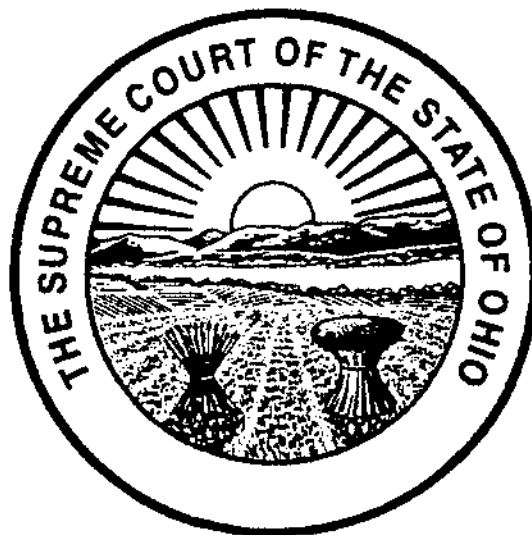


The Supreme Court of Ohio

Annual Report

1997



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
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Paul S. Fu	Law Librarian
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Marcia J. Mengel	Clerk
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Introduction

For the Supreme Court of Ohio, 1997 was a year marked by significant accomplishments and solid progress. Among the highlights:

- Creation of the Ohio Courts Futures Commission.
- Chief Justice Moyer's second State of the Judiciary address to a joint session of the Ohio General Assembly, including a call for jury reform. His themes included domestic violence prevention, family courts, legislative-judicial relations, and the future of Ohio's courts.
- National leadership in developing drug courts, including awards of nearly 10 percent of U.S. Department of Justice drug court grants, and a statewide drug court evaluation project.
- Funding by the General Assembly for an \$11.25 million program to enhance court and courthouse security statewide, and new security procedures at the Supreme Court.
- Adoption of *A Lawyer's Creed* and *A Lawyer's Aspirational Ideals* to promote professionalism among Ohio's lawyers, judges, and legal educators.
- Approval of revisions in the campaign finance rules for judicial elections.
- Hosting the national Conference of Chief Justices/Conference of State Court Administrators Annual Meeting in Cleveland.
- Doubling to \$50,000 the maximum award that may be made by the Clients' Security Fund to victims of attorney misconduct.
- Appointment of Jonathan E. Coughlan as the fifth Disciplinary Counsel.
- An increase in the attorney registration fee to provide enhanced support for lawyer discipline.
- Progress in moving the Supreme Court to the historic Ohio Departments Building.
- Consideration of 32 proposals to amend or adopt Supreme Court rules and the rules of practice and procedure for Ohio courts, including rules on civil, criminal, juvenile, and appellate procedure.

- 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 for each of the past four years.

Key Issues and Events of 1997

Ohio Courts Futures Commission

In May, Chief Justice Moyer appointed the 52 members of the Ohio Courts Futures Commission, 30 advisory council members, and academic representatives from each of Ohio's nine law schools. The Commission began a multi-faceted review of the Ohio court system through five task forces: Access and Quality, Organization and Structure, Public Education and Awareness, Rules and Procedures, and Technology.

Commission members attempted to identify the key desired characteristics of the Ohio court system of the next century, gathered data, and reviewed the current operations of the judicial system.

Commission task forces will continue to develop strategies and recommendations. The Commission will have a public comment period in 1998, before drafting a final report in early 1999.

State of the Judiciary Address: Jury Reform

On February 12, Chief Justice Moyer's historic State of the Judiciary address represented only the second time in history that a Chief Justice had delivered a report to a joint session of the General Assembly. Chief Justice Moyer's first State of the Judiciary address was in 1990.

In his address, Chief Justice Moyer urged that all statutory exemptions from jury duty be removed and that jurors in state courts be paid at least \$40 a day for their services. "Juries are the essence of democracy in our courtrooms," Chief Justice Moyer told the members of the 122nd General Assembly. "The belief that citizens should be judged by a jury of their peers is held more strongly in our country than in any other." Chief Justice Moyer said he believed it was wrong to exempt certain occupations and professions and people over the age of 70 from jury duty. "They are the persons whose knowledge and experience would lend wisdom to a jury." Chief Justice Moyer said two-thirds of the states have eliminated statutory exemptions from jury duty. He said he would ask a citizens commission to consider an expanded role for jurors, noting that juries in Arizona are permitted to question witnesses in trials.

Other themes included domestic violence prevention, family courts, legislative-judicial relations, and the future of Ohio's court system.

Ohio Conference on Substance Abuse and the Courts

The Supreme Court, in conjunction with the Department of Alcohol and Drug Addiction Services, continued efforts to support drug courts. Ohio received more than 10 percent of the grants from the United States Department of Justice for drug court programs. The \$1,656,000 earmarked for Ohio will go to ten counties for programs to treat non-violent drug offenders and control their activities by means other than incarceration. "Ohio is demonstrating significant leadership in the development of drug courts," said Marilyn Roberts, Director of the U.S. Justice Department's Drug Court Program Office. "One of the most important reasons Ohio has been successful has been the interdisciplinary cooperation at the state and local level."

