

The Supreme Court of Ohio

Annual Report

1996



THE SUPREME COURT OF OHIO

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Thomas J. Moyer
Chief Justice

Andrew Douglas
Alice Robie Resnick
Francis E. Sweeney
Paul E. Pfeifer
Deborah L. Cook
Evelyn Lundberg Stratton
Justices

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Keith T. Bartlett	Assistant Administrative Director
Diane Chesley-Lahm	Secretary, Commission on Continuing Legal Education
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Richard A. Dove	Associate Director for Legal and Legislative Services
Harry Franken	Communications Director
Paul S. Fu	Law Librarian
Walter S. Kobalka	Reporter
John Meeks	Executive Director, Judicial College
James J. Mendel	Manager, Office of Court Technology and Services
Marcia J. Mengel	Clerk
Noreen L. S. Weisberg	Fiscal Officer

Introduction

For the Supreme Court of Ohio, 1996 was a year marked by significant events and accomplishments. Among the highlights:

- The retirement of Justice Craig Wright, the appointment and subsequent election of Justice Evelyn Lundberg Stratton, and the re-election of Justice Andrew Douglas.
- A record 2,888 cases filed in the Supreme Court of Ohio.
- National leadership by Chief Justice Thomas J. Moyer as President of the national Conference of Chief Justices, and an announcement that the 1997 Conference of Chief Justices/Conference of State Court Administrators Annual Meeting will be held in Cleveland.
- Announcement of the creation of the Ohio Courts Futures Commission.
- A report from the Domestic Violence Task Force recommending changes in the law, court procedures, and law enforcement to increase the safety of actual and potential domestic violence victims.
- A report from the Records Management Task Force recommending new Rules of Superintendence regarding management, maintenance, and retention of court records.
- Continued support of efforts to create drug courts and establish local court-community action plans as part of a multi-disciplinary effort by the Ohio Conference on Substance Abuse and the Courts.
- Results of a survey indicating that 87 percent of Ohio courts have automated case management systems.
- Consideration of 35 proposals to amend or adopt Supreme Court rules and the rules of practice and procedure for Ohio courts, including rules on evidence and civil, criminal, juvenile, and appellate procedure; lawyer referral services; and the Code of Professional Responsibility.
- Continued progress in the Court's effort to secure state and federal grant funds to maximize the use of general revenue funds, administering more than \$2 million in federal and state grants each of the past three years.

Key Issues and Events of 1996

Changes in the Supreme Court

In March 1996, Justice Craig Wright resigned after 11 years on the Court. Governor Voinovich appointed Judge Evelyn Lundberg Stratton of the Franklin County Court of Common Pleas to fill the unexpired term. In November, Justice Lundberg Stratton was elected to a full six-year term and Justice Andrew Douglas was elected to his third term on the Court.

Record Number of Cases Filed

A record 2,888 cases were filed in the Supreme Court (see page 7).

National Leadership

In August 1995, Chief Justice Thomas J. Moyer was elected President of the national Conference of Chief Justices. The Conference of Chief Justices was founded in 1949 and 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.

As President of the Conference of Chief Justices, Chief Justice Moyer also served as Chair of the Board of the National Center for State Courts, the non-profit organization dedicated to improving the administration of justice in the United States. Chief Justice Moyer's accomplishments included securing increased attention to federal grants to the state courts, meeting with U. S. Attorney General Janet Reno regarding state and federal relations, and seeking the enactment of federal legislation restoring partial judicial immunity.

In October 1996, U. S. Chief Justice William Rehnquist reappointed Chief Justice Moyer to the federal Judicial Conference Committee on Federal-State Jurisdiction.

Chief Justice Moyer also announced that the 1997 Conference of Chief Justices/Conference of State Court Administrators Annual Meeting will be held in Cleveland.

Ohio Courts Futures Commission

In his annual State of the Judiciary address to the Ohio Judicial Conference, Chief Justice Moyer announced the creation of the Ohio Courts Futures Commission to:

- 1) Develop well-defined objectives for Ohio courts that will serve all Ohio citizens for the next 25 years;

- 2) Identify strengths upon which to build and barriers to overcome to enable the courts to function effectively in an environment of rapid and sometimes unpredictable change;
- 3) Recommend specific strategies, actions, and timetables for ensuring a system that is effective, efficient, responsible, and just; and
- 4) Develop an implementation plan for the strategies and recommendations.

A comprehensive study of the court system will be conducted by five task forces. The Rules and Procedures Task Force will review dispute resolution methods, revision of court rules, trial practice and procedure, and possible improvement of the jury system. The Structure and Organization Task Force will consider the different levels of courts, consolidated and specialized courts, case processing, and court funding. The Access and Quality Task Force will assess the degree to which courts provide access for all citizens, and related issues such as ethics and discipline, legal services for the poor, and diversity. The Technology Task Force will determine the direction the courts may take with regard to technological advances in electronic filing, record keeping, remote court access, system security, and funding. The Education and Awareness Task Force will study public attitudes about Ohio's courts, media-court relations, court-community relations, and law-related education, and will generate strategies to improve public understanding of the courts.

Former Judge Robert Duncan and Dr. Susan Lajoie Eagan, Associate Director of the Cleveland Foundation, will chair the Commission, consisting of 50 members, at least half of whom will be non-lawyers.

Domestic Violence Task Force

Chief Justice Moyer created the Domestic Violence Task Force in March 1995 and charged it with determining the status of coordination and communication among entities responsible for addressing domestic violence issues. The Task Force consisted of 28 representatives of the legal, legislative, judicial, law enforcement, and domestic violence advocate communities.

In October 1996, the Task Force released its report entitled "Increasing Safety for Victims; Increasing Accountability of Offenders." The report contains the findings and goals of the Task Force as well as 72 recommendations to the Supreme Court, General Assembly, social service providers, state agencies, law enforcement agencies, and county domestic violence advisory councils.

Records Management Task Force

Chief Justice Moyer appointed the Task Force on Records Management in February 1995, and directed it to identify the records management problems that Ohio

court personnel are experiencing and to make recommendations concerning the legislation and court rules necessary to improve record keeping in Ohio courts. The Task Force consisted of at least one representative from each type of Ohio court, records professionals, and representatives of the legal and business communities.

In September 1996, the Task Force submitted its report, which contains proposed Records Management Rules of Superintendence for each type of Ohio court. The proposed rules will be considered by the Court in 1997.

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. The Planning Committee continued to foster communication and assist in developing working relationships between and among the courts, criminal justice agencies, education, health, and social service agencies, and developing specific plans and long-term strategies to address the impact of substance abuse on the courts.

The Advisory Committee on Substance Abuse and the Courts continued its efforts to coordinate judicial branch efforts in working with other disciplines in the war against drugs. The Committee prepared recommendations to be submitted in 1997.

