international and foreign law. The Library's most notable and in-depth collections are its treatises and practice books, legal periodicals, and microforms.

In 1992, the Library became the first state supreme court law library in the nation to install a totally integrated on-line library system - NOTIS. Among other functions, the NOTIS system provides an on-line public access catalog (SCROLL), which can be accessed by judges, lawyers, and citizens from anywhere in Ohio.

In 1994, the Law Library completed the installation of a CD-ROM network system. The CD-ROM system is designed to support 40 Court workstations and can be expanded when a larger network is needed. The network system allows direct access to the CD-ROM information database in the Library by Court staff from their office workstations. The CD-ROM system will provide fast and accurate legal research, and

result in savings of subscription costs and office shelf space. The system is also designed to allow attorneys and other in-house patrons to access CD-ROM based information, read materials contained in floppy disks which come as a part of a regular book subscription, use their own computer disks while doing legal research in the Library, and compile legal documents at the public workstations in the CD-ROM room.

The Law Library provides library services to Supreme Court Justices and staff members and serves the need for legal information and materials of the state legislature, administrative agencies, attorneys, and general public. In February 1994, the Library provided technical assistance to the Union County Law Library. As in every year, the Library conducted orientation sessions and tours for law school, university, technical college (paralegal), and high school students, and summer interns of Columbus area law firms, as well as new bar inductees and their families and friends. The Library publishes a monthly list of acquisitions, and updated its list of periodicals in December 1994.

A total of 34,164 patrons visited the Law Library, including personnel from more than 60 state agencies. The Library added 8,376 printed volumes, 48,526 pieces of microfiche, and 299 rolls of microfilm to the collection. In addition, the Library staff responded to 22,487 reference questions.

CLERK'S OFFICE

Marcia J. Mengel, Clerk

Clerk's Office

The new Supreme Court Rules of Practice, which became effective June 1, 1994, were implemented by the Clerk's Office. These Rules resulted in significant changes to case processing, including a new procedure for perfecting appeals to the Supreme Court and more stringent requirements relating to the timeliness of filings.

During 1994, the Clerk's Office processed a record 2,769 new cases and scheduled 209 cases for oral argument. The Clerk's Office also processed 868 continuing legal education enforcement matters filed with the Court pursuant to Rule X of the Rules for the Government of the Bar.

Admissions Office

In 1994, the Admissions Office processed nearly 3,700 admission applications, including 1,541 law student registrations; 2,066 bar examination applications; 74 applications for admission without examination; and six applications (four new and two renewal) for temporary certification under Rule IX of the Rules for the Government of the Bar. The Admissions Office also issued approximately 2,175 certificates of good standing and a record 495 legal intern certificates.

The Admissions Office administered two bar examinations and two admissions ceremonies in 1994. During the February bar examination, 513 applicants were tested, and in May the Office conducted an admissions ceremony at the Ohio Theatre for the 379 successful applicants. At the July examination, 1,311 applicants were tested, and a November admissions ceremony was held for the successful 1,173 applicants.

Attorney Registration Office

By the end of 1994, a record 43,584 attorneys had registered for the 1993-1995 biennium, with 35,775 registering for active status; 5,967 for inactive status; and 260 for corporate status, a status available to certain attorneys not admitted to practice in Ohio. In addition, 1,582 attorneys had registered for "retired" status, a status reserved for attorneys age 65 and over who no longer practice law.

REPORTER'S OFFICE

Walter S. Kobalka, Reporter

In 1994, the Reporter's Office published 362 full Supreme Court opinions, 83 abbreviated entries, and 67 miscellaneous orders, for a total of 512 edited Supreme Court works. Also, 704 court of appeals opinions and 80 trial court opinions were published in the *Ohio Official Reports*. Because court of appeals opinions are being published on a near-current basis, no special advance sheets were published in 1994. Through the help of West Publishing Company, the Court's official publisher, the backlog of approximately 2,000 court of appeals opinions that existed in 1991 has been eliminated.

Supreme Court opinions, announcements, rules, and notices accounted for 2,834 pages in the advance sheets or 32.4 percent of the total pages published in 1994. Court of appeals opinions accounted for 5,422 pages in the advance sheets or 62 percent of the total pages published, while trial court opinions accounted for 484 pages or 5.5 percent.

The Reporter's Office, in cooperation with the Office of Court Technology and Services, continued the electronic transmission of opinions, announcements, rules, and notices to the official publisher. Also in cooperation with the Office of Court Technology and Services, the Reporter's Office continued to transmit the Court's opinions and announcements to Internet, Cleveland Freenet, and the Ohio Supreme Court Administrative Network (OSCAN), so that the public can have access to this information within hours of its release.