In addition, the Court began a new project to evaluate drug courts, funded in part through a grant from the Office of Criminal Justice Services. The project, to be undertaken by a research team from the University of Cincinnati, will produce data concerning recidivism rates and the costs to the criminal justice system, and work with each drug court jurisdiction to collect the data necessary to evaluate Ohio's drug courts.

The Court also 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 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 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.

Court Security Initiative

In 1993, Chief Justice Moyer, in announcing the Supreme Court/Ohio Judicial Conference Committee on Court Security, expressed concern that courtroom violence "threatens the very core of our judicial system," and that "our courtrooms are places for the peaceful, reasoned, resolution of dispute. To ensure the safety of judges, witnesses, court workers, and attorneys ... our courtrooms must be safe and secure." The Committee is chaired by Justice Evelyn Lundberg Stratton and Judge Michael Voris.

In 1995, the Court adopted statewide court security standards, requiring all courts to develop a court security policy and procedures plan, but not requiring specific steps due to concerns over county budgets.

In 1997, the Ohio General Assembly funded a two-year, \$11.25 million statewide court security initiative through the Ohio Judicial Conference. The budget includes: 1) \$1 million in the first year for a statewide assessment of the security of Ohio's 269 courts, to provide a clear picture of the scope and nature of the potential security risks for the courts; 2) \$250,000 for training; and 3) \$10 million in the second year for block grants for court security equipment. The funds will be divided equally among Ohio's courts. This funding is especially important since it demonstrates the state's commitment to court security, even though the majority of the funds must be local.

"A Lawyer's Creed" and "A Lawyer's Aspirational Ideals"

In February, the Supreme Court issued *A Lawyer's Creed and A Lawyer's Aspirational Ideals*, which are suggested guidelines aimed at promoting civility in the legal profession. The Court issued the *Creed* and the *Ideals* at the request of bar leaders and the Commission on Professionalism. In issuing the *Creed* and the *Ideals*, the Court intended to encourage lawyers and judges to promote professionalism rather than to provide additional bases for lawyer discipline.

The *Creed* identifies the qualities and services that every lawyer should offer to clients, opposing parties and their counsel, courts and other tribunals, colleagues in the practice of law, the legal profession, the public and the justice system.

The *Aspirational Ideals* set goals for the attorney in meeting the obligations outlined in the *Creed*.

In a statement preceding the *Creed* and *Ideals*, the Supreme Court said it was concerned with trends that emphasize commercialism in the practice of law and de-emphasize the historical heritage that the practice is a learned profession to be conducted with dignity, integrity and honor as a high calling dedicated to the service of clients and the public good. The Court said these trends lead to an emphasis on financial rewards, a diminishing of courtesy and civility among lawyers, a reduction in the respect for the judiciary, and a lessening of regard for others and commitment to the public good.

The *Creed* and the *Ideals* may be found in publications of the Rules for the Government of the Bar.

Judicial Campaign Conduct and Enforcement

The Supreme Court continued its national leadership in the area of judicial campaign reform by adopting a series of amendments to Canon 7 of the Code of Judicial Conduct and Rule II, Section 5 of the Rules for the Government of the Judiciary of Ohio, effective June 1, 1997. The latest revisions were approved by the Court following a review of 1996 judicial campaigns and comments from judges, judicial candidates, and the public.

Among the amendments approved by the Court were:

- revised limits on campaign contributions and expenditures, including separate primary and general election limitations for candidates with contested primaries and population-based spending limits for trial court candidates;
- clarified rules pertaining to advertising a candidate's political party affiliation, endorsement, and nomination; and the use of campaign funds to attend political fundraising events;
- continued refinement of the rules relating to consideration of judicial campaign grievances, including appointment of a panel to determine probable cause, allowing certain grievances to be referred to the Disciplinary Counsel for further review, and expanding the definition of "sanctions" for judicial campaign violations to include the assessment of reasonable attorney's fees incurred in prosecuting a grievance.

1997 Conference of Chief Justices/Conference of State Court Administrators Annual Meeting in Cleveland

The Supreme Court of Ohio hosted the national Conference of Chief Justices/Conference of State Court Administrators Annual Meeting in Cleveland in July. The meeting was attended by 43 of the 54 Chief Justices and 45 of the 54 state court administrators from across the nation, including the District of Columbia, Puerto Rico, Guam, and the Northern Mariana Islands. Featured speakers included United States Attorney General Janet Reno, Ohio House Speaker Jo Ann Davidson, and R. David Thomas, founder of Wendy's International.

Clients' Security Fund Award

In October, the Supreme Court doubled to \$50,000 the maximum award that may be made by the Clients' Security Fund to victims of attorney misconduct.