The Supreme Court, in conjunction with the Department of Alcohol and Drug Addiction Services, continued efforts to support drug courts. The Court provided technical assistance to one juvenile, one municipal, and six common pleas courts that are implementing or planning a drug court. Additionally, the Court assisted three drug court programs in obtaining grants from the Office of Criminal Justice Services. These grants will support: 1) the Akron Municipal Court in developing a model municipal drug court program; 2) the Hamilton County Common Pleas Court in developing an automated data collection and evaluation process; and 3) the Butler County Common Pleas Court in creating a drug court. The Court also received a grant from the Office of Criminal Justice Services to develop a statewide drug court evaluation system, beginning in 1997.

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.

Technology Survey

In 1996, the Supreme Court Advisory Committee on Court Technology, in conjunction with the Court Technology Committee of the Judicial Conference, distributed a technology survey to 367 trial courts and had 100 percent response. The most significant finding was that 87 percent of the trial courts have automated case management systems. An informal 1989 survey had indicated that approximately 25 to 30 percent of courts had automated case management. The increase is largely

attributable to recent legislation authorizing local courts to collect filing fees to fund court computerization and court technology.

Grants

The Supreme Court administered a record \$2,206,120 in federal and state grant funds in 1996. During the last six 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 Human Services, Department of Public Safety, and Commission on Dispute Resolution and Conflict Management.

In 1996, the Court administered major grants from the Department of Human Services to fund the Family Court Feasibility Study (see page 24) and Domestic Violence Task Force (\$903,116) (see pages 3 and 20-21) and the U.S. Agency for International Development for judicial and legal education in Ukraine (\$469,836) (see page 10).

State Justice Institute

During 1996, the Supreme Court administered two grants from the State Justice Institute totaling \$50,000. The grants included: 1) \$31,000 to design and implement processes for data collection on court-annexed custody and visitation mediation programs; and 2) \$19,000 for an education program for common pleas judges on "Managing Trials and the Pre-Trial Process Effectively."

Office of Criminal Justice Services

In 1996, the Supreme Court administered \$566,079 in grants from the Office of Criminal Justice Services. A grant totaling \$55,760 was used to provide direct technical assistance and consulting services in the area of case management and court delay reduction (see page 23). Grants to the State Criminal Sentencing Commission for \$145,314 were used to study sentencing trends (see page 21). The Court received \$205,986 in grants for mediation evaluation and a \$63,380 grant for victim-offender mediation (see pages 18 and 19). The Court also received a grant of \$61,400 to improve criminal history records.

The Court was awarded a \$108,189 grant for a statewide drug evaluation program. The Court also received three special grants totaling \$34,239 to assist drug court programs in the Akron Municipal Court, Hamilton County Common Pleas Court, and Butler County Common Pleas Court (see pages 4 and 23).

Department of Public Safety

The Supreme Court received two grants totaling \$99,400 from the Department of Public Safety, \$74,400 for Judicial College trial court education and training (see page 15), and \$25,000 for the Juvenile Data Network (see page 24).

Commission on Dispute Resolution and Conflict Management

In 1996, the Supreme Court collaborated with the Ohio Commission on Dispute Resolution and Conflict Management to conduct and evaluate a pilot project for early intervention truancy mediation. Increased efforts in training, publications, and public awareness were also part of these joint efforts.

Supreme Court Grants

The Supreme Court also awarded grants to support pilot projects in trial and appellate courts. The Court awarded \$310,236 in the area of dispute resolution and mediation (see pages 18 and 19) and \$9,233 under the Technical Assistance Program (see page 23).

Supreme Court Caseload Statistics

A record 2,888 cases were filed in the Supreme Court in 1996, including 254 original actions, 112 habeas corpus cases, 3 federal court certifications of state law questions, 122 attorney disciplinary matters, 3 cases related to the practice of law, and 2,394 appeals, as follows: 41 claimed appeals of right, 1,262 discretionary appeals (non-felony), 642 discretionary appeals (felony), 234 direct appeals, 46 certified conflicts, 46 appeals from the Board of Tax Appeals, 9 appeals from the Public Utilities Commission, 25 death penalty appeals, 87 *Mumahan* appeals, and 2 appeals 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 1996

The Supreme Court considered 35 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.

Code of Judicial Conduct

Effective April 18, 1996, the Supreme Court adopted several amendments to Canon 7 of the Code of Judicial Conduct, which governs judicial campaigns and elections. These amendments were the result of comments received from judicial candidates and other interested parties during the judicial candidate seminars and in other communications with the Court and Court staff.

The key amendments are as follows:

- Revised the definition of “expenditure” to exclude “aggregate fund raising expenses” that do not exceed ten percent of the spending limit applicable to the judicial candidate.
- Defined the term “immediate family” to include spouses, parents, children, brother or sister, and grandparents related by blood or marriage to the judicial candidate.
- Revised the definition of “court” for those candidates seeking election to a specific division of the court of common pleas or municipal court.

- Permitted a judge or judicial candidate to contribute campaign funds or to expend campaign funds to a political party, with certain limitations. A judge or judicial candidate may attend social events sponsored by a political party.
- Clarified which contribution and expenditure statements must be filed with the clerk of court and when those statements must be filed.

Rules of Practice and Procedure

The Supreme Court filed with the General Assembly proposed amendments to the Rules of Criminal, Civil, Appellate, and Juvenile Procedure, and the Rules of Evidence. Amendments that took effect July 1, 1996, addressed issues such as recording of proceedings in juvenile cases, the role of the common law in evidentiary issues, and claims in civil cases for loss of consortium.

Lawyer as Beneficiary

Disciplinary Rule 5-101, "Refusing Employment When the Interests of the Lawyer May Impair the Lawyer's Independent Professional Judgment," was amended effective May 1, 1996. The amendment added division (A)(2) to prohibit a lawyer from preparing a will or trust for a client in which the lawyer is named as a beneficiary. The prohibition does not apply if the lawyer and client are related.

Supreme Court Committee for Lawyer Referral and Information Services

Rule XVI of the Rules for the Government of the Bar was adopted effective April 16, 1996. The Rule creates the Supreme Court Committee for Lawyer Referral and Information Services, a five-member committee that will adopt regulations for the operation of lawyer referral services and ensure compliance of lawyer referral services with Disciplinary Rule 2-103.

Supreme Court Activities

Off-Site Court

Since 1987, the Supreme Court has conducted court sessions in 32 counties throughout the state, primarily for the benefit of high school students. Approximately 15,000 high school students, as part of a total of 20,000 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 1996, the Court heard oral arguments in Tuscarawas and Champaign 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 1996, more than 290 groups and more than 15,600 individuals visited the Court.

The Supreme Court continued to support the Ohio Center for Law-Related Education, including the 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 60 students participated during 1996, 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 fourth year.