In order to better serve the public by timely binding into permanent volumes the trial court opinions published in *Ohio Misc. 2d*, the Court approved publication of court of appeals and trial court opinions in a combined volume. Instead of waiting 18 months to bind the trial court opinions into permanent volumes for library shelves, the new combined volume of court of appeals and trial court opinions will guarantee that trial

court opinions are in libraries' permanent collections within three months of their appearance in the *Ohio Official Reports* advance sheets.

OFFICE OF COURT TECHNOLOGY AND SERVICES

Edward J. Nyhan, Manager

Supreme Court of Ohio Network (SCONet)

The Office of Court Technology and Services conducted a competitive process to select and recommend to the Court a systems architect to design a personal computer-based network to replace the eight year old Wang minicomputer system. Subsequently, separate requests for proposal were issued for cabling, training, hardware, and software. The network also includes a document management package that was installed to facilitate the storage and retrieval of documents by offices of the Court.

An upgraded case management system was installed in the Clerk's Office to provide interim enhancements and to restructure the data for migration to SCONet once new software has been developed. The software for the Office of Continuing Legal Education was updated to reflect rule changes incorporating continuing judicial education with attorney continuing legal education.

The Office sponsored two sessions on document imaging at the Intergovernmental Technology Conference held in Columbus in April. More than 150 judges, court staff, and other government personnel attended.

Project Benchmark

The Office of Court Technology and Services, under a contract with the Mitre Corporation, developed a strategy for the automation of the Ohio court system consistent with industry trends and standards. The Mitre Corporation is a non-profit, systems engineering organization that has assisted federal agencies, including the Department of Justice and the Administrative Office of the United States Courts. Mitre worked with the Office to evaluate the impact of the information technology standards on a plan for statewide automation. Mitre also developed a data model using ORACLE Case Tools that describes the use and interrelationship of court-generated data. The model will facilitate the development of standard court systems to exchange and collect court information throughout the state. A final report was delivered at the end of the year, and the Office and the Advisory Committee on Court Technology will review it and make recommendations to the Court in 1995 on implementation.

Ohio Appellate Strategic Information System (OASIS)

The Office continued to work with court of appeals judges, administrators, and staff to develop a common case management software package for the 12 district courts of

appeals. In 1994, the Office installed the software in six of the appellate courts and conducted staff training, and two additional courts were considering the installation of the software.

Technical Assistance

The Office continues to provide direct technical assistance to trial and appellate courts in the computer acquisition process, including dealing with vendors, negotiating with funding authorities, developing and releasing requests for proposal, and evaluating proposals and awarding contracts.

PUBLIC INFORMATION OFFICE

Harry Franken, Communications Director

The Public Information Office is the Court's link to the public. Actions of the Court are announced to the public, including the news media, through the Public Information Office.

During 1994, the Office released 531 opinions, prepared and distributed written summaries for 217 opinions, prepared brief summaries of all cases scheduled to be argued before the Court, replied to 2,181 telephone requests for information, and received or responded to requests for information by 3,035 facsimile transmissions. The Office wrote and issued 30 Supreme Court press releases and distributed releases and opinions for the Court of Claims, Disciplinary Counsel, Board of Commissioners on Grievances and Discipline, and the Clients' Security Fund. Educational programs were conducted for The Ohio State University School of Journalism and Kent State University.

FISCAL OFFICE

M.K. Rinehart, Fiscal Officer

The Fiscal Office provided administrative and support services for the Supreme Court, courts of appeals, 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 processed eight payrolls each month. Approximately 21,350 payroll warrants and electronic fund transfer statements were distributed, as well as 6,775 warrants and electronic fund statements for expense reimbursement and payment to vendors and retired assigned judges. The Office also processed payments for and monitored 17 grants and submitted financial reports as required: six from the Commission on Dispute Resolution and Conflict Management, five from the Office of Criminal Justice Services, three from the State Justice Institute, two from the Department of Public Safety, and one from the Ohio State Bar Foundation.

MASTER COMMISSIONERS

James R. Jump, Counsel to the Court

The Master Commissioners continued to provide research support for the Supreme Court, primarily in capital cases, appeals from the Public Utilities Commission and the Board of Tax Appeal, 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 exclusive, original jurisdiction over all civil actions filed against the State of Ohio. The Court also administers the Ohio Victims of Crime Compensation Program, and determines all matters pertaining to an application for an award of reparations filed under the Ohio Victims of Crime Act.