"The purpose of the Fund is to protect those who have suffered because of improper action by attorneys. The increase will make it possible to provide more money for those who have suffered the greatest losses," said Chief Justice Moyer. The program is funded by practicing lawyers not tax dollars. "This is an effort by those in the legal profession to protect the public from those few attorneys who may be dishonest in their dealings with clients," the Chief Justice said.

New Disciplinary Counsel

In October, the Board of Commissioners on Grievances and Discipline, with the approval of the Supreme Court, appointed Jonathan E. Coughlan, an Assistant District Attorney in Erie County, New York, as the fifth Disciplinary Counsel. Coughlan is a 1978 graduate of Case Western Reserve Law School in Cleveland, and worked three years as an assistant public defender in Cuyahoga County. Coughlan had served ten years as an

assistant district attorney in Erie County, New York. His most recent assignment was Chief of Special Investigations/Prosecution Bureau, where he was responsible for white collar and high profile cases.

Increase in the Attorney Registration Fee to Support Lawyer Discipline

In February, the Supreme Court announced a \$50 dollar per year increase in the registration fee paid by all attorneys. The attorney registration fee, paid every two years, was increased to \$125 per year, effective with the August 1997 registration.

Ohio's attorney registration fees were the lowest in the nation according to the *1996 State and Local Bar Association Membership Dues and Mandatory Fees Survey*, published by the American Bar Association. In the category "Ranking By Total Cost to Practice in State (Highest to Lowest)," the increase will rank Ohio 46th of 54 jurisdictions.

Approximately 75 percent of the increase will be directed to lawyer discipline, and most will go to reimburse local certified grievance committees.

The Attorney Registration Fund supports the agencies responsible for policing the legal profession in Ohio. These include: 1) the Office of Disciplinary Counsel, which investigates and prosecutes allegations of misconduct against lawyers and judges; 2) the Board of Commissioners on Grievances and Discipline, which hears cases of allegations of misconduct against lawyers and makes recommendations to the Supreme Court for final disciplinary action; and 3) the Clients' Security Fund, which provides compensation to persons financially harmed by the misconduct of attorneys.

The Fund is also used to reimburse certified grievance committees of bar associations and unauthorized practice of law committees for some costs incurred in performing their obligations under the Rules for the Government of the Bar.

The Fund also supports the Supreme Court Board of Commissioners on the Unauthorized Practice of Law, Commission on Certification of Attorneys as Specialists, and Office of Attorney Registration. The increase provides supplemental funding for the Ohio Lawyers Assistance Program, Inc. and legal assistance.

Proposed Ohio Courts Building

In 1997, the Court approved a study of the feasibility of renovating the historic Ohio Departments Building for use by the Supreme Court and other judicial offices. The study focused on the current and future needs of the Court. Architects conducted a comprehensive space needs assessment of the Court and affiliated agencies, and analyzed the structural and engineering condition of the 64-year old Ohio Departments Building to determine whether it will meet the needs of the Court.

Prior to 1901, the Supreme Court was located in the State House. From 1901 to 1974, the Supreme Court and its Law Library, along with the Attorney General, were

located in the State House Annex, then known as the "Judicial Annex." In 1974, the Court moved to the Rhodes State Office Tower along with a number of state agencies and offices. As the responsibilities and caseload of the Court have increased over the years, space has become inadequate, resulting in overcrowding and expansion into leased facilities.

The Ohio Departments Building, constructed between 1931 and 1933, is an outstanding example of the Art Deco period and was designed to be a key element in the Columbus riverfront civic center. A major contributing element to the overall significance of the building is its outstanding collection of art work by early 20th century American artists and artisans.

Grants

The Supreme Court administered \$2,160,884 in federal and state grant funds in 1997. 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 United States Department of Health and Human Services, the national State Justice Institute and the state Office of Criminal Justice Services, Department of Human Services, Department of Public Safety, Commission on Dispute Resolution Conflict Management, and Ohio State Bar Foundation.

U.S. Department of Health and Human Services

In 1997, the Supreme Court administered major grants from the United States Department of Health and Human Services to fund the Court Improvement Program (\$789,186) and the Family Court Feasibility Study (see page 26) (\$725,000).

The Family Court Feasibility Study recommended a number of improvements in the processing of family-related court cases. In collaboration with the Ohio Department of Human Services, the Court is implementing those recommendations:

- 1) rewriting the Revised Code to present a more organized family law section;
- 2) exploring the possibility of adding a family law specialist to the Judicial College;
- 3) continuing the development of a statewide juvenile record database, the Juvenile Data Network;
- 4) supporting the expansion of CASA/GAL (Court Appointed Special Advocates/Guardians *Ad Litem*); and
- 5) funding family court pilot projects.

State Justice Institute

During 1997, the Supreme Court administered one grant from the national State Justice Institute totaling \$31,000 to design and implement processes for data collection on court-annexed custody and visitation mediation programs.