Bench-Bar-Deans Conference

For the tenth 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 1996, the Coalition presented 10 courses for a total of 29 credit hours.

International Programs

Ukraine-Ohio Rule of Law Program

In 1996, the Ukraine-Ohio Rule of Law Program continued to provide assistance to the Republic of Ukraine in developing its democratic institutions. Seven faculty were sent to Kyiv, Ukraine, to teach courses and seminars on intellectual property law, administrative law and procedure, and civil procedure. Also, Ohio representatives made presentations on judicial-press relations and judicial decision-making to judges of the Ukrainian Supreme Court and higher arbitration courts.

In 1996, the Supreme Court hosted four delegations of 24 visitors from the various levels of Ukrainian courts and the Chief Law Librarian of the Ukrainian Supreme Court. Current and future projects of the Rule of Law Program include providing commentary on draft legislation, assisting in establishing a judicial training institute for the Supreme Court of Ukraine, and providing faculty for courses in substantive areas of law.

Ohio-Shanghai Judiciary Program

The Ohio-Shanghai Judiciary Program continued the relationship among the Shanghai High People's Court, Supreme Court of Ohio, and Capital University Law and Graduate Center, in conjunction with The Ohio State University College of Law. The primary purpose is to advise Chinese court officials on developing a commercial court system to keep pace with China's booming economy. A visit by a delegation from the Shanghai High People's Court and Fudan University Law School is scheduled for 1997.

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. Rule 65 provides a vehicle for quality representation of indigent defendants charged with a crime for which the death penalty could be imposed. 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 July 1996, the Committee submitted its "Third Report of the Committee on the Appointment of Counsel for Indigent Defendants in Capital Cases" to the Supreme Court. The report was intended to update the Court on the operation of Rule 65 since its last report in 1993 and to provide the bench, bar, and the public with current information concerning Rule 65.

The Committee approved four continuing legal education seminars to fulfill the specialized training requirements of Rule 65, certified new applicants who met the requirements of the Rule, decertified 153 attorneys who did not satisfy the two-year continuing education standard, and distributed two updated lists of certified counsel to common pleas and appellate court judges. As of September 1996, approximately 440 attorneys were certified to accept appointment as counsel for indigent defendants in capital cases.

Board of Bar Examiners

Chair: Thomas G. Pletz; Secretary: Marcia J. Mengel

The Board of Bar Examiners was 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.

In 1995, the Board amended the score required to pass the Ohio bar examination. Effective with the July 1996 exam, the passing score was raised from 375 to 385 points. An additional increase—to 405 points—was approved and will be implemented with the July 1997 exam.

A total of 389 applicants took the bar examination in February 1996, with 313 (80.5 percent) passing, and 1,368 applicants took the July 1996 bar examination, with 1,196 (87.4 percent) passing.

Commission on Certification of Attorneys as Specialists

Chair: Timothy J. Boone; 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 states that have specialization programs. The recommended standards and regulations, which established procedures for certifying agencies seeking accreditation, were submitted to the Court early in 1995. The standards were approved by the Supreme Court, after publication, and became final in November 1995. Ohio attorneys will achieve certification by meeting practice requirements and passing tests administered by accredited certifying agencies. During 1995 and 1996, the Commission recommended eight designated specialty areas, which were approved by the Court. The Commission has recently accepted and is reviewing the first applications from a certifying agency.

Board of Commissioners on Character and Fitness

Chair: Ernest A. Eynon II; Secretary: Marcia J. Mengel

The Board of Commissioners on Character and Fitness was 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.

Fourteen new character and fitness cases were filed with the Board in 1996; 11 of these were appeals from admissions committee determinations, and three were *sua sponte* investigations. The Board also proposed amendments to the character and fitness provisions of Rule I of the Rules for the Government of the Bar. These proposed amendments were published for public comment in November 1996 and will become effective in 1997.

Board of Commissioners of the Clients' Security Fund

Chair: Gordon L. Rose; Administrator: Janet Green Marbley

Pursuant to Rule VIII of the Supreme Court Rules for the Government of the Bar, the Clients' Security Fund compensates individuals who have lost money or property as a result of the dishonest conduct of an attorney. Since its establishment in 1985, the Clients' Security Fund has awarded \$3,444,184 to 555 former law clients. In 1996, the

Board of Commissioners awarded \$348,458 to 49 claimants. Seven of the 49 claimants received the maximum award of \$25,000. Theft of estate funds accounted for 48 percent of all awards made by the Clients' Security Fund.

Rule VIII was amended, effective December 1, 1996, to prohibit the reimbursement of children, parents, grandparents, or siblings of the dishonest attorney. The amendment does, however, give the Board discretion to recognize such claims in cases of extreme hardship or unusual circumstances.

Commission on Continuing Legal Education

Chair: Thomas S. Hodson; 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 37,000 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 1996, 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.

A total of 19,256 attorneys and 365 judges with last names beginning with the letters A-L were required to report completion of at least 24 hours (40 hours for judges) of approved continuing legal education, including two hours of ethics and substance abuse instruction, during the preceding two years. By March 31, 1996, 89 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 631 sanction orders during 1996 against attorneys with last names beginning with M-Z, the group required to report in 1995. In addition, the Commission held hearings on notices of non-compliance, processed 9,700 applications for accreditation of continuing legal education activities from over 4,000 sponsors, and considered 27 appeals from the Secretary's denial of accreditation. Interim progress reports and final reporting transcripts were mailed to 17,200 attorneys and judges with last names beginning with M-Z who were required to report for the fourth time by January 31, 1997.

In 1993, Rule X was amended to allow late compliance with the educational requirements contingent upon payment of a late compliance fee; 390 attorneys paid the late compliance fee in 1996.

The Commission continued 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: Robin Weaver; Secretary: Jonathan W. Marshall

The Board of Commissioners on Grievances and Discipline was established by Rule V of the Rules for the Government of the Bar and is charged with administering, interpreting, and enforcing Rule V, which deals with lawyer and judge discipline for ethical misconduct. The Board also serves under state law as the ethics commission for the filing of over 1,400 financial disclosure statements required of Ohio judges, judicial candidates, and magistrates.

In 1996, the Board received a record 117 formal complaints filed by Disciplinary Counsel and the certified grievance committees. The Board held 77 disciplinary hearings and certified 74 matters to the Ohio Supreme Court, disposing of a total of 97 cases altogether. In addition, the Board received 11 judicial campaign grievances and held six formal hearings on these matters.

The Board concluded its work on recommending changes in Canons 1-6 of the Code of Judicial Conduct. The Board continued to participate in the statewide study of the disciplinary system sponsored by the Ohio State Bar Association.