Civil actions in the Court of Claims are determined in one of two ways: actions against the state for \$2,500 or less are determined administratively by the Clerk or Deputy Clerk (administrative determinations), and actions for more than \$2,500 are heard and determined by a single judge (judicial case).

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

Civil Case Management

In 1994, 482 judicial cases were decided by the judges of the Court of Claims. The number of pending cases at the end of the year was 429. The number of filings of administrative determinations decreased from 1,117 filed in the previous year to 871. There were 1,026 dispositions of these cases, an increase of 12.7 percent over 1993, and by the end of 1994, the number of administrative determinations pending was 353.

Victims of Crime Compensation Case Management

In 1994, 7,278 victims of crime compensation cases were filed, a decrease of 6.2 percent from 1993. However, a record 8,225 victims of crime cases were disposed of, up 4.3 percent over the previous record year of 1993. At the end of 1994, the number of cases pending was 5,405, reflecting a reduction of 14.9 percent. In addition, the number of cases pending before the panel of commissioners at the end of 1994 was 300, a reduction of 36.7 percent in the number of cases pending at the beginning of the year. The year-end number of cases pending before the Court was 100, up from 14 at the beginning of the year.

CASES FILED

JURISDICTIONAL APPEALS	<u>1994</u>
Claimed Appeals of Right	18
Discretionary Appeals (Non-felony)	1,310
Discretionary Appeals (Felony)	629
 MERIT DOCKET	
Original Actions	229
Habeas Corpus Cases	55
Direct Appeals	173
Certified Conflicts	36
Appeals from Board of Tax Appeals	74
Appeals from Public Utilities Commission	7
Appeals from Power Siting Board	0
Death Penalty Cases	18
Certified Questions of State Law	3
Murnahan Appeals	115
Appeals of Election Contest under R.C. 3515.15	1
Appeals under R.C. 4121.25	1
 PRACTICE OF LAW CASES	
Disciplinary Cases*	97
Admissions Cases*	3
Other Practice of Law Cases*	<u>0</u>
 TOTAL	 2,769

* See Appendix E for breakdown of cases relating to the practice of law that were filed in 1994.

APPENDIX A

FINAL DISPOSITIONS*

JURISDICTIONAL APPEALS (JURISDICTION DECLINED, LEAVE TO APPEAL DENIED AND/OR APPEAL DISMISSED)	<u>1994</u>
Claimed Appeals of Right	12
Discretionary Appeals (Non-felony)**	1,105
Discretionary Appeals (Felony)**	<u>543</u>
TOTAL	1,660
 MERIT DOCKET	
Original Actions	249
Habeas Corpus Cases	51
Direct Appeals	160
Certified Conflicts	44
Appeals from Board of Tax Appeals	79
Appeals from Public Utilities Commission	13
Appeals from Power Siting Board	0
Death Penalty Cases	7
Merit Cases Pursuant to Allowance***	201
Certified Questions of State Law	7
Murnahan Appeals	104
Appeals of Election Contest under R.C. 3515.15	0
Appeals under R.C. 4121.25	<u>1</u>
TOTAL	916

* See Appendix F for final dispositions of cases relating to the practice of law.

** This category includes cases involving discretionary appeals and claimed appeals of right.

*** This category includes all discretionary appeals and claimed appeals of right that were allowed by the Court, and heard and disposed of on the merits.

**DISCRETIONARY APPEALS AND CLAIMED
APPEALS OF RIGHT ALLOWED**

	<u>1994</u>
Claimed Appeals of Right	0
Discretionary Appeals (Non-felony)*	140
Discretionary Appeals (Felony)*	<u>8</u>
TOTAL	148

** This category includes cases involving discretionary appeals and claimed appeals of right.*

CASES PENDING

CASE TYPE	PENDING AS OF 1/1/95
Discretionary Appeals and Claimed Appeals of Right*	612**
Original Actions	52
Habeas Corpus Cases	13
Direct Appeals	136
Certified Conflicts	31
Appeals from Board of Tax Appeals	58
Appeals from Public Utilities Commission	10
Death Penalty Cases	23
Certified Questions of State Law	1
Murnahan Appeals	26
Appeal of Election Contest under R.C. 3515.15	1
TOTAL	963

* *This category includes discretionary appeals and claimed appeals of right that were awaiting Court review on the first of the year. It also includes discretionary appeals and claimed appeals of right that had been allowed by the Court and were pending on the merits on the first of the year.*

** *One hundred seventeen of these cases had been allowed by the Court and were pending on the merits as of January 1, 1995. The remainder were pending as jurisdictional appeals.*