Office of Criminal Justice Services

In 1997, the Supreme Court administered \$530,182 in grants from the Office of Criminal Justice Services. Grants to the State Criminal Sentencing Commission for \$72,020 were used to study sentencing trends (see page 23). The Court received \$189,290 in grants for mediation evaluation and a \$64,744 grant for victim-offender mediation (see page 21).

The Court was awarded a \$108,189 grant for a statewide drug evaluation program. The Court also administered 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 3, 25, and 26).

Department of Public Safety

The Supreme Court received a grant for \$38,400 from the Department of Public Safety for traffic related education (see page 18).

Commission on Dispute Resolution and Conflict Management

In 1997, the Supreme Court collaborated with the 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 (see page 21).

Ohio State Bar Foundation

In 1997, the Supreme Court received a \$15,000 grant from the Ohio State Bar Foundation to support the Ohio Courts Futures Commission (see page 2).

Supreme Court Caseload Statistics

A total of 2,730 cases were filed in the Supreme Court in 1997, including 263 original actions, 83 habeas corpus cases, 6 federal court certification of state law questions, 111 attorney disciplinary matters, 8 attorney admission cases, 3 other cases related to the practice of law, and 2,256 appeals, as follows: 36 claimed appeals of right, 1,208 non-felony discretionary appeals, 595 felony discretionary appeals, 213 direct appeals, 33 certified conflicts, 39 appeals from the Board of Tax Appeals, 30 appeals from the Public Utilities Commission, 20 death penalty appeals, and 82 *Mumahan* appeals. For additional statistical information, see Appendices A through F.

Rules Amended or Adopted in 1997

The Supreme Court considered 32 proposals to amend or adopt Court rules and rules of practice and procedure for Ohio courts. The full text of proposed and final rule amendments are published in the *Ohio Official Reports Advance Sheets* and the *Ohio State Bar Association Report*. The publication and effective dates of adopted rules are listed in Appendix G.

Rules of Practice and Procedure

The Supreme Court filed with the General Assembly proposed amendments to the Rules of Criminal, Civil, Appellate, and Juvenile Procedure. Amendments that took effect July 1, 1997, addressed issues such as post-conviction proceedings, retention of original deposition notes, and procedure when domestic relations issues are sought to be modified while an appeal is pending.

Code of Judicial Conduct

Canons 1-6 of the Code of Judicial Conduct were substantially revised, effective May 1, 1997. The amendments, which consolidated Canons 1-6 into four canons, were the result of an extensive review of the 1990 revised ABA Model Code of Judicial Conduct by both the Board of Commissioners on Grievances and Discipline and the Ohio Judicial Conference.

Noteworthy amendments to the Code include provisions relative to financial activities permitted by active judges, *ex parte* communications, the responsibility of supervisory judges, and membership in organizations that practice insidious discrimination.

Continuing Legal Education

Effective January 1, 1998, the Supreme Court adopted amendments to Rule X of the Rules for the Government of the Bar, which concerns continuing legal education for Ohio lawyers. The amendments require lawyers to obtain 60 minutes of professionalism education, including *A Lawyer's Creed* and *A Lawyer's Aspirational Ideals*; 60 minutes of education on the Code of Professional Responsibility; and 30 minutes on substance abuse issues every two years. The Commission on Professionalism recommended the amendments.

Standard Domestic Violence Protection Order Forms

Effective January 1, 1998, the Supreme Court adopted Rules 10.01 and 10.02 of the Rules of Superintendence and standard civil and criminal domestic violence protection order forms and instructions. Rules 10.01 and 10.02 require courts to provide protection order forms and instructions upon request and to use protection order forms that are "substantially similar" to the standard forms. Rules 10.01 and 10.02 also require all civil and criminal protection orders issued in Ohio to include a standard cover sheet that warns of the potential penalties for violating the order. The Standard Forms Committee of the Domestic Violence Task Force developed Rules 10.01 and 10.02 and the standard forms and instructions.

Records Management and Retention

Effective October 1, 1997, the Supreme Court adopted Rules 26-26.05 of the Rules of Superintendence, which govern records management and retention in Ohio courts. Rules 26-26.05 set forth records retention schedules for the courts of appeals, common pleas, municipal, and county courts; establish guidelines for maintaining records using new technology; and create notification requirements for the destruction of historical records, exhibits, depositions, and transcripts. The Task Force on Records Management recommended Rules 26-26.05 in its September 1996 report.

Child Support Default: Interim Suspension from the Practice of Law

In March, the Supreme Court adopted a rule to provide for the immediate suspension from the practice of law of an attorney who is found in default on a child support order. Upon receiving notice that an attorney is in default under a child support order, the Supreme Court may suspend the attorney from the practice of law. The suspension remains in effect until the Court receives notice that the attorney is no longer in default or is obligated under a new or modified order to pay support and any arrearages. The amendment to Rule V, Section 5 of the Rules for the Government of the Bar was effective on April 21, 1997.