The Board also: 1) received 80 requests for advisory opinions and issued nine 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 Ohio Ethics Law; 2) for the fifth year provided partial reimbursement to local certified grievance committees for ongoing grievance and discipline expenses; 3) sponsored and assisted in two training seminars for members of certified grievance committees; 4) taught seven courses on campaign law and ethics required of Ohio judicial candidates under Canon 7; and 5) presented 29 continuing legal education programs for judges, lawyers, and legal students.

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 1996, the Office received 3,026 complaints, compared to 2,862 filed in 1995. These original complaints, together with appeals and unauthorized practice matters, totaled 3,400 matters in 1996, compared to 3,224 in 1995.

After intake and investigation, 3,094 complaints were dismissed. Formal action before the Board of Commissioners on Grievances and Discipline was taken in 41 cases.

Judicial College Board of Trustees

Chair: Judge Robert B. Hines; Executive Director: John Meeks

The Judicial College was established in 1976 to provide continuing legal education for Ohio judges and court personnel. In September 1982, the Judicial College was made a division of the Ohio Judicial Conference. On July 1, 1989, the College became part of the Supreme Court of Ohio. By 1996, the Judicial College provided mandated education to judges, magistrates, and acting judges, while remaining committed to providing education for non-judicial court personnel.

The year 1996 was a year of change for the Judicial College. Laurence B. Stone, the Executive Director of the College for nearly 20 years, retired. His successor, John R. Meeks, served for more than six years in the Office of the State Courts Administrator of the Supreme Court of Florida, where he was a senior attorney in judicial education.

In 1996, the Judicial College presented 47 days of courses to 3,393 attendees. In addition, the College presented two video conferences on judicial ethics and substance abuse to 217 judges and magistrates.

The Ohio Department of Public Safety again provided grant funds to the Judicial College in 1996 for traffic-related education. These funds enabled the College to present three DUI courses for judges, three DUI courses for clerks of court, and three traffic law courses for acting judges.

Commission on Professionalism

Chair: Kathy Seward Northern; Secretary: Michelle Hall

The Commission on Professionalism was created by Rule XV of the Rules for the Government of the Bar in 1992. Rule XV charges the Commission with monitoring and coordinating professionalism efforts in Ohio courts, bar associations, law schools, and other entities; promoting activities that enhance professionalism; developing educational materials concerning professionalism; assisting in the development of law school curricula and continuing education programs that emphasize professionalism; and making recommendations to the Supreme Court, judicial organizations, and bar associations on methods by which professionalism can be enhanced.

During 1996, the Commission finalized *A Lawyer's Creed*, *A Lawyer's Aspirational Ideals*, and the *Statement on Professionalism* based upon comments received from the legal community, the public, and the participants of the 1996 Bench-Bar Conference. The Commission submitted the *Creed*, the *Aspirational Ideals*, and the *Statement on Professionalism* to the Supreme Court in December. Also in December, the Commission submitted a proposed amendment to Rule X of the Rules for the Government of the Bar that would mandate professionalism training as part of

the attorney continuing legal education requirement. Upon approval by the Court, the proposed amendment will be published for public comment in early 1997.

Rules Advisory Committee

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

The Rules Advisory Committee was established by Rule XII of the 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 1996, 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, Appellate, and Juvenile Procedure, and the Rules of Evidence, took effect on July 1, 1996.

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 1997 will, unless modified by the Court or disapproved by the General Assembly, take effect on July 1, 1997.

Traffic Rules Review Commission

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

The Traffic Rules Review Commission conducted pilot projects to test the modified Uniform Traffic Ticket that was proposed by the Commission in 1995. Pilot project sites included the Akron Municipal Court, Newton Falls Municipal Court, Parma Municipal Court, Brown County Court, Broadview Heights Mayor's Court, Moraine Mayor's Court, and North Royalton Mayor's Court, and statewide by the Ohio Highway Patrol. The pilot projects ran from April through December.

The Commission distributed training materials and a supply of the printed tickets to the jurisdictions that participated in the pilot projects. Judges, court personnel, and law enforcement officers who participated in the pilot projects were surveyed regarding the utility of the modified Uniform Traffic Tickets and were asked to suggest further revisions based on their experience with using the modified tickets. This information will be used by the Commission in developing a final Uniform Traffic Ticket for statewide implementation in 1997.

Board of Commissioners on the Unauthorized Practice of Law

Chair: D John Travis; Secretary: Deanna Dawe Rush/Susan B. Christoff

The Board of Commissioners on the Unauthorized Practice of Law was established by Rule VII of the Rules for the Government of the Bar of Ohio. 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 1996. The Board conducted three hearings in 1996; one hearing related to a case that was filed in 1995, and two hearings related to cases that were filed in 1996. The Board also filed two final reports with the Supreme Court.

The Board considered and approved applications for reimbursement of expenses, received requests for advisory opinions, referred matters for investigation to either Disciplinary Counsel or a bar association's unauthorized practice of law committee, and responded to public inquiries regarding the unauthorized practice of law.

Supreme Court Committee for Lawyer Referral and Information Services

Secretary: Michelle Hall

The Supreme Court Committee for Lawyer Referral and Information Services was created by Rule XVI of the Rules for the Government of the Bar in April 1996. The Committee is responsible for adopting regulations for the operation of lawyer referral services and ensuring compliance of lawyer referral services with Disciplinary Rule 2-103. The Committee membership will consist of three attorneys, one non-attorney who is employed by an organization that operates a lawyer referral service, and one non-attorney who is not employed by or affiliated with a lawyer referral service.

Supreme Court Special Committees

Bench-Bar Planning Committee

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

The Bench-Bar Planning Committee hosted the fifth statewide Bench-Bar Conference on March 21-22 in Columbus. The Conference theme was "Building Public Confidence in the Judicial System," and Conference participants discussed issues of professionalism, "bridging the gap" between law school and the profession, and public assessments. The Conference produced a final report and recommendations that were transmitted in June to the Conference co-sponsors: the Supreme Court, Ohio Judicial Conference, and Ohio State Bar Association.

Advisory Committee on Court Technology

Chair: Judge Thomas A. Swift; Staff Liaison: James J. Mendel

The activities of the Committee are outlined on pages 4 and 5.

In 1997, the Committee will assist the Office of Court Technology and Services in revising the current court technology strategy for Ohio courts.

Committee on Dispute Resolution

Chair: Robert W. Rack, Jr. ; Staff Liaison: C. Eileen Pruett

During 1996, the Supreme Court Committee on Dispute Resolution continued its efforts to institutionalize dispute resolution processes in all Ohio courts. The efforts focused on expansion of monitoring and evaluation processes for mediation in domestic relations, juvenile, general division common pleas, and municipal courts. This expansion has involved state and national experts and will lead to refinement of data collection and survey instruments. Data collection for evaluation and analysis of five juvenile court mediation programs was completed. A final report will be published in June 1997.

