



The Supreme Court of Ohio

Annual Report

1995

THE SUPREME COURT OF OHIO

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Introduction

For the Supreme Court of Ohio, 1995 was a year marked by significant accomplishments and progress. Among the highlights:

- Addition of Justice Deborah L. Cook, former Ninth District Court of Appeals judge, to the Court.
- Adoption of major changes in the rules for electing judges, including campaign conduct, campaign contributions, and enforcement guidelines.
- An effort to assess the nature and extent of the so-called “common law courts.”
- Continuation of the Court’s effort to develop a comprehensive response to domestic violence and other family-related issues, including the Domestic Violence Task Force and the Family Court Feasibility Study, both funded by grants from the Department of Human Services; an initiative with the State Highway Patrol to make information regarding protective orders available statewide through L.E.A.D.S.; and a statewide pilot juvenile data network.
- Continuation of a multi-disciplinary effort in the war against drugs by the Ohio Conference on Substance Abuse and the Courts with the creation of the Advisory Committee on Substance Abuse and Court Policy, and support of efforts to create drug courts and establish local court-community action plans.
- Announcement of a \$469,836 grant to the Ukraine-Ohio Rule of Law Program from the U. S. Agency for International Development to assist Ukraine in forming its own independent judicial system, including a judicial college.
- Election of Chief Justice Thomas J. Moyer as President of the national Conference of Chief Justices.
- Appointment of the new Supreme Court Records Management Task Force.
- Recognition of the tenth anniversary of the Clients’ Security Fund, and appointment of a third Administrator.
- Consideration of 30 proposals to amend or adopt Supreme Court rules and the rules of practice and procedure for Ohio courts, including rules on trial

- publicity, lawyer referral services, limited liability legal corporations, and improvements in the lawyer and judge disciplinary system.
- Continued progress in the Court's effort to secure state and federal grant funds to maximize the use of general revenue funds, including receipt of more than \$2 million in federal and state grants over the past two years.

Key Issues and Events of 1995

Judicial Elections

The Court launched a new era in judicial elections with the adoption of revised rules governing judicial campaign conduct and financing.

Revisions in Canon 7 of the Code of Judicial Conduct limit both the amounts of money judicial candidates can spend and receive for their campaigns. The rules, adopted unanimously by the Court in April, were in effect for November's municipal judge elections.

Under the rules, campaign spending by judicial candidates is limited as follows: Chief Justice, \$500,000; Associate Justice of the Supreme Court, \$350,000; appeals court, \$100,000; common pleas court, \$75,000; and municipal and county court, \$50,000.

Supreme Court candidates can accept no more than \$1,000 from any individual; appellate court candidates, \$500; common pleas, municipal and county courts, \$250. Contributions from political action committees and similar organizations are limited to \$5,000 for Supreme Court races and \$2,500 for all other judicial candidates.

Political parties are permitted to contribute up to 35 percent of the candidates' spending limits. In addition, parties are required to segregate contributions to judicial campaigns and identify the contributor.

The new rules also establish streamlined enforcement by the Board of Commissioners on Grievances and Discipline, which now has the authority to conduct expedited hearings and issue rulings on campaign complaints.

Judicial candidates are required to take a two-hour course on campaign ethics under a provision that was to go into effect January 1, 1996.

Many of the revised rules were proposed by the Citizens' Committee on Judicial Elections (see page 19).

Common Law Courts

The Supreme Court tracked carefully the emergence and growth of the so-called "common law court" movement.

Chief Justice Moyer initiated a survey of Ohio judges to gauge the scope of activity by the movement's followers. The Chief Justice stated that the common law courts are not legitimate courts, but "thinly veiled attempts by a handful of disaffected individuals to ignore the legitimate laws and courts of Ohio and other states."

The survey found common law court activity in more than 30 counties. Judges said the activity included filing false documents in court cases and rejecting citations for court appearances. Most of the cases involved traffic violations, property foreclosures, and tax delinquencies. Judges also reported that their courts were the targets of repeated threats and attempts of intimidation.

The Court worked closely with state and local law enforcement officials to monitor the situation. Authorities confirmed that many of the leaders associated with the common law court movement have ties with the so-called "unorganized militia."

Domestic Violence and Family Issues and the Courts

In 1995, the Court continued its multi-faceted effort to respond to the problem of domestic violence and family-related issues in Ohio's courts. In March, Chief Justice Moyer announced a 31-member Domestic Violence Task Force to 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," said Chief Justice Moyer. "The task force is to review these various responses and determine how we can best deal with these crimes that are harming our families, especially the children." The Task Force will review the interaction among the entities that must respond to domestic violence and explore ways to better coordinate and communicate these efforts. The effort will include a study of the laws and rules in domestic violence, and possible recommendations for change. Judge Jeffrey R. Ingraham of Mercer County Common Pleas Court and State Senator Merle G. Kearns of Springfield will co-chair the Task Force.

The Court also received a \$625,000 grant through the federal Children's Justice Act from the Ohio Department of Human Services to study the feasibility of implementing a system of family courts in Ohio. Many elements involving families must be addressed in various divisions of the common pleas courts, including juvenile, domestic relations, and probate divisions. The study was recommended by the Governor's Task Force on the Investigation and Prosecution of Child Abuse and Child Sexual Abuse Cases.

A 13-member review/advisory committee was appointed by Chief Justice Moyer to work with the Governor's Task Force to secure a consultant to conduct a feasibility study of the advantages and disadvantages of the family court system in Ohio.

The Supreme Court of Ohio and the State Highway Patrol began an initiative to make information regarding protective orders available statewide through L.E.A.D.S. (Law Enforcement Automated Data System).

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 Department of Public Safety and the Office of Criminal Justice Services, the network began a pilot project with a collection of demographic and case-related data from eight juvenile courts to test the operation of a statewide juvenile data network.

Ohio Conference on Substance Abuse and the Courts

The Ohio Conference on Substance Abuse and the Courts continued its multi-disciplinary effort to address substance-related issues as they affect the courts. In January, Chief Justice Moyer announced the appointment of Tracy Robinson as Interagency Project Coordinator to foster communication and to assist in developing working relationships between and among the courts, criminal justice agencies, education, health, and social service agencies, and develop specific plans and long-term strategies to address the impact of substance abuse on the courts.

In June, Chief Justice Moyer appointed the Advisory Committee on Substance Abuse and the Courts to coordinate judicial branch efforts in working with other disciplines in the war against drugs. "The courts must play a key role if the efforts against substance abuse are to be successful," said Chief Justice Moyer. "We must be aware of the legislation enacted, the enforcement actions taken, the treatment facilities available, the availability of space in jails and prisons, and the assurance of quick and fair trials for those charged with criminal violations."