Standard Probate Forms

Effective October 1, 1997, the Supreme Court adopted amendments to standard probate form series 18, which is used in adoption proceedings.

Supreme Court Rules of Practice: Frivolous Actions: Sanctions

The Supreme Court amended its Rules of Practice relative to frivolous conduct in all actions filed with the Court. The new rule adopts a definition of frivolous conduct used in Rule 11 of the Federal Rules of Civil Procedure and sets forth the sanctions available to the Court, including expenses, attorney's fees, single or double costs, and any other sanction considered just. Under the rule, the Court may impose sanctions on a party, the party's attorney, or both. The amendment to Rule XIV, Section 5 of the Supreme Court Rules of Practice was effective April 28, 1997.

Supreme Court Activities

Off-Site Court

Since 1987, the Supreme Court has conducted court sessions in 34 counties throughout the state, primarily for the benefit of high school students. Approximately 16,200 high school students, as part of a total of 21,800 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 course work. In 1997, the Court heard oral arguments in Athens and Muskingum Counties and at Cleveland-Marshall College of Law.

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 1997, more than 280 groups and more than 13,800 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 again 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 63 students participated during 1997, 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 fifth year.

Bench-Bar-Deans Conference

For the eleventh 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 1997, the Coalition presented 14 courses for a total of 41 credit hours.

International Programs

Ukraine-Ohio Rule of Law Program

In 1997, the Ukraine-Ohio Rule of Law Program continued to provide support and assistance to the Republic of Ukraine in developing its democratic institutions. At the request of the Ukraine Constitutional Court, an Ohio team consisting of the Chief Justice and Administrative Director of the Supreme Court, a retired court of appeals judge, and a court of appeals administrator was formed to provide technical assistance on court administration. A delegation from the Ukraine Constitutional Court will visit Ohio in 1998.

The Supreme Court of Ohio continued to support the Supreme Court of Ukraine and the Higher Arbitration Court of Ukraine in their efforts to establish an independent judicial system. Projects of the Rule of Law Program include commentary on draft legislation, support in establishing a judicial training institute for the Supreme Court of Ukraine, support for the Constitutional Court efforts described above, and, upon request, providing faculty for courses in substantive areas of law.

In 1997, the Supreme Court hosted delegations from Ukraine, Kazakhstan, Rwanda, and Spain.

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 delegation from Shanghai visited the Supreme Court in 1993, and an exchange visit from the Supreme Court and Capital University Law and Graduate Center followed in 1994. In 1997, a delegation from the Shanghai High People's Court conducted legal education seminars on doing business in China in Cleveland, Cincinnati, and Columbus.

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 former 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. Effective July 1, 1997, Rule 65 was renumbered to Rule 20 of the Rules of Superintendence. The revised rules combined the existing Rules of Superintendence for Courts of Appeals, Rules of Superintendence for Courts of Common Pleas, and Rules of Superintendence for Municipal and County Courts, and are now known as the Rules of Superintendence for the Courts of Ohio.

Rule 20 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 20 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 20.

In 1997, the Committee approved three continuing legal education seminars to fulfill the specialized training requirements of Rule 20, certified approximately 150 applicants who met the requirements of the Rule, decertified 103 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 December 1997, approximately 476 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 1996, 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—became effective with the July 1997 exam.

A total of 442 applicants took the bar examination in February 1997, with 358 (81 percent) passing, and 1,278 applicants took the July 1997 bar examination, with 966 (75.6 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 Court and became final in November 1995. Ohio attorneys may achieve certification by meeting practice requirements and passing tests administered by accredited certifying agencies.

During 1997, the Commission recommended three additional designated specialty areas, which brings the total approved by the Court to 11. In May and October, the National Board of Trial Advocacy was accredited by the Commission to certify Ohio attorneys in the areas of Civil Law Trial Advocacy and Criminal Law Trial Advocacy, respectively. In September, the Ohio State Bar Association was accredited to certify Ohio attorneys in the area of Workers' Compensation Law. The Commission is currently reviewing two additional areas of specialization.

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.

Twenty new character and fitness cases were filed with the Board in 1997; 13 of these were appeals from admissions committee determinations, and 7 were *sua sponte* investigations. The Board proposed amendments to the character and fitness provisions of Rule I of the Rules for the Government of the Bar, which became effective in May 1997.

Board of Commissioners of the Clients' Security Fund

Chair: David P. Kamp; 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 \$3,631,644 to 606 former law clients. In 1997, the

Board of Commissioners awarded \$187,460 to 51 claimants. Three of the 51 claimants received the maximum award of \$25,000.

Rule VIII was amended, effective October 20, 1997, to increase the maximum award amount from \$25,000 to \$50,000. The Rule was also amended to give the Board the discretion to include any special or unusual circumstances in its consideration of claims.