The Supreme Court and the Ohio Department of Human Services, in conjunction and cooperation with the Ohio Family and Children First Initiative and the Ohio Commission on Dispute Resolution and Conflict Management, initiated a pilot project funding truancy mediation and conflict management training for Ohio elementary schools and juvenile courts. The project involves intensive teacher, staff, child, and parent training in conflict resolution skills, as well as court-staffed mediation between parents and school staff of unexcused absences and tardiness in K-6 grades. The training will complement the implementation of juvenile court-connected early intervention truancy mediation programs.

The Supreme Court implemented the Office of Criminal Justice Services grant awards for a three-year common pleas court pilot program at common pleas courts in Clinton, Montgomery and Stark Counties. The goal of the pilot program is to determine the feasibility of utilizing in-house staff mediators for civil cases and for victim-offender mediation to provide satisfactory outcome, expedite case processing, decrease judicial involvement and produce early, cost-effective resolution of pending cases through mediated settlements. Information gained during the pilot program will provide the basis for developing an implementation guide to be made available to other courts seeking to institute similar programs.

Work continued on the State Justice Institute grant award to provide funding for pilot project monitoring 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. Pilot courts received instructions in data collection and final forms. Data entry for Ashtabula, Lake, Licking, and Van Wert Counties will begin in March 1997.

Throughout the year, training and education continued to be a high priority. In the areas of juvenile court parent-child mediation, the Supreme Court, with the assistance of the Office of Criminal Justice Services, provided basic, victim-offender, and advanced training to staff from approximately 30 counties. Additional basic, victim-offender, and advanced training will take place under this grant in 1997. Parent education programs for domestic relations courts continued to receive Supreme Court support. The Supreme Court also extended a number of scholarships to court staff from across the state to assist with supplemental training.

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. 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 1996, the Commission reviewed the subcommittee reports and began preparation of its final report, to be submitted to the Court in 1997.

Committee to Review the Rules of Superintendence

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

The Committee to Review the Rules of Superintendence completed more than two and one-half years of work by submitting its final report and recommendations in August. The recommendations included in the Committee's final report were in addition to those contained in an interim report transmitted to the Supreme Court in 1995, which were adopted by the Court effective in January, and separate rules approved by the

Court in 1995 and 1996, respectively, relative to the filing of judgment entries and the reporting of civil and criminal protection orders in domestic violence cases.

The amendments proposed by the Committee in its final report significantly altered the format of the existing Rules of Superintendence. The existing Rules were consolidated into one version of the Rules of Superintendence that are applicable, with identified exceptions, to all courts of record in Ohio. With the exception of those Rules that are applicable only to a particular division or court, the existing Rules of Superintendence for the Courts of Common Pleas formed the basis for the new Rules of Superintendence and the amendments that follow are to those existing Rules. The significant amendments recommended by the Committee included:

- Clear delineation of the manner of selecting and the duties of the presiding and administrative judge in each court or division;
- A new rule governing court appointments that is designed to ensure the equitable distribution of appointments among qualified appointees and provide notice to appropriate parties of the fees payable to a court appointee;
- Further definition of the purposes of the individual case assignment system and allowing courts to adopt, by local rule, modifications to the individual assignment system consistent with these purposes;
- A new case management rule applicable to the probate division of the court of common pleas;
- Several revisions to statistical reporting and case management provisions that will be supplemented by revised reporting instructions issued by the Statistical Reporting Section of the Supreme Court upon final adoption of the rules.

The proposed amendments were published for 90 days of public comment in October. The Committee's recommended revisions will be submitted to the Supreme Court in early 1997.

Domestic Violence Task Force

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

The activities of the Task Force are outlined on page 3.

In December, the Domestic Violence Task Force submitted proposed forms for the courts to use in domestic violence cases, including a petition for obtaining a civil protection order, instructions for completing the petition, civil and temporary protection

orders, and an enforcement notice to be attached to every protection order. The Supreme Court will consider proposed forms in early 1997. The General Assembly recommended the proposed forms in uncodified Section 4 of House Bill 335 of the 121st General Assembly (see R.C. 3113.31).

Task Force on Records Management

Chair: Judge John R. Milligan; Staff Liaison: Michelle Hall

The activities of the Task Force are outlined on page 3 and 4.

Supreme Court Statutory Commission

State Criminal Sentencing Commission

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

In 1996, the comprehensive felony sentencing legislation (Senate Bill 2) based on the Commission's recommendations took effect. The Commission worked with the General Assembly to harmonize the package with other legislation. Nearly 100 training sessions were held for judges, prosecuting and defense attorneys, probation officers and corrections officials, peace officers, victims, and others.

Meanwhile, the Commission moved toward completing work on recommendations for misdemeanor and traffic sentencing. The Commission will report to the General Assembly in 1997.

Research efforts included ongoing studies of the cost and impact of Senate Bill 2, work on the collection and distribution of court costs and fines, and beginning research on which sanctions are most effective for particular offenders.

Also, the General Assembly enacted legislation to instruct the Sentencing Commission to study juvenile dispositions during 1997.

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

Legal and Legislative Services - Richard A. Dove

The 121st General Assembly was marked by continued cooperation between the judicial and legislative branches of government on several key issues. Supreme Court staff concluded an active legislative session with success on several issues of importance to the Ohio judiciary.

Court staff coordinated efforts of the Ohio Judicial Conference, Ohio Courts of Appeals Judges Association, Ohio Common Pleas Judges' Association, Ohio Association of Probate Judges, Ohio Association of Juvenile and Family Court Judges, Ohio Association of Domestic Relations Judges, and Association of Municipal/County Judges of Ohio, Inc. to secure enactment of legislation to increase judicial compensation for the first time since 1992 and the subsequent repeal of population-based differences in salaries payable to trial court judges. Compensation legislation included the creation of a permanent commission to make recommendations to the General Assembly for future changes in the compensation payable to judges and other elected officials.

Other enacted legislation in which the Court staff provided input included: 1) court security legislation recommended by the Supreme Court/Ohio Judicial Conference Committee on Court Security; 2) legislation to prevent the filing of harassing liens and other sham legal processes against judges and other public officials; 3) legislation to update the laws pertaining to municipal and county courts; 4) legislation to modify the procedures governing the filing of affidavits of disqualification against judges; and 5) legislation designed to prevent elected officials from retiring from and immediately being re-elected to the same public office.

Staff also made presentations at six training seminars pertaining to the judicial campaign rules contained in Canon 7 of the Code of Judicial Conduct. More than 400 judicial candidates, judicial campaign committee members, and other interested parties attended these seminars. Staff also worked with the Attorney General's Office to defend court challenges to the campaign contribution and spending limits contained in the judicial campaign rules and served as secretary to five judicial commissions appointed to review judicial campaign grievances filed with the Supreme Court.