Also in 1995, the Supreme Court, in conjunction with the Department of Alcohol and Drug Addiction Services and the other members of the Conference, hosted two conferences on drug courts: (1) a conference for courts interested in planning drug courts to assist in the implementation of such courts; and (2) an informational meeting for those considering the concept of drug courts.

In addition, the Interagency Project Coordinator assisted 11 counties in their efforts to forge local multi-disciplinary working agreements among the representatives of various agencies dealing with alcohol and drug addiction.

Ukraine-Ohio Rule of Law Program

The Supreme Court of Ohio received a \$469,836 grant from the U.S. Agency for International Development to fund the Ukraine-Ohio Rule of Law Program. The Program, which has been in existence since 1992, is an effort to assist Ukraine in forming an independent judicial system, creating a permanent judicial college, and sustaining the institutions they create.

The effort began in 1992, when Dr. Fedor Bourtschak, head of the law department of the Supreme Rada (parliament) of Ukraine, led a six-member delegation to Ohio. Ukraine is in the process of developing a new constitution and sought assistance from Ohio because of its outstanding judicial system, strong coalition of nine law schools, the excellent Judicial College, and active Ukrainian communities.

In 1995, the Ukraine-Ohio Rule of Law Program re-organized its advisory committee and appointed staff. The Program presented a series of educational and training programs to Ukrainian judges in both Ohio and Ukraine, including visits by Vitaly Boyko, the Chief Justice of the Ukraine, judges, and Ukrainian judicial educators. The Program plans a variety of activities through 1996, including topics such as court administration, judicial ethics and decision making, environmental law, international commercial law, court management, administrative law and procedure, and civil liberties.

National Conference of Chief Justices/National Center for State Courts

In August, Chief Justice Thomas J. Moyer was elected President of the national Conference of Chief Justices. The Conference of Chief Justices is comprised of the principal justice or judge of the 50 states, District of Columbia, and U.S. territories, and is the leading advocate for state courts. Working with the National Center for State Courts, the Conference has testified before Congress on crime bills, product liability measures, and health care.

Chief Justice Moyer noted that 97 percent of the nearly 100 million cases filed annually in U.S. courts are filed in state courts. "Citizens increasingly look to the courts to resolve their disputes," Moyer said. "Meanwhile, Congress creates new state court remedies, and resources for state court systems are becoming more difficult to maintain. The Conference of Chief Justices will play an even greater role in assuring access to state courts and in working with Congress and the Administration where their actions impact the state courts." As President, Chief Justice Moyer is also Chairman of the Board of the National Center for State Courts.

Records Management Task Force

In February, the Supreme Court appointed a 17-member Records Management Task Force to examine how Ohio's courts now manage their records and to investigate innovative practices in other states that may be adopted. "Affordable technology is available to streamline the paper flow," Chief Justice Moyer said. "I have asked the task force to determine the best approach and to recommend how it can be used for Ohio's courts." Moyer said that better records management over the years will provide both cost savings and more efficient courts. In addition, he noted the historical importance of maintaining important documents.

Clients' Security Fund

In 1995, the Clients' Security Fund celebrated its tenth anniversary, and announced the appointment of Columbus attorney Janet Green Marbley as the third Administrator of the Fund.

The Clients' Security Fund compensates individuals who have lost money as a result of misconduct by an attorney. Since 1985, the Fund has awarded \$2,987,937 to 506 individuals, and 60 claimants received the maximum award of \$25,000. In 1995, the Fund awarded \$298,282 to 48 claimants, with six receiving the maximum award.

Grants

The Supreme Court administered a record \$2,071,882 in federal and state grant funds in 1995. During the last five 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, and Commission on Dispute Resolution and Conflict Management.

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

State Justice Institute Services

During 1995, the Supreme Court administered four grants from the State Justice Institute totaling \$182,852. The grants included: (1) \$31,000 to design and implement processes for data collection on court-annexed custody and visitation mediation programs; (2) \$19,000 for "Managing Trials and Pre-Trial Process Effectively"; (3) \$82,000 for video teleconferencing 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 1995, the Supreme Court administered \$468,694 in grants from the Office of Criminal Justice Services. Two of the grants totaling \$167,280 were used to provide direct technical assistance and consulting services in the area of case management and court delay reduction (see page 24). A grant to the State Criminal Sentencing Commission for \$146,588 was used to study sentencing trends (see page 22). The Court also received a \$41,446 grant for mediation evaluation and a \$63,380 grant for victim-offender mediation (see page 20). In addition, the Court continued work under its \$50,000 grant for the Juvenile Data Network (see page 25).

Department of Public Safety

The Supreme Court received two grants from the Department of Public Safety, \$95,000 for the Juvenile Data Network (see page 25), and \$51,000 for Judicial College trial court education and training (see page 16).

Commission on Dispute Resolution and Conflict Management

In 1995, the Supreme Court administered \$29,500 in grants from the Commission on Dispute Resolution and Conflict Management for training and technical assistance in the area of dispute resolution (see pages 19-21).

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 and mediation (see pages 19-21), and \$14,461.88 under the Technical Assistance Program (see page 24).

Supreme Court Caseload Statistics

A total of 2,679 cases were filed in the Supreme Court in 1995, including 235 original actions, 58 habeas corpus cases, 3 federal court certifications of state law questions, 92 disciplinary matters, 4 admissions matters, 4 cases related to the practice of law, and 2,283 appeals, as follows: 23 claimed appeals of right, 1,255 discretionary appeals (non-felony), 583 discretionary appeals (felony), 189 direct appeals, 39 certified conflicts, 52 appeals from the Board of Tax Appeals, 14 appeals from the Public Utilities Commission, 10 death penalty appeals from Courts of Appeals, 117 *Murnahan* appeals, and 1 appeal of an election contest under Section 3515.15 of the Revised Code. For additional statistical information, see Appendices A through F.

Rules Amended or Adopted in 1995

The Supreme Court considered 30 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.

Trial Publicity

Disciplinary Rule 7-107, Trial Publicity, was amended effective January 1, 1996. The amendment repealed the existing rule and replaced it with a rule which substantively resembles the American Bar Association's model rule. Among other things, the amended rule reduces the distinctions between permissible communications in criminal, civil, and administrative proceedings and, in general, is less restrictive than the old rule.

Lawyer Referral Services

Disciplinary Rule 2-103, Recommendation of Professional Employment, was amended effective July 1, 1996. The amended rule incorporates the provisions of the ABA Model Supreme Court Rules Governing Lawyer Referral and Information Services. Features of the amended rule include requirements that lawyer referral services establish experience requirements for panel members and subject matter panels, and that lawyers participating in referral services have professional liability insurance.