Commission on Continuing Legal Education

Chair: David Deutsch; 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 40,000 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 1997, pursuant to 1993 amendments to Rule X that transferred to the Commission the administration and enforcement of continuing education for judges, the Commission mailed 460 final reporting transcripts to judges with last names beginning with the letters A-L.

A total of 16,740 attorneys and 400 judges with last names beginning with the letters M-Z 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, 1997, 87 percent were in full compliance with the Rule. For the year, the Commission had an excellent 96.8 percent compliance rate.

The Supreme Court issued 611 sanction orders during 1997 against attorneys with last names beginning with A-L, the group required to report in 1996. In addition, the Commission held hearings on notices of non-compliance, processed 9,400 applications for accreditation of continuing legal education activities more than 4,000 sponsors, and considered 27 appeals from the Secretary's denial of accreditation. Interim progress reports and final reporting transcripts were mailed to 20,465 attorneys and judges with last names beginning with A-L who were required to report for the fifth time by January 31, 1998.

In 1993, Rule X was amended to allow late compliance with the educational requirements contingent upon payment of a late compliance fee; 371 attorneys and judges paid the late compliance fee in 1997.

The Commission continued consideration of mandatory "bridge the gap" education for new admittees to the bar. Mandatory professionalism education for all attorneys became effective January 1, 1998.

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 1,500 financial disclosure statements required of Ohio judges, judicial candidates, and magistrates.

In 1997, the Board received 109 formal complaints filed by Disciplinary Counsel and certified grievance committees. The Board conducted 71 disciplinary hearings and certified 83 matters to the Supreme Court, disposing of a total of 108 cases altogether. The Board also conducted hearings on petitions for reinstatement and petitions to revoke probation.

The Board concluded to participate in the statewide study of the disciplinary system sponsored by the Ohio State Bar Association. The Board assisted the certified grievance committees in documenting requests for full reimbursement of all disciplinary-related expenses.

The Board also: 1) received 66 requests for advisory opinions and issued eight 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 sixth year, provided partial reimbursement to local certified grievance committees for ongoing grievance and discipline expenses; 3) sponsored and assisted in a training seminar for members of certified grievance committees; 4) taught five courses on campaign law and ethics required of Ohio judicial candidates under Canon 7; and 5) presented 27 continuing legal education programs for judges, lawyers, and law students.

Office of Disciplinary Counsel
Disciplinary Counsel: Jonathan E. Coughlan

The Office of Disciplinary Counsel is responsible for the investigation and prosecution of matters involving the professional responsibilities of Ohio attorneys and judges. During 1997, the Office received 2,961 complaints, compared to 3,026 filed in 1996. These original complaints, together with appeals and unauthorized practice matters, totaled 3,346 matters in 1997, compared to 3,400 in 1996.

After intake and investigation, 3,190 complaints were dismissed. Formal action before the Board of Commissioners on Grievances and Discipline was taken in 28 cases for a total of 60 active Board cases.

In October, Jonathan E. Coughlan was appointed Disciplinary Counsel, replacing Geoffrey Stern, who served four years as Disciplinary Counsel.

Judicial College Board of Trustees

Chair: Judge James A. Brogan; 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 College was made a division of the Ohio Judicial Conference. In July 1989, the College became part of the Supreme Court. The College provides educational programs for judges, magistrates, acting judges, and non-judicial court personnel.

In 1997, the Judicial College presented 61 days of courses to more than 2,900 attendees. These courses included a faculty development program and a leadership institute, which provided the College with an additional faculty for its courses.

The College also provided five teleconferences in 1997, a number that will increase in the future. The teleconferences, which are now available at an average of 13 sites across the state, presented information to magistrates and judges on ethics, substance abuse, and substantive and procedural law.

The 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 evidence courses for judges, three felony DUI courses for judges, and two traffic law courses for acting judges.

Commission on Professionalism

Chair: Dick Ison; 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 to enhance professionalism.

During 1997, on the recommendation of the Commission, the Supreme Court issued the *Statement on Professionalism, A Lawyer's Creed, and A Lawyer's Aspirational Ideals*, and adopted amendments to Rule X of the Rules for the Government of the Bar to require 60 minutes of continuing legal education in the area of professionalism every two years beginning January 1, 1998. The Commission recommended an amendment to Rule IV of the Rules for the Government of the Judiciary that would mandate professionalism education for judges.

Rules Advisory Committee

Chair: Richard Walinski; 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 1997, 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 filed with the General Assembly. Substantive amendments to the Rules of Criminal, Civil, Appellate, and Juvenile Procedure, took effect on July 1, 1997.

The Committee also reviewed 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 1998 will, unless modified by the Court or disapproved by the General Assembly, take effect on July 1, 1998.