Affidavits of Disqualification - Richard A. Dove

A total of 203 affidavits of disqualification were filed with and considered by the Chief Justice in 1996.

The average time from filing to disposition decreased for the fourth consecutive year to 11 days in 1996. This disposition time represents a decline from 15 days in 1995 and 24 days in 1994.

Twenty-one affidavit of disqualification entries issued by the Chief Justice in 1996 were selected for publication in the Ohio Official Reports. When published in 1997, these entries will supplement the 71 entries published prior to 1996.

Staff also assisted in the enactment of legislation to modify the statutes governing the filing and consideration of affidavits of disqualification. Effective November 20, this legislation mandates that affidavits be filed at least seven days before a scheduled hearing in the underlying case and that a timely filed affidavit include specific allegations to support a claim of disqualification, the jurat of a notary public, and a certificate of service. These changes will facilitate the timely consideration of affidavits by the Chief Justice and minimize the disruption of pending trial and appellate proceedings.

Case Management Programs - Cherstin Hamel

Eleven courts received on-site caseload management technical assistance provided by the Coordinator of Case Management Programs.

Drug Court Technical Assistance - Cherstin Hamel and Michelle Hall

The Coordinator of Case Management Programs and Staff Counsel provided technical assistance to one juvenile, one municipal, and six common pleas courts that are implementing or planning a drug court. The Court also assisted three drug court programs in obtaining grants from the Office of Criminal Justice Services, and received a grant from the Office of Criminal Justice Services to develop a statewide drug court evaluation system. The evaluation project will begin in 1997.

Technical Assistance Program - Cherstin Hamel

Fifteen applications for local court technical assistance grants were received, and four awards totaling \$9,233 were made. Among the projects funded were: implementation of methodology to measure jury representativeness in Lucas County; a pilot project in eight courts to test a new Uniform Traffic Ticket, and personnel management training for Ohio court administrators.

Assignment of Judges - Doug Stephens

Chief Justice Moyer made 2,391 assignments of judges to trial and appellate courts in 1996. This included assignments of retired judges as well as sitting judges.

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 will conclude its review of the statistical reporting requirements in early 1997:

Family Court Feasibility Study - Doug Stephens

The National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges, conducted the Family Court Feasibility Study, as recommended by the Governor's Task Force on the Investigation and Prosecution of Child Abuse and Child Sexual Abuse Cases, through an interbranch agreement with the Department of Human Services. Ten counties were selected for in-depth study, and statewide surveys and reviews of databases, focus groups, and public hearings were held. The findings and recommendations will be available in early 1997.

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 a grant from the U. S. Department of Health and Human Services, the network continued the collection of demographic and case-related data from eight juvenile courts to test the operational aspects of a statewide juvenile data network. In 1996, more than 50,000 records were collected.

Court Personnel Meetings

The Court continued to host spring and fall meetings of the administrators from the nine largest common pleas courts, eight largest municipal courts, and smallest courts of common pleas to provide news from the Supreme Court and information about pending legislation and share information concerning developments in court administration.

LAW LIBRARY

Paul S. Fu, Librarian

The Supreme Court of Ohio Law Library was first established in 1861. It has enjoyed steady and continuous growth, especially in recent years. The Supreme Court of Ohio Law Library provides professional law library service to the Justices and staff of the Supreme Court, General Assembly, administrative agencies, members of the bar, and the general public. It also answers reference questions and provides research and photocopying services for out-of-state patrons.

The Law Library maintains 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 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 more than 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 research speed and efficiency. During 1996, more than 1,500 government agency and private attorneys and members of the general public used the four public CD-ROM workstations in the Law Library.

Since 1992, the Law Library has been using a totally integrated online library system, NOTIS, which covers all areas of library operations. The 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 Law Library has become one of the largest and most technologically advanced state supreme court law libraries in the nation.

The year 1996 saw significant improvement in patron services, especially with regard to the books which had to be stored in an off-site facility for lack of shelf space in the library. More than 2,500 cartons of books were moved back to a renovated space on the 35th floor of the State Office Tower. This move has reduced the waiting period for these books from two hours to 20 minutes. 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 hosted foreign and out-of-state visitors and held open-house sessions for new bar inductees and their families and friends. The Library publishes a monthly list of acquisitions and updated its lists of legal periodical and audio-visual materials in December 1996.

In 1996, a total of 32,926 patrons visited the Law Library, including personnel from more than 60 state agencies. The Law Library added 7,895 printed volumes, 40,050 pieces of microfiche, and 305 rolls of microfilm to the collection. In addition, the library staff responded to nearly 19,000 reference questions.

CLERK'S OFFICE
Marcia J. Mengel, Clerk

Clerk's Office

During 1996, the Clerk's Office processed a record 2,888 new cases and scheduled 167 cases for oral argument (147 for full Court hearing, and 20 tax cases for hearing by a master commissioner). The Clerk's Office also processed 738 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 1996, the Admissions Office processed nearly 3,700 admission applications, including 1,591 law student registrations, 1,972 bar examination applications, 96 applications for admission without examination, seven applications for temporary certification under Rule IX of the Rules for the Government of the Bar, and one foreign legal consultant certificate under Rule XI of the Rules for the Government of the Bar. The Admissions Office also issued approximately 535 legal intern certificates and 1,900 certificates of good standing.

The Admissions Office administered two bar examinations and two admissions ceremonies in 1996. During the February bar examination, 389 applicants were tested, and in May the Office conducted an admissions ceremony at the Ohio Theatre for the 313 successful applicants who had met all criteria for admission. At the July examination, 1,368 applicants were tested, and a November admissions ceremony was held for the 1,196 successful 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, and will continue to August 31, 1997.

By the end of 1996, more than 45,500 Ohio attorneys had registered for the 1995-1997 biennium as follows: 37,203 attorneys registered for active status; 6,476 registered as inactive; and 1,873 attorneys registered for retired status, a status for attorneys age 65 and over who no longer practice law. In addition, 261 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 1996, the Reporter's Office published 408 full Supreme Court opinions with 37 abbreviated entries and 128 miscellaneous orders, for a total of 573 edited Supreme Court works. Also, 768 court of appeals opinions and 89 trial court opinions were published in the *Ohio Official Reports*. 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 3,244 pages in the Advance Sheets or 34 percent of the 1996 total. Court of appeals opinions took 5,673 pages in the Advance Sheets or 59 percent, while trial court opinions took 638 pages or 7 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, announcements, and final versions of court rules to the Court's Internet site so that the public can have access to this information within hours of its release. The Court's Web page can be found at <http://www.sconet.ohio.gov>. In addition, the Office of Court Technology and Services has added a "search engine" to the Court's Web page.

The Court and West Publishing Company agreed to extend the contract to publish the *Ohio Official Reports* for another five years, through June 30, 2001.