Limited Liability Legal Corporations

Rules III and VI of the Rules for the Government of the Bar were amended effective November 1, 1995. The amendments allow attorneys to organize their

practice, as a limited liability company or registered limited liability partnership, and require legal professional associations, legal clinics, and limited liability companies and partnerships to maintain professional liability insurance in specified amounts.

Rules of Practice and Procedure

The Supreme Court filed with the General Assembly proposed amendments to the Rules of Criminal, Civil, and Juvenile Procedure. A proposed amendment of Criminal Rule 16, relative to discovery in criminal cases, was disapproved by the General Assembly. Amendments that took effect July 1, 1995, addressed issues such as pretrial resolution of evidentiary issues in criminal cases, and comprehensive revisions of Civil Rule 53 and Juvenile Rule 40 that changed the title of referee to magistrate and revised their duties and responsibilities.

Supreme Court Activities

Report to the Ohio Judicial Conference

In his annual State of the Judiciary message to the Ohio Judicial Conference Annual Meeting, Chief Justice Moyer urged Ohio's judges to reach out and work with citizens to instill greater public confidence in the court system.

"Many of our citizens have very little idea of the scope and nature of the American court system," the Chief Justice said. "High profile cases such as the O.J. Simpson trial provide a distorted view of the actual work of the justice system."

The public's focus on trials provides judges with an opportunity to educate and engage citizens about the true nature of the courts' mission. "We can show them how our courts operate in reality away from the influence of Studio City."

Reiterating his support for cameras in the courtroom, he noted that the rules are carefully drawn to protect decorum and the rights of defendants and witnesses. "We do not and will not tolerate video free-for-alls."

The challenge for judges is to build confidence and convince Ohioans to look at the true work of the courts.

Off-Site Court - Cindy Lyles

Since 1987, the Supreme Court has conducted court sessions in 30 counties throughout the state, primarily for the benefit of high school students. Approximately 14,600 high school students and a total of 19,700 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 1995, the Court heard oral arguments in Wayne and Van Wert 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 1995, more than 205 groups and 9,000 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.

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 53 students participated during 1995, serving all seven Justices and the offices of the Administrative Director, Counsel to the Court, and State Criminal Sentencing Commission. The Court also participated in the Columbus Bar Association Minority Clerkship Program for the third year.

Bench-Bar-Deans Conference

For the ninth 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 Coalition

The Court continued its participation in the Continuing Legal Education Coalition with the Attorney General, Legislative Service Commission, and other state departments and agencies. The Coalition provides a curriculum of continuing legal education courses for government attorneys. In 1995, the Coalition presented 10 courses for a total of 28 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: Nan P. Cairney

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 grants certification to attorneys who meet Rule 65 qualifications, maintains a statewide attorney certification list, approves death penalty training seminars for continuing education credit required by the Rule, and periodically reviews and recommends amendments to Rule 65.

In 1995, the Committee adopted amendments to Rule 65 that clarify the application of the rule, increase the requirements for certification, and address the content of the specialized training required to become or remain certified counsel. Rule 6 of the Rules of Superintendence for Courts of Appeals was also adopted to provide consistency with Rule 65 and to ensure that appellate counsel in all death penalty cases meet certain requirements.

The Committee approved two 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 and appellate judges. As of September 1995, approximately 516 attorneys were certified to accept appointment as counsel for indigent defendants in capital cases.

Board of Bar Examiners

Chair: 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. It is responsible for examination of applicants for admission to the practice of law pursuant to the Court's constitutional authority to regulate admission to the bar.

The Board and the Court implemented significant changes to the Ohio bar examination in January 1995. These changes included 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, applicants who took the July 1995 Ohio bar

examination were the first group of applicants also required to pass the Multistate Professional Responsibility Examination prior to admission to the bar.

A total of 419 applicants took the bar examination in February 1995, with 319 (76.1 percent) passing, and 1,253 applicants took the July 1995 bar examination, with 1,122 (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, to develop a mechanism under which attorneys with special expertise in a field of law may become certified as specialists, and to recommend guidelines for attorneys certified as specialists to communicate their specialization to the public.

The Commission studied the standards and regulations adopted by the American Bar Association and other states that have specialization programs. The standards and regulations were submitted to the Court early in 1995, and established procedures for certifying agencies seeking accreditation. The standards were approved by the Supreme Court, after publication, and became final on November 14, 1995. Ohio attorneys will achieve certification by meeting practice requirements and passing tests administered by the accredited certifying agency. During 1995 the Commission recognized and defined four designated specialty areas which will be presented to the Court for approval early in 1996. Once the areas are approved, the Commission will begin accepting applications from certifying agencies.

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 10 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.

Fifteen new character and fitness cases were filed with the Board in 1995; 12 of these were appeals from admissions committee determinations, and three were *sua sponte* investigations. The Board also made significant revisions to the character questionnaires included in admissions applications.

Board of Commissioners of the Clients' Security Fund

Chair: David S. Bloomfield; Administrator: James E. Green/Janet Green Marbley

The Board of Commissioners of the Clients' Security Fund is established by Rule VIII of the Rules of the Government of the Bar. The Board is responsible for the investigation and determination of claims seeking reimbursement from the Fund. The purpose of the Fund is to reimburse clients who have sustained losses resulting from the misconduct of an Ohio attorney.

The Fund began the year 1995 with 107 docketed claims. During 1995, 125 new claims were received, and 61 of those claims were docketed for Board consideration. The Board of Commissioners held regular quarterly meetings and heard a total of 103 claims. The Board found 48 claims eligible for compensation, for a total amount of \$298,281.82. Six of the claims awarded in 1995 were for the maximum amount of \$25,000.

May 1995 marked the ten-year anniversary of the Clients' Security Fund. The Fund was established on May 13, 1985, with funding from attorney registration fees. Since its inception, the Board of Commissioners of the Clients' Security Fund has awarded more than \$2,950,000 on a total of 506 claims. Sixty of these individuals received the maximum award of \$25,000.

In March 1995, Janet Green Marbley was appointed by the Supreme Court of Ohio to serve as third Administrator of the Clients' Security Fund.

Commission on Continuing Legal Education

Chair: Steven Bell; 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 instruction in ethics and substance abuse. The Commission administers Rule X.

In 1995, pursuant to 1993 amendments to Rule X that transferred to the Commission the administration and enforcement of continuing education for judges, the Commission mailed 450 final reporting transcripts to judges with last names beginning with the letters A-L. In 1993, Rule X was amended to allow late compliance with the educational requirements contingent upon payment of a late compliance fee; 159 attorneys paid the late compliance fee in 1995.