Traffic Rules Review Commission

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

The Traffic Rules Review Commission completed work on a modified Uniform Traffic Ticket that was proposed by the Commission in 1995 and tested in several pilot sites in 1996. The new Uniform Traffic Ticket was approved by the Supreme Court for statewide implementation beginning in July 1997.

Board of Commissioners on the Unauthorized Practice of Law

Chair: D John Travis; Secretary: 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 1997. The Board conducted three hearings in 1997 relating to cases filed in 1996. The Board also filed three 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 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 consists 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

Chairs: Judge Ann Marie Tracy and David E. Griffiths; Staff Liaison: Richard A. Dove

The Bench-Bar Planning Committee hosted the sixth statewide Bench-Bar Conference on September 4 and 5 in Columbus. The Conference revisited the 1996 theme of "Building Public Confidence in the Judicial System II," and participants discussed issues of jury reform and public education and assessments. The Conference produced a final report and recommendations that were transmitted to the Conference co-sponsors, the Supreme Court, Ohio Judicial Conference, and Ohio State Bar Association.

Arizona Supreme Court Justice Stanley Feldman served as keynote speaker at the Bench-Bar Conference.

Advisory Committee on Court Technology

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 1997, 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.

Ohio Courts Futures Commission

Chairs: Judge Robert M. Duncan and Susan Lajoie Eagan;
Project Director: Laralyn M. Sasaki

The activities of the Commission are outlined on page 2.

Committee on Dispute Resolution

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

During 1997, the Supreme Court Committee on Dispute Resolution received funding to institutionalize and study court staffed mediation programs in 12 sites. The efforts focused on expansion of monitoring and evaluation processes for court staff to mediate in domestic relations, juvenile, general division common pleas and municipal courts. Courts selected include:

1) Ashtabula County General Division, Domestic Relations, and Juvenile; Ashtabula Municipal, Eastern County, Western County, and Conneaut Municipal; 2) Clark Domestic Relations and Juvenile; 3) Franklin Juvenile; 4) Guernsey General; 5) Hamilton General; 6) Henry General, Domestic Relations, Juvenile, and Probate; Defiance General, Domestic Relations, Juvenile, and Probate; Napoleon Municipal; Defiance Municipal; 7) Lucas Juvenile; 8) Mahoning General; 9) Montgomery Juvenile; 10) Perry Juvenile and County; 11) Richland General and Domestic Relations; and 12) Toledo Municipal.

The Supreme Court and the Department of Human Services continued to work with the Ohio Family and Children First Initiative and the Commission on Dispute Resolution and Conflict Management. Pilot projects to fund truancy mediation and conflict management training for elementary schools and juvenile courts are continuing to move forward. The Court also collaborated with the Department of Human Services to allocate grant awards to staff and evaluate four court-connected mediation programs for abuse, neglect and dependency cases. Pilot project data from two sites supported the continuation of these projects to develop collaborative mechanisms to resolve these complex cases.

The Supreme Court coordinated the third and final year of the Office of Criminal Justice Services grant award for a common pleas court pilot program 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 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 for courts seeking to institute similar programs. Analyses of preliminary data indicate that in the first six months of operation the civil programs attained high levels of participation, attorney satisfaction, and perceptions of fairness. The Committee will continue to evaluate data as they are analyzed through the final 18 months of each grant.

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, Van Wert, Franklin, Montgomery, and Clermont Counties were completed by 1997. A final report is expected in late 1998.

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, received a record number of new case referrals in 1997.

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 1997, the Commission reviewed the subcommittee reports and began preparation of its final report, to be submitted to the Court in 1998.

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 reconvened in March to consider public comments on the Revised Rules of Superintendence that were published in late 1996. Based on the public comments, the Committee recommended minor revisions to the proposed rules including:

- allowing the majority of judges of a court or division to vacate or modify the actions of the administrative judge;
- permitting the Chief Justice to assign retired, part-time municipal and county court judges to active duty;
- revising the method by which certain criminal and traffic cases are numbered and reported to the Supreme Court Statistical Reporting Section;
- adopting new time guideline and statistical report form for death penalty post-conviction relief actions;
- a new preface to the Rules.

In April, the Supreme Court approved the revised Rules of Superintendence based on the Committee's recommendations. With the exception of the revisions to statistical reporting rules, which were made effective on January 1, 1998, the revised rules were made effective on July 1, 1997. The new rules were distributed to judges, clerks, and court administrators in the late Spring.

Effective October 1, 1997, the Rules of Superintendence applicable to the probate division of the court of common pleas were amended. These amendments and commentary were proposed by the Rules and Forms Committee of the Probate Judges Association.

Committee on Court Security

Chairs: Justice Evelyn Lundberg Stratton and Judge Michael J. Voris

The activities of the Committee are outlined on pages 3 and 4.