Since April 1994, pursuant to Rule V(8)(D)(2) of the Government of the Bar, the Reporter's Office has been responsible for the publication in newspapers and in local bar association magazines and newsletters of 197 notice of attorney discipline orders and opinions issued by the Supreme Court.

OFFICE OF COURT TECHNOLOGY AND SERVICES

James J. Mendel, Manager

Supreme Court of Ohio Network (SCONet)

During 1996, the Office of Court Technology substantially upgraded the Supreme Court local area network. The new network is now configured as follows: hardware is based upon Compaq computers, Hewlett-Packard printers, and 3COM components; the software includes Microsoft NT version 4.0 for the server, Windows for Workgroups and Windows 95, Microsoft Office, Visual Basic, and NT SQL Server. There are four Compaq Proliant servers and 184 client PCs on the network.

The Court has an 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. Plans for 1997 include further hardware and software upgrades along with significant application development.

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. During 1997, the office will continue to work on upgrading 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 1996, the Office provided technical assistance to 35 courts and completed work with 18 courts in 14 counties.

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 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 journalism students of Ohio State University and Kent State University.

FISCAL OFFICE

Noreen L. S. Weisberg, Fiscal Officer

The Fiscal Office administered combined annual budgets of approximately \$81 million and provided fiscal management and administrative support for the Supreme Court, courts of appeals, and trial courts. Human resource functions included employee compensation, benefits, and payroll-related services. Fiscal management functions of the Office included legal authority review; budget preparation and implementation; financial accounting, management, and reporting; internal accounting controls; and payment processing. Administrative office support functions included supply and equipment bids, purchasing, and inventories; mail, printing, copying, storeroom, telecommunications, and general building services; records, supply, and equipment storage, retrieval, and delivery; and technical assistance.

The Fiscal Office prepared 128 biweekly and monthly payrolls; coordinated benefits, payroll tax withholdings, voluntary deductions, and payments for more than 1,200 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; made quarterly reimbursements to counties for the state's share of compensation to acting or assigned municipal court judges; and completed more than 30,000 reimbursements and payments. The Fiscal Office monitored, accounted for, and reported on more than 19 grants awarded to, and on the grants and subsidies awarded by, the Supreme Court.

The Supreme Court began treating retired judges sitting by assignment as employees of the Court rather than independent contractors for purposes of Public Employee Retirement System (PERS) and federal tax reporting. Also, statutorily-required increases or equalization changes in state compensation and supplements for more than 800 judicial and specified court officials were made March 1, 1996; July 1, 1996; and January 1, 1997.

MASTER COMMISSIONERS

John J. Dilenschneider, 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 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 judge of the Court (judicial cases).

In addition, a judge of the Court 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 judgment cannot be the subject of further appeal.

Pending caseloads at the end of 1996 were down from the year-end levels in 1995 in two categories of cases: single commissioner (victims) cases, down by one percent; and judicial appeals, down by 10 percent. Caseloads were up in the remaining categories of cases: small civil cases (administrative determinations), up by 15 percent; large civil cases (judicial), up 6 percent; and panel commissioner cases (victims), up 10 percent.

The conversion of the computer system to the local area network is proceeding on schedule, and the conversion should be accomplished by the end of 1997. Training for all staff has been completed; overall network hardware conversion is 80 percent completed; and workstation conversions are 75 percent completed. Work has been accomplished entirely by Court staff.

Civil Case Management

The number of claims filed in the administrative determinations category increased by 12 percent over 1995. There were 790 dispositions of these cases, which was 7 percent fewer than in 1995, resulting in an increase of 29 cases pending at the end of 1996, or a total of 265 cases. The number of judicial cases filed, terminated, and pending were all up by about 6 percent over the previous year. At the end of 1996, there were 486 of those cases pending, of which 214 were on stay pending collateral actions in other courts, making a net total of 272 active, pending cases.

Victims of Crime Compensation Case Management

The total number of filings of victims of crime claims in 1996 was 5,976, as compared with 6,003 in 1995, or down by less than one-half percent. The single commissioner disposed of 6,017 claims, resulting in the pending claims at the end of the year to be down by one percent. The number of objections filed to the panel of commissioners was 891, up 9 percent over 1995, an all-time record. A total of 868 panel cases were terminated, resulting in a 10 percent increase in pending cases compared with the previous year, or 250 cases. Judicial appeals were up 40 percent over 1995, at 204, also an all-time record. Terminations of these cases were up 10 percent over the previous year, which resulted in a pending caseload of 49 cases, or down 10 percent from 1995.

CASES FILED

JURISDICTIONAL APPEALS	<u>1996</u>
Claimed Appeals of Right	41
Discretionary Appeals (Non-felony)	1,262
Discretionary Appeals (Felony)	642
MERIT DOCKET	
Original Actions	254
Habeas Corpus Cases	112
Direct Appeals	234
Certified Conflicts	46
Appeals from Board of Tax Appeals	46
Appeals from Public Utilities Commission	9
Appeals from Power Siting Board	0
Death Penalty Cases*	25
Certified Questions of State Law	3
<i>Mumahan</i> Appeals	87
Appeals of Election Contest under R.C. 3515.15	2
Appeals under R.C. 4121.25	0
PRACTICE OF LAW CASES	
Disciplinary Cases**	122
Admissions Cases**	0
Other Practice of Law Cases**	3
TOTAL	<u>2,888</u>

* *Included in this category are eight (8) cases involving appeals from the court of common pleas in which the death penalty was imposed for an offense committed on or after January 1, 1995. Two (2) of the cases in which the death penalty was imposed for an offense committed on or after January 1, 1995, also have companion cases appealed from the court of appeals. The remaining fifteen (15) cases involve appeals from the court of appeals for offenses committed prior to January 1, 1995.*

** *See Appendix E for breakdown of cases relating to the practice of law that were filed in 1996.*

APPENDIX A

FINAL DISPOSITIONS*

JURISDICTIONAL APPEALS (JURISDICTION DECLINED, LEAVE TO APPEAL DENIED AND/OR APPEAL DISMISSED)	<u>1996</u>
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Claimed Appeals of Right	34
Discretionary Appeals (Non-felony)**	1,124
Discretionary Appeals (Felony)**	<u>489</u>

TOTAL	1,647
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MERIT DOCKET

Original Actions	250
Habeas Corpus Cases	116
Direct Appeals	157
Certified Conflicts	54
Appeals from Board of Tax Appeals	65
Appeals from Public Utilities Commission	14
Appeals from Power Siting Board	0
Death Penalty Cases	14
Merit Cases Pursuant to Allowance***	184
Certified Questions of State Law	2
<i>Mumahan</i> Appeals	124
Appeals of Election Contest under R.C. 3515.15	3
Appeals under R.C. 4121.25	<u>0</u>

TOTAL	983
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* 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.