A total of 16,132 attorneys with last names beginning with the letters M-Z 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, 1995, 87 percent were in full compliance with the Rule. For the year, the Commission had an excellent 96.4 percent compliance rate.

The Supreme Court issued 577 sanction orders during 1995 against attorneys with last names beginning with A-L, the group required to report in 1994, down approximately 23 percent from the previous biennium. In addition, the Commission held hearings on notices of non-compliance, processed 10,300 applications for accreditation of continuing legal education activities from 4,000 sponsors, and considered 18 appeals from the Secretary's denial of accreditation. Interim progress reports and final reporting transcripts were mailed to 19,700 attorneys and judges with last names beginning with A-L who were required to report for the fourth time by January 31, 1996.

The Commission began consideration of mandatory "bridge the gap" education for new admittees to the bar and mandatory professionalism education for all attorneys.

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 1995, the Board received 98 new formal complaints and disposed of 86 disciplinary cases. The Board held 78 disciplinary hearings and certified 64 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 conducted two campaign-related grievance hearings pursuant to the new disciplinary procedure under Canon 7. It also recommended amendments to the formal disciplinary procedures contained in Rule V and participated in a statewide study of the disciplinary process.

The Board also: (1) received 74 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 fourth year; (3) sponsored and assisted in two training seminars for members of certified grievance committees; and (4) presented 24 continuing legal education programs for judges, lawyers, and legal assistants.

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 attorneys and judges. During 1995, the Office received 2,862 complaints, compared to 3,054 filed in 1994. These original complaints, together with appeals and unauthorized practice matters, totaled 3,224 matters in 1995, compared to 3,449 in 1994.

After intake and investigation, 3,244 complaints were dismissed. Formal action before the Board of Commissioners on Grievances and Discipline was taken in 53 cases, compared to 66 cases in 1994. In addition, the Office received and reviewed 293 appeals from decisions of certified grievance committees throughout the state, compared to 340 in 1994, and investigated 69 complaints and allegations of unauthorized practice of law, compared to 55 in 1994.

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 1995, the Judicial College presented 58 days of courses to 2,615 attendees. In addition, the College conducted a total of 11 video teleconferences. Nine two-hour video teleconferences were presented under an \$82,000 grant from the State Justice Institute. Two special teleconferences on "Judicial Ethics and Substance Abuse" were presented in December to 244 judges.

Under a grant from the Department of Public Safety, the College presented three sessions of a course entitled "The Speed Offense" to 52 judges.

Judge Jerry L. Hayes, Chair of the Board of Trustees, Judge Judith Ann Lanzinger, Board Member, and Laurence B. Stone, Executive Director, traveled to Kiev, Ukraine in late January. Judge Hayes and Judge Lanzinger joined two other Ohio faculty members in teaching at this first week-long seminar offered under the Ukraine-Ohio Rule of Law Project. Judge Hayes and Larry Stone worked with Ukrainian officials to further develop the project.

In July, three Ukrainian judges who will be responsible for administering the judicial education program in Ukraine spent a week in Columbus, learning about the Judicial College. In October, Stone taught at the first four-day faculty development workshop for Ukrainian judges, also in Columbus.

Judge Kenneth A. Rohrs, a member of the Board of Trustees since 1992, was appointed Dean of the National Judicial College in early 1995.

Commission on Professionalism

Chair: Kathy Seward Northern; Secretary: Cheryl Austin

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 activities in Ohio and other states, promoting professionalism, and recommending methods of enhancing professionalism among members of the bar.

During 1995, the Commission received comments following publication of its recommended Creed of Professionalism and Statement of Aspirational Ideals. The Commission and the Commission on Continuing Legal Education jointly proposed an amendment to the Rules for the Government of the Bar that would mandate professionalism training as part of the attorney continuing legal education requirement.

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 1995, the Rules Advisory Committee continued to review proposed new rules and rule amendments submitted to the Court by 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. Substantive amendments to the Rules of Criminal, Civil, and Juvenile Procedure took effect on July 1, 1995.

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 filing with the General Assembly in January 1996 will, unless modified by the Court or disapproved by the General Assembly, take effect on July 1, 1996.

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. Section 2937.46 of the Revised Code authorizes the Supreme Court to establish traffic rules and develop a uniform traffic ticket.

In 1995, the Commission's Uniform Traffic Ticket Subcommittee completed its initial phase of work on a new Uniform Traffic Ticket that will modernize the existing ticket and allow for more than one citation to be included on a single ticket. The modified Uniform Traffic Ticket was recommended by the Commission to the Court and published for comment in late 1995.

The Commission also received approval from the Court to conduct pilot projects in several jurisdictions to test the modified Uniform Traffic Ticket. These pilot projects will be conducted in 1996.

Amendments to Traffic Rule 14 also were recommended by the Commission to reflect the recent renaming of "referees" as "magistrates."

Board of Commissioners on the Unauthorized Practice of Law

Chair: D John Travis; Secretary: Deanna Dawe Rush

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

Four complaints alleging the unauthorized practice of law were filed with the Board in 1995. The Board conducted a hearing in the one remaining 1994 case, considered two cases on stipulations of fact, and reviewed another case on motion for default. The Board also approved applications for reimbursement of expenses and attorney fees, received requests for advisory opinions, and offered comment on amendments to existing law.

In addition, the Board conducted a seminar entitled "Practitioners, Paralegals, and the Unauthorized Practice of Law," which was offered free of charge to the public. The Board also implemented the amendments to Rule VII that took effect January 1, 1995 and responded to numerous public inquiries regarding the unauthorized practice of law.

Supreme Court Special Committees

Bench-Bar Planning Committee

Co-Chairs: Judge John Kessler and Richard Kerger; Staff Liaison: Richard A. Dove

The theme of the 1996 Bench-Bar Conference will be "Building Public Confidence in the Judicial System." Topics to be discussed at the Conference include creeds of professionalism, "bridging the gap" between law school and the profession, and public assessments to enhance the judicial process.

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 and completed its review of Ohio's judicial election system in 1995. The activities of the Committee 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 1995, 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 1995, the Committee met on a bi-monthly basis to hear status reviews of statewide Internet usage, OASIS (Ohio Appellate Strategic Information System), and technical assistance projects. It also assisted the Office in addressing various issues, including a digital signature standard for the security of electronically-created court documents.

In 1996, the Committee will assist the Office in recommending a court technology strategy for Ohio courts.

Committee on Dispute Resolution

Chair: Judge James L. DeWeese; Staff Liaison: C. Eileen Pruett

During 1995, the Supreme Court Committee on Dispute Resolution continued its efforts to institutionalize dispute resolution processes in all Ohio courts.