APPENDIX D

**CASES RELATING TO THE PRACTICE OF LAW
CASES FILED**

DISCIPLINARY CASES	1994
Regular disciplinary cases	73
Automatic suspensions for felony convictions	8
Resignations	9
Reciprocal discipline cases	4
Disciplinary cases involving judges	0
Miscellaneous disciplinary matters	<u>3</u>
TOTAL	97

ADMISSIONS CASES

Character and fitness cases	3
Miscellaneous admissions matters	<u>0</u>

TOTAL **3**

OTHER PRACTICE OF LAW CASES*

Cases relating to the unauthorized practice of law	0
Other cases relating to the practice of law	<u>0</u>

TOTAL **0**

* *“Other practice of law cases” include cases that were filed pursuant to the Supreme Court’s exclusive constitutional authority over matters relating to the practice of law and that are not considered either disciplinary cases or admissions cases.*

**CASES RELATING TO THE PRACTICE OF LAW
FINAL DISPOSITIONS**

DISCIPLINARY CASES	1994
Public reprimands	15
Definite suspensions	11
Definite suspensions with probation*	17
Suspensions pending compliance**	2
Indefinite suspensions***	19
Disbarments	10
Automatic suspensions for felony convictions	8
Automatic suspension cases withdrawn	0
Automatic suspension cases where Court decided to impose no discipline	0
Resignations	10
Resignations withdrawn before Court action taken	0
Reciprocal discipline imposed	3
Reciprocal discipline cases dismissed	0
Disciplinary cases involving judges	0
Disciplinary cases dismissed involving judges	0
Disciplinary cases dismissed by the Court	0
Miscellaneous disciplinary matters****	<u>3</u>
TOTAL	98
 ADMISSIONS CASES	
Character and fitness cases	4
Miscellaneous admissions matters	<u>0</u>
TOTAL	4
 OTHER PRACTICE OF LAW CASES	
Cases relating to the unauthorized practice of law	2
Other cases relating to the practice of law	<u>0</u>
TOTAL	2

* *Includes cases where respondent was ordered to be monitored and/or placed on probation for all or part of the suspension, or where respondent was ordered to serve period of probation following completion of the period of suspension.*

- **** *Includes one merit case where the Court suspended respondent until he complied with Gov. Bar R. VI. The Court further ordered that when respondent complied with Gov. Bar R. VI, respondent would be suspended for one year, with the suspension stayed on conditions. Also includes one merit case where the Court suspended respondent until he complied with rules of the Supreme Court. The Court further ordered that when respondent complied with the rules, he could apply for reinstatement.*
- ***** *In 1994, one attorney who had been placed on probation in 1993 was suspended until he demonstrated compliance with the Court's order. This suspension is not reported in this category. The number reported here relates only to indefinite suspensions imposed on the merits.*
- ****** *Includes the suspension of a judge pursuant to Gov. Jud. R. III ("Retirement, Removal or Suspension of Judges"). Also includes the suspension of an attorney until he complied with a subpoena duces tecum issued by the Board of Commissioners on Grievances and Discipline.*

1994 Rule Amendments

1. Gov. Bar R. VII – Unauthorized Practice of Law; Recommendation of UPL Task Force
Final Publication: November 21, 1994
Effective Date: January 1, 1995
2. Supreme Court Rules of Practice
Final Publication: February 21, 1994
Effective Date: June 1, 1994
3. Evid. R. 702 and 1102; Civ. R. 5, 8, 11, 26, 30, 34, 37, 45, 54, 63, 83 and 86; Crim. R. 46, 57 and 59; App. R. 1, 3, 5, 14, 25, 26, 31 and 33; Juv. R. 1, 2, 3, 4, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 27, 29, 30, 32, 34, 35, 36, 38, 42, 43, 45, and 47 – Rules Advisory Committee Recommendations
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4. C.A. Sup. R. 3 – Judicial By-Pass of Parental Notification in Abortion Proceedings
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5. DR1-102 – Gender Fairness Task Force Proposal
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6. C.A. Sup. R. 5; C.P. Sup. R. 9; M.C. Sup. R. 18 – Court Security Standards
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7. C.P. Sup. R. 17 and Standard Probate Forms 5.0 - 5.6
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8. Gov. Bar R. X – CLE Reciprocity for Mayor's Court Magistrate Training
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10. DR 7-111 of the Code of Professional Responsibility and Canon 3A(6) of the Code of Judicial Conduct – Solicitation or Release of Confidential Information
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11. Gov. Bar R. I – Admission to the Practice of Law
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