APPENDIX B

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

	<u>1996</u>
Claimed Appeals of Right	7
Discretionary Appeals (Non-felony)*	130
Discretionary Appeals (Felony)*	<u>16</u>
TOTAL	153

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

APPENDIX C

CASES PENDING

CASE TYPE	PENDING AS OF 01/01/97
Discretionary Appeals and Claimed Appeals of Right*	589 **
Original Actions	55
Habeas Corpus Cases	6
Direct Appeals	285
Certified Conflicts	27
Appeals from Board of Tax Appeals	47
Appeals from Public Utilities Commission	8
Death Penalty Cases***	26
Certified Questions of State Law	3
<i>Mumahan</i> Appeals	16
Appeal of Elections Contest under R.C. 3515.15	<u>0</u>
TOTAL	1,062

* *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 five (105) of these cases had been allowed by the Court and were pending on the merits as of January 1, 1997. The remainder were pending as jurisdictional appeals.*

*** *Included in this category are eight (8) cases involving appeals from the court of common pleas in which the death penalty was imposed for an offense committed on or after January 1, 1995. Two (2) of the cases in which the death penalty was imposed for an offense committed on or after January 1, 1995, also have companion cases appealed from the court of appeals. The remaining sixteen (16) cases involve appeals from the court of appeals for offenses committed prior to January 1, 1995.*

APPENDIX D

**CASES RELATING TO THE PRACTICE OF LAW
CASES FILED
1996**

DISCIPLINARY CASES

Regular disciplinary cases	65
Mental illness suspension cases	2
Automatic suspensions for felony convictions	20
Resignations	13
Reciprocal discipline cases	10
Disciplinary cases involving judges	1
Judicial campaign cases filed pursuant to Gov. Jud. R. II, Sec. 5	7
Judicial cases filed pursuant to Gov. Jud. R. III	1
Miscellaneous disciplinary matters	<u>3</u>
TOTAL	122

ADMISSIONS CASES

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

OTHER PRACTICE OF LAW CASES¹

Cases relating to the unauthorized practice of law	2
Other cases relating to the practice of law	<u>1</u>
TOTAL	3

¹ *"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.*

APPENDIX E

**CASES RELATING TO THE PRACTICE OF LAW
FINAL DISPOSITIONS
1996**

DISCIPLINARY CASES

Public reprimands	11
Definite suspensions	14
Definite suspensions with probation ¹	9
Mental illness suspensions	2
Suspensions pending compliance	0
Indefinite suspensions ²	15
Disbarments	11
Automatic suspensions for felony convictions	17
Automatic suspension cases dismissed as moot ³	2
Resignations	13
Reciprocal discipline imposed	6
Reciprocal discipline cases dismissed	1
Disciplinary cases involving judges	1
Judicial cases under Gov. Jud. R. III where Court imposed sanction ⁴	0
Judicial cases under Gov. Jud. R. III dismissed ⁵	1
Judicial campaign cases where Court imposed sanction ⁶	1
Judicial campaign cases where five-judge commission imposed sanction ⁷	4
Disciplinary cases dismissed by the Court ⁸	3
Miscellaneous disciplinary matters ⁹	<u>2</u>
TOTAL	113

ADMISSIONS CASES

Character and fitness cases	1
Miscellaneous admissions matters	<u>0</u>
TOTAL	1

OTHER PRACTICE OF LAW CASES

Cases relating to the unauthorized practice of law	0
Other cases relating to the practice of law	<u>2</u>
TOTAL	2

APPENDIX F

- 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 two (2) cases that were dismissed by the Court upon the respondents' resignations from the practice of law.*
- 4 *Includes cases decided by the Court pursuant to Gov. Jud. R. III, Section 3.*
- 5 *Includes case filed with the Court pursuant to Gov. Jud. R. III, Section 2, that was dismissed by the five-judge commission.*
- 6 *Includes case decided by the Court pursuant to Gov. Jud. R. II, Section 5 (E)(2) and Gov. Jud. R. III, Section 3.*
- 7 *Includes four (4) cases where five-judge commission entered orders against respondents pursuant to Gov. Jud. R. II, Section 5(E)(1). These cases were not appealed to the Court.*
- 8 *Includes case dismissed by the Court on the merits, and two (2) cases dismissed due to respondents' resignations from the practice of law.*
- 9 *Includes two (2) cases where respondents were suspended until they cooperated in disciplinary investigations and complied with subpoenas issued by the Board of Commissioners on Grievances and Discipline.*

1996 RULE AMENDMENTS

1. DR 2-103 – Recommendation of Professional Employment; Lawyer Referral Services
Final publication: January 22, 1996
Effective date: July 1, 1996
2. Supreme Court Rules of Practice Revisions
Final publication: February 19, 1996
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3. Sup. R. 5.01; C.P. Sup. R. 9.02; M.C. Sup. R. 18.01 – Court Security Plans
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4. Civ. R. 4.2, 19.1, 53, 54, 59, 73, 75, and 86; Crim. R. 1 and 59; Juv. R. 6, 8, 13, 27, 34, 36, 37, and 47; App. R. 4, 5, and 33; Evid. R. 101, 102, 403 and 1102 -- Rules Advisory Committee Recommendations
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5. Sup. R. 80 and M.C. Sup. R. 20 and Forms – Civil and Criminal Protection Orders; LEADS
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6. Traffic Rule 14 -- Traffic Rules Review Commission Recommendations
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7. DR 5-101 – Lawyer as Beneficiary of a Will
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8. Gov. Bar R. XII – Rules Advisory Committee Membership
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APPENDIX G

9. Gov. Bar R. XVI – Lawyer Referral and Information Services Committee
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10. Canon 7(C)(6), Code of Judicial Conduct – Campaign Solicitations and Expenditures
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11. Gov. Bar R. XIV – Specialization Designation
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12. Supreme Court Rules of Practice Rule II, Section 2(D) – Application for reconsideration or reopening
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13. Temporary Provision – Experimental Uniform Traffic Ticket
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14. Canon 7, Code of Judicial Conduct
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15. DR 3-102 – Dividing Legal Fees with a Non-Lawyer
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16. Board of Bar Examiners Rule I, Sections 3 and 4 – Grading of Bar Exam
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17. Gov. Bar R. V, Section 11(E)(3) and (4) – Disciplinary Proceedings
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18. Gov. Bar R. V, Section 4(I)(6) – Colorable Claims Complaint
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19. Canon 7(C)(5)(a)(iii), Code of Judicial Conduct
Final publication: June 24, 1996
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20. Commission on Certification of Attorneys as Specialists Regulation and Areas of Specialties
Final publication: December 2, 1996
Effective date: January 1, 1997
21. Gov. Bar R. VIII – Clients' Security Fund
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22. Traffic Rules – Temporary Provision, Experimental Uniform Traffic Ticket
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