Expansion of monitoring and evaluation processes for domestic relations, juvenile, common pleas and municipal court mediation projects has continued. Work continued on evaluation of Settlement Week and attorney survey data with a final report expected in 1996. Also, final reports on family mediation in Summit County, implementation of the Montgomery County Domestic Relations Court Post Decree Motion Settlement Conference Project, and the Cuyahoga County Common Pleas Court Civil Mediation Project have all contributed to a greater understanding of how mediation affects local courts.

The Committee and Supreme Court continued to be supportive of the efforts of the Ohio Commission on Dispute Resolution and Conflict Management (OCDRCM). The Committee and the Commission jointly sponsored a Court and Community Dispute Resolution Program Study Group to explore the needs of those counties and courts in Ohio that do not yet have viable alternative dispute resolution programming.

The Supreme Court applied for and received funding from the Office of Criminal Justice Services (OCJS) for a three year common pleas court pilot program to utilize in-house mediators for civil cases and for victim/offender mediation in three common pleas courts.

Work continued on the State Justice Institute grant award to provide funding for pilot project evaluation programs to be implemented jointly with courts in the state of Maine. The project involves statewide data collection, reporting, self-monitoring, and evaluation of court annexed and court-referred custody and visitation mediation programs.

Throughout the year, training continued to be a high priority. In the areas of juvenile court parent-child mediation, the Supreme Court, with the assistance of the OCJS, provided introductory concept and program design workshops to staff from approximately 28 counties. Additional basic, victim-offender and advanced training under this grant will take place in early 1996. The Supreme Court continued to support parent education programs for domestic relations courts throughout the year.

The Supreme Court saw creation and expansion of a number of dispute resolution programs throughout Ohio's courts in 1995. Of particular note were the new programs for visitation and parenting issues that were instituted in Ashtabula, Clark, Lake, Lorain, Montgomery, and Van Wert Counties.

The Supreme Court and the OCDRCM published a *Consumer Guide to Mediation Training* and a *Directory of Court and Community-based Mediation Programs*. Additionally, the Supreme Court, with assistance from the Ohio Judicial Conference, published and distributed the *Ohio Judges Guide* and the *Ohio Magistrates*

Guide which highlighted the successes of a wide variety of court mediation programs throughout Ohio. These and other valuable resources, such as the State Justice Institute *National Standards for Court-Connected Mediation Programs*, have been made available to Ohio's courts through the Supreme Court. Other resources, such as books, newsletters and videos in the area of dispute resolution have been purchased and made available to mediation providers through Supreme Court funding.

The Court continued its successful GAP program, providing conflict resolution services for government offices. The program, in conjunction with the Ohio Judicial Conference, Commission on Dispute Resolution and Conflict Management, County Commissioners Association of Ohio, and Ohio Municipal League, provides facilitators to assist in resolving potential conflicts between and among government offices.

Commission on Racial Fairness

Chair: Judge Ronald B. Adrine

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.

In 1994, the Commission held 12 public hearings around the state to hear the experiences, concerns, and recommendations of the legal community and the public.

In 1994 and 1995, 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 Commission also conducted research on the jury selection process and sentencing issues. The Commission plans to report to the Court in 1996.

Committee to Review the Rules of Superintendence

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

The Committee continued its review of the Rules of Superintendence and recommended several interim amendments to the Supreme Court. The Committee finalized amendments relating to statistical reporting, probate case management, and indigency verification procedures for assigned counsel in criminal cases. These amendments will be included in the Committee's final report scheduled for release in late 1996.

Domestic Violence Task Force

***Co-Chairs: Senator Merle Grace Kearns and Judge Jeffrey R. Ingraham;
Staff Liaison: Cheryl Austin***

More than 30 members of the Domestic Violence Task Force, representing the judiciary, law enforcement, prosecutors, health care, and social service providers assembled in March 1995 to address issues related to domestic violence. The goal of the Task Force is to establish coordination mechanisms for those who deal with domestic violence at the local level. The Department of Human Services funded the project with a \$50,000 grant. During the fall, Task Force subcommittees conducted extensive surveys. An analysis of the survey results and statewide public hearings will be the basis for Task Force recommendations to the Court in 1996.

Records Management Task Force

Chair: Judge John R. Milligan; Staff Liaison: Cheryl Austin

A 17-member Task Force began work in March 1995 to conduct a comprehensive review of the management of active and archival records by Ohio courts. The goal of the Task Force is to provide recommendations for improving management of court records in Ohio's trial and appellate courts.

Supreme Court Statutory Commission

State Criminal Sentencing Commission

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

In 1995, the State Criminal Sentencing Commission worked with the General Assembly as it passed a comprehensive felony sentencing reform package (Senate Bill 2), based on the Commission's recommendations. S.B. 2 included truth in sentencing, increased judicial discretion, a broader range of sanctions, victims' rights, and funding to strengthen local corrections. Commission members and staff began to train judges and other practitioners in the changes brought by S.B. 2.

Meanwhile, the Commission worked to hone proposals for changes in misdemeanor and traffic sentencing. Recommendations are likely to be presented to the General Assembly by the end of 1996.

The Commission's staff continued its research on offenders, prison and jail populations, and related issues. The staff developed baseline data for monitoring changes in sentencing.

OFFICE OF THE ADMINISTRATIVE DIRECTOR
Stephan W. Stover, Administrative Director

Legal and Legislative Services - Richard A. Dove

Staff monitored legislation introduced in the 121st General Assembly, including criminal sentencing reform, death penalty and post-conviction relief legislation, juvenile law reform, and changes in the campaign finance laws impacting on the Court's revisions to Canon 7 of the Code of Judicial Conduct, and judicial compensation legislation.

The Court also recommended the creation of new judicial positions in the Seventh District Court of Appeals and the Hamilton County Court of Common Pleas. The recommendation for the Hamilton County positions included a proposal to establish the first "drug court" in the state of Ohio.

Staff continued to provide support to the Court and Court staff in the areas of legal research and preparation and review of contracts and requests for proposal. Proposals for a new judges' liability insurance contract were solicited and received and a new, two-year contract was negotiated with the successful vendor.

Staff participated in numerous training seminars on the subjects of state ethics laws and their applicability to judges, judicial campaign conduct and finance reform, legislation, and affidavits of disqualification.

Affidavits of Disqualification - Richard A. Dove

A total of 175 affidavits of disqualification were filed with and considered by the Chief Justice in 1995.

The Chief Justice instituted a policy of asking that judges respond to affidavits filed against them within 15 days of receiving notice of the affidavit from the Supreme Court. As a result of this policy and other procedural changes, the average time from filing to disposition of affidavits of disqualification was 15 days in 1995. This represents a reduction of nearly 38 percent from 1994 and nearly 80 percent from 1993.

A total of 50 opinions were selected for publication from among the nearly 1,000 affidavit of disqualification entries issued by the Chief Justice over the past five years. These opinions will be published in early 1996.

The staff also prepared legislation to update the statutory provisions relating to affidavits of disqualification. This legislation will be introduced in early 1996.

Case Management Programs - Cherstin Hamel

Ten courts requested and received in-depth, on-site, caseflow management technical assistance provided by the Coordinator of Case Management Programs.

Several hundred criminal justice providers and court personnel from across the country attended "The Criminal Justice System, We're All In This Together" conference in October, sponsored by the National Association of Pretrial Services in conjunction with the Court. A wide range of topics, including the benefits of pretrial diversion and various drug court models, were discussed.

Court Personnel Meetings - Cherstin Hamel

Administrators from the nine largest common pleas courts, the eight largest municipal courts, and the smallest courts of common pleas met at the Court in the spring and fall to receive news from the Supreme Court and information about pending legislation, and to learn about developments in court administration.

Drug Court Technical Assistance - Cherstin Hamel

The Coordinator of Case Management Programs provided technical assistance to one juvenile and six common pleas courts that are implementing or planning a drug court. The Supreme Court also hosted two statewide informational conferences about drug courts for court and criminal justice agencies interested in learning about drug courts.

Technical Assistance Program - Cherstin Hamel

Seventeen applications for local court technical assistance grants were received, and 12 awards totaling \$14,461.88 were made. Among the projects funded were: the development of a poll to ascertain community attitudes toward community service programs in Gallipolis, a personnel management training workshop for Ohio court administrators, and a jury orientation and debriefing video with related materials.

Assignment of Judges - Doug Stephens

Chief Justice Moyer made 2,372 assignments of judges to trial and appellate courts in 1995.

Court Statistical Reporting Section - Doug Stephens

The Statistical Reporting Section received and analyzed court statistical reports, published the annual *Ohio Courts Summary*, provided individual report form training to court employees, held regional review sessions in four locations, and responded to numerous inquiries. Amendments to the Rules of Superintendence were adopted

effective January 1, 1996, and the Rules of Superintendence Committee continues to meet and review the statistical reporting requirements.

Family Court Feasibility Study - Doug Stephens

In September, Chief Justice Moyer announced a contract with the National Center for Juvenile Justice (NCJJ), the research division of the National Council of Juvenile and Family Court Judges, to conduct 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 a proposal to secure a consultant to conduct a feasibility study of the advantages and disadvantages of a family court system in Ohio was released in early 1995. Ten counties were selected for in-depth study while statewide surveys and reviews of databases, focus groups, and public hearings will be held.

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, over 20,000 records have been collected and in year two the database will continue to grow and be tested for statewide implementation.

LAW LIBRARY

Paul S. Fu, Librarian

The Supreme Court of Ohio Law Library provides professional law library service to the Justices and staff members of the Supreme Court, General Assembly, administrative agencies, members of the bar, and the general public.

The Law Library maintains a comprehensive collection of Ohio, federal, and other states' 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 audio-visual materials.

The Law Library strives to make the most advanced library information technologies available to its patrons. The Supreme Court of Ohio Law Library CD-ROM network system has been in full operation for almost a year. There are 40 workstations linking the Justices' chambers and Court offices and four public workstations on the network system. The system has greatly improved the research speed and efficiency.

Since 1992, the Law Library has been using a totally integrated online library system, NOTIS, which covers all areas of library operations. Its online public catalog, SCROLL, can be accessed by lawyers and judges from anywhere in Ohio. With more than 400,000 equivalent volumes in its collection, the Supreme Court of Ohio Law Library has become one of the largest and most technologically enhanced state supreme court law libraries in the nation.

In the past year, the Law Library conducted orientation sessions and library tours for law school, university, technical college (paralegal) and high school students, and summer interns of Columbus area law firms. The Library publishes a monthly list of acquisitions and updated its lists of legal periodicals and audio-visual materials in December 1995.

In 1995, a total of 35,647 patrons visited the Law Library, including personnel from more than 60 state agencies. The Library added 7,334 printed volumes, 94,243 pieces of microfiche, and 286 rolls of microfilm to the collection. In addition, the library staff responded to 20,931 reference questions.

CLERK'S OFFICE

Marcia J. Mengel, Clerk

Clerk's Office

During 1995, the Clerk's Office processed a total of 2,679 new cases and scheduled 257 cases for oral argument (227 for full Court hearing, and 30 tax cases for hearing by a master commissioner). The Clerk's Office also processed 724 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 1995, the Admissions Office processed nearly 3,600 admission applications, including 1,660 law student registrations, 1,891 bar examination applications, 86 applications for admission without examination, and five applications (four new and one renewal) for temporary certification under Rule IX of the Rules for the Government of the Bar. The Admissions Office also issued approximately 459 legal intern certificates and 1,800 certificates of good standing.

The Admissions Office administered two bar examinations and two admissions ceremonies in 1995. During the February bar examination, 419 applicants were tested, and in May the Office conducted an admissions ceremony at the Ohio Theatre for the 319 successful applicants. At the July examination, 1,253 applicants were tested, and a November admissions ceremony was held for the successful 1,122 applicants.

Attorney Registration Office

Pursuant to Rule VI of the Rules for the Government of the Bar, attorneys admitted to practice in Ohio are required to register with the Supreme Court on a biennial basis. The 1995-1997 attorney registration biennium began on September 1, 1995.

During the year, more than 43,000 attorneys registered for the 1995-1997 biennium as follows: 35,056 attorneys registered for active status; 5,907 registered as inactive; and 1,836 attorneys registered for retired status, a status for attorneys age 65 and over who no longer practice law. In addition, 247 attorneys who are admitted to practice in other states, but not in Ohio, registered for corporate status in Ohio.

REPORTER'S OFFICE

Walter S. Kobalka, Reporter

In 1995, the Reporter's Office published 395 full Supreme Court opinions, 43 abbreviated entries, and 47 miscellaneous orders, for a total of 485 edited Supreme Court works. Also, 730 court of appeals opinions and 112 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 1995.

Supreme Court opinions, announcements, rules, and notices accounted for 2,891 pages in the Advance Sheets or 31.4 percent of the 1995 total. Court of appeals opinions took 5,737 pages in the Advance Sheets or 62.4 percent, while trial court opinions took 568 pages or 6.2 percent.

The Reporter's Office, in cooperation with the Office of Court Technology and Services, continued the electronic transmission to the official publisher of opinions, announcements, rules, and notices. Also, in cooperation with the Office of Court Technology and Services, the Reporter's Office continues to transmit the Court's opinions and announcements to OSCAN (Ohio Supreme Court Administrative Network) and the Internet, so that the public can have access to this information within hours of its release. (See the Supreme Court's Home Page at <http://www.sconet.ohio.gov> or the ftp site for the Court's opinions at <ftp://ftp.sconet.ohio.gov/ftp>)

The publishing contract with West Publishing Company was renewed for a five-year term. West will be the Court's official publisher through June 30, 2001.

Publication of Attorney Discipline Orders in Newspapers and in Local Bar Association Publications

Since April 1994, pursuant to Gov. Bar R. V(8)(D)(2), the Reporter's Office has been responsible for the publication in newspapers and in local bar association

OFFICE OF COURT TECHNOLOGY AND SERVICES

Edward J. Nyhan, Manager

Supreme Court of Ohio Network (SCONet)

The Supreme Court of Ohio has installed a local area network based on Compaq computers, Hewlett-Packard printers, 3COM components, as well as Microsoft NT Advanced Server/Windows for Workgroups, Microsoft Office, Visual Basic, and NT SQL Server. There are two Compaq Proliant servers and 120 client PCs on the network. Internet connection to the State of Ohio's GOSIP Network and the use of PC DOCS document management software are also two important features of the network. During 1995, the Office continued to improve the network.

Ohio Appellate Strategic Information System (OASIS)

The Office continued to work with court of appeals judges, administrators, and staff to develop and enhance the case management software package for the six district courts of appeals that have installed OASIS. Plans for 1996 include a major upgrade of the database 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, evaluating proposals, and awarding contracts. In 1995, the technical assistance group began working with 15 courts in 13 counties and completed installations in nine other courts.

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 1995, the Office released 395 opinions, prepared and distributed written summaries for 157 opinions, prepared brief summaries of all cases scheduled to be argued before the Court, replied to 2,188 telephone requests for information, and received or responded to requests for information by 2,736 facsimile transmissions. The Office issued 32 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 (until June 30, 1995) and Noreen L. Weisberg (after October 1, 1995), Fiscal Officers

The Fiscal Office administered combined annual budgets of approximately \$70 million and provided fiscal management and administrative support for the Supreme Court, courts of appeals, and trial courts. Human resource, fiscal, and administrative support functions of the Office included employee benefits, services and compensation; salary projections; revenue estimates and deposits; cash management; cash reconciliation; legal authority, contract, and policy compliance; budgeting, accounting, and internal auditing; accounts payable; payment processing; financial reporting; and technical assistance for the Supreme Court and Judiciary funds, accounts, and grants. Office support functions included supply and equipment bids, purchasing and inventories; facilities maintenance; mail, printing, copying, storeroom, telecommunications, and general services; records, supply, and equipment storage, retrieval, and delivery; and technical assistance for all offices of the Supreme Court.

The Fiscal Office prepared 102 biweekly and monthly payrolls; coordinated benefits, payroll tax withholdings, voluntary deductions, and payments for more than 1,100 judges and court personnel, including the Ohio Judicial Conference; made monthly payments to retired judges assigned by the Chief Justice, collecting the counties' share of these payments, as required by law; made quarterly reimbursements to counties for the state's share of compensation to locally-appointed judges; reviewed, approved, made, distributed, and accounted for over 30,000 reimbursements and payments to judges, staff, commission, committee and board members, counties, contractors, suppliers, and service providers. The Fiscal Office monitored, accounted for, and reported on more than 20 grants awarded to, and on more than 20 grants and subsidies awarded by, the Supreme Court.

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 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 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 cases).

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 victim's case. In either event, the Court's judgment cannot be the subject of further appeal.

Caseloads at the end of 1995 were down from 1994 year-end levels in every category of cases pending in the Court of Claims: small civil cases (administrative determinations), down by 33 percent; large civil (judicial) cases, down by 6 percent, with 78 percent of cases on stay pending collateral actions in other courts; single commissioner cases (victims), down by 30 percent; panel commissioners cases (victims), down by 24 percent; and judicial appeals, down by 45 percent.

The most significant project the Court is undertaking is the conversion of the computer system to a local area network. The conversion is 80 percent completed for the ancillary equipment and 30 percent completed for PC installation and training.

Civil Case Management

In 1995, the number of filings of administrative determinations decreased from 871 filed in the previous year to 732. There were 849 dispositions of these cases and, at the end of 1995, the number of administrative determinations pending was 236. The number of judicial cases decided by judges of the Court of Claims was 439. The number of pending cases at the end of the year was 460, with 360 of those cases on stay pending the disposition of proceedings in collateral actions in other courts.

Victims of Crime Compensation Case Management

In 1995, 6,003 victims of crime compensations claims were filed, a decrease of 18 percent from 1994. The number of cases disposed of was 7,611, and, at the end of 1995, the number of cases pending was 3,797, reflecting a reduction from the previous year of 30 percent. The number of cases pending before the panel of commissioners at the end of 1995 was 227, a reduction of 24 percent in the number of cases pending at the beginning of the year. The year-end number of cases pending before the court was 55, down from 100 at the beginning of the year.

CASES FILED

JURISDICTIONAL APPEALS	<u>1995</u>
Claimed Appeals of Right	23
Discretionary Appeals (Non-felony)	1,255
Discretionary Appeals (Felony)	583
MERIT DOCKET	
Original Actions	235
Habeas Corpus Cases	58
Direct Appeals	189
Certified Conflicts	39
Appeals from Board of Tax Appeals	52
Appeals from Public Utilities Commission	14
Appeals from Power Siting Board	0
Death Penalty Cases	10
Certified Questions of State Law	3
Murnahan Appeals	117
Appeals of Election Contest under R.C. 3515.15	1
Appeals under R.C. 4121.25	0
PRACTICE OF LAW CASES	
Disciplinary Cases*	92
Admissions Cases*	4
Other Practice of Law Cases*	4
TOTAL	2,679

* See Appendix E for breakdown of cases relating to the practice of law that were filed in 1995.

FINAL DISPOSITIONS*

JURISDICTIONAL APPEALS (JURISDICTION DECLINED, LEAVE TO APPEAL DENIED AND/OR APPEAL DISMISSED)	1995
Claimed Appeals of Right	18
Discretionary Appeals (Non-felony)**	1,110
Discretionary Appeals (Felony)**	<u>457</u>
TOTAL	1,585
 MERIT DOCKET	
Original Actions	230
Habeas Corpus Cases	61
Direct Appeals	119
Certified Conflicts	36
Appeals from Board of Tax Appeals	44
Appeals from Public Utilities Commission	11
Appeals from Power Siting Board	0
Death Penalty Cases	18
Merit Cases Pursuant to Allowance***	113
Certified Questions of State Law	2
Murnahan Appeals	91
Appeals of Election Contest under R.C. 3515.15	1
Appeals under R.C. 4121.25	<u>0</u>
TOTAL	726

* 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>1995</u>
Claimed Appeals of Right	1
Discretionary Appeals (Non-felony)*	117
Discretionary Appeals (Felony)*	<u>17</u>
TOTAL	135

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

CASES PENDING

CASE TYPE	PENDING AS OF 1/1/96
Discretionary Appeals and Claimed Appeals of Right*	621**
Original Actions	52
Habeas Corpus Cases	10
Direct Appeals	207
Certified Conflicts	34
Appeals from Board of Tax Appeals	66
Appeals from Public Utilities Commission	13
Death Penalty Cases	15
Certified Questions of State Law	2
Murnahan Appeals	52
Appeal of Election Contest under R.C. 3515.15	<u>1</u>
TOTAL	1,073

* *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 thirty-nine of these cases had been allowed by the Court and were pending on the merits as of January 1, 1996. The remainder were pending as jurisdictional appeals.*

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

DISCIPLINARY CASES	1995
Regular disciplinary cases	63
Automatic suspensions for felony convictions	11
Resignations	8
Reciprocal discipline cases	6
Disciplinary cases involving judges ¹	1
Miscellaneous disciplinary matters	<u>3</u>
TOTAL	92
 ADMISSIONS CASES	
Character and fitness cases	4
Miscellaneous admissions matters	<u>0</u>
TOTAL	4
 OTHER PRACTICE OF LAW CASES²	
Cases relating to the unauthorized practice of law	2
Other cases relating to the practice of law	<u>2</u>
TOTAL	4

¹ . *Includes one case filed pursuant to Gov. Jud. R. II, Sec. 5 ("Campaign Conduct; Enforcement and Sanctions").*

² *"Other practice of law cases" includes 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	1995
Public reprimands	8
Definite suspensions	13
Definite suspensions with probation ¹	11
Suspensions pending compliance	0
Indefinite suspensions ²	14
Disbarments	6
Automatic suspensions for felony convictions	10
Automatic suspension cases withdrawn	0
Automatic suspension cases where Court decided to impose no discipline	0
Resignations	7
Resignations withdrawn before Court action taken	0
Reciprocal discipline imposed	6
Reciprocal discipline cases dismissed	0
Disciplinary cases involving judges	0
Disciplinary cases dismissed involving judges	0
Disciplinary cases dismissed by the Court ³	2
Miscellaneous disciplinary matters ⁴	<u>3</u>
TOTAL	80
 ADMISSIONS CASES	
Character and fitness cases	5
Miscellaneous admissions matters	<u>0</u>
TOTAL	5
 OTHER PRACTICE OF LAW CASES	
Cases relating to the unauthorized practice of law	2
Other cases relating to the practice of law	<u>1</u>
TOTAL	3

¹ *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 a period of probation following completion of the period of suspension.*

- ² *The number reported here relates only to indefinite suspensions imposed on the merits.*
- ³ *Includes one case dismissed by the Court on the merits, and one dismissal due to attorney's resignation from the practice of law.*
- ⁴ *Includes two cases where attorneys were suspended until they complied with subpoenas issued by the Board of Commissioners on Grievances and Discipline. Also includes one case involving the disqualification of a judge pursuant to Gov. Jud. R. III, Sec. (1)(B). ("A Justice or judge is disqualified from acting as a Justice or judge while there is pending an indictment or an information charging the Justice or judge with a crime punishable as a felony under state or federal law.")*

1995 RULE AMENDMENTS

1. Crim. R. 12, 19, and 59; Civ. R. 11, 53, and 86; Juv. R. 1, 4, 40, and 47 – Rules Advisory Committee Recommendations
Final publication: August 14, 1995
Effective date: July 1, 1995
2. Gov. Bar R. V, Sections 4 and 9; DR 1-103 – Impaired Attorneys; Disciplinary Procedures and Privileged Information
Final publication: August 14, 1995
Effective date: September 1, 1995
3. Gov. Bar R. V, Section 3 – Use of ADR in Disciplinary Proceedings
Final publication: August 14, 1995
Effective date: September 1, 1995
4. Gov. Bar R. V. Section 11(E) – Confidentiality of Certified Grievance Committee Deliberations
Final publication: August 14, 1995
Effective date: September 1, 1995
5. C.P. Sup. R. 65; C.A. Sup. R. 6 – Qualifications and Appointment Procedures; Appointment of Appellate Counsel
Final publication: June 12, 1995
Effective date: July 1, 1995
6. C.P. Sup R. 13; M.C. Sup. R. 7 – Approval of Journal Entries
Final publication: February 6, 1995
Effective date: February 6, 1995
7. Gov. Jud. R. V – Judicial College Board of Trustees Membership
Final publication: February 6, 1995
Effective date: January 15, 1995
8. Code of Judicial Conduct, Canon 3 and 7; Gov. Jud. R. II; Code of Professional Responsibility, DR 1-102 – Judicial Election Rules
Final publication: May 29, 1995
Effective date: July 1, 1995; certain provisions applicable other than July 1, 1995
9. Gov. Bar R. V, Section 4(I)(2) – Service of Proposed Complaint
Final publication: November 13, 1995
Effective date: November 1, 1995
10. Gov. Jud. R. II, Section 2 – Disciplinary Complaints Against Justices, Special Investigator; Public Nature of Complaint
Final publication: November 13, 1995
Effective date: January 1, 1996
11. Gov. Bar R. VI – Increase in Attorney Registration Fee
Final publication: May 22, 1995
Effective date: July 1, 1995

APPENDIX G

12. Gov. Bar R. X, Section 3 – Acting Judges
Final publication: September 4, 1995
Effective date: January 1, 1996
13. Gov. Bar R. III and VI – Limited Liability Legal Corporations
Final publication: October 30, 1995
Effective date: November 1, 1995
14. DR 7-107 – Trial Publicity
Final publication: November 13, 1995
Effective date: January 1, 1996
15. Section 8, Board of Commissioners on Grievances and Discipline Regulation
Final publication: November 13, 1995
Effective date: November 1, 1995
16. C.P. Sup. R. 8.01; Reporting Forms
Final publication: October 30, 1995
Effective date: January 1, 1996
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**SUPREME COURT OF OHIO
BOARDS, COMMISSIONS, AND COMMITTEES
1995 (CONTINUED)**

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