Supreme Court Statutory Commission

State Criminal Sentencing Commission

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

During 1997, the Sentencing Commission finalized recommendations for traffic offenses, including vehicular homicide and drunken driving. It developed proposals for the collection and distribution of fines and court costs. The Commission also substantially completed its recommendations for misdemeanor sentencing. These will be presented to the General Assembly early in 1998.

The Chief Justice and Governor made initial appointments to the Commission's Juvenile Committee early in the year. The Committee began its study, focusing on how the juvenile and adult systems could be blended, when appropriate.

Research continued into the costs and impact of the Commission's felony plan (adopted by the General Assembly as Senate Bill 2, effective in July 1996) and likely misdemeanor proposals. The Commission monitored S.B. 2 and recommended some changes to make it work smoothly.

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

Legal and Legislative Services - Richard A. Dove

Governmental Relations

The Supreme Court staff continued to serve as an important resource to members and staff of the General Assembly and assisted in the enactment of key legislation during the first year of the 122nd General Assembly.

In February, Chief Justice Thomas J. Moyer delivered his second State of the Judiciary Address to the General Assembly. The Chief Justice proposed legislation to increase juror compensation and eliminate seven statutory exemptions from jury service. Senate Bill 69, which would enact the Chief Justice's proposals, was introduced in March by Senator Bruce Johnson. The Court staff testified as proponents of the legislation and worked closely with Senator Johnson and other legislators as the bill moved through the General Assembly. Final legislative action on the bill is anticipated in early 1998.

In 1996, the Supreme Court Domestic Violence Task Force issued its final report, containing 72 recommendations designed to protect victims and punish perpetrators of domestic violence. Twelve of these recommendations were contained in Senate Bill 1, which was introduced early in the legislative session by Task Force co-chair, Senator Merle Grace Kearns. The Court staff coordinated activities to support the enactment of Senate Bill 1, including securing proponent testimony from members of the Task Force and other interested parties. The bill was enacted in June and became effective on October 21, 1997.

An additional Task Force recommendation was contained in Senate Bill 70, sponsored by Senator Nancy Chiles Dix. That bill, which was enacted and also took effect October 21, provides that victims of domestic violence cannot be denied health insurance as a result of their status as victims of domestic violence.

New Judicial Positions

Court staff also reviewed and recommended to the General Assembly several proposals for new judicial positions. Since 1989, at the request of the General Assembly, the Court has reviewed new judgeship proposals using a series of objective criteria designed to measure relative need. More than 40 proposals have been evaluated by the Court staff in the nearly eight years since the criteria were developed.

In 1997, the Supreme Court recommended and the General Assembly approved a new judge in the Franklin County Municipal Court and a full-time judgeship in the Jackson County Municipal Court. Other proposals recommended in 1997 and pending as the year ended were common pleas judgeships in Erie, Lorain, and Marion Counties.

Judicial Compensation

Chief Justice Moyer appointed Columbus attorney Jack Edwards to serve on the Elected Officials Compensation Commission. Court staff assisted the Ohio Judicial Conference and other judicial organizations in reviewing judicial compensation in other states and in developing a proposal to significantly alter Ohio's judicial salary structure. Representatives of the Ohio Judiciary testified before the Commission and, in July, the Commission approved and submitted to the leadership of the General Assembly a recommendation that full-time judges receive a salary increase of \$15,000 and that part-time judges receive a salary increase of \$9,000.

Judicial Campaign Conduct

Staff presented at four training seminars relative to the judicial campaign rules contained in Canon 7 of the Code of Judicial Conduct. Since 1995, more than 700 judicial candidates, campaign committee members, and others have attended these Court-sponsored seminars.

Staff continued to work 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 two judicial commissions appointed to review judicial campaign grievances filed with the Supreme Court. Staff also met with representatives of a Pennsylvania Supreme Court committee that is reviewing judicial campaign practices in that state.

Affidavits of Disqualification

A total of 177 affidavits of disqualification were filed with and considered by the Chief Justice in 1997.

The average time from filing to disposition was 12 days in 1997, which represents a 83 percent decrease in disposition time since 1993.

A total of 15 affidavit of disqualification entries issued by the Chief Justice in 1997 were selected for publication in the *Ohio Official Reports*. These entries supplement the 92 entries published prior to 1997.

Drug Court Technical Assistance - Michelle Hall

The staff provided technical assistance to 17 operating and planned drug court programs, including six juvenile, three municipal, and eight common pleas courts. In March, work began on the Supreme Court's statewide drug court evaluation project, which is being funded through a grant from the Office of Criminal Justice Services. During this two-year evaluation project, the University of Cincinnati will study 11 of Ohio's drug court programs. In August, the Supreme Court and the Department of Alcohol and Drug

Addiction Services sponsored a day-long meeting in Columbus for drug court representatives. At the meeting, participants learned about funding opportunities, multi-disciplinary training, and the research design for the Supreme Court's evaluation project; discussed the formation of a drug court association; and began planning a drug court conference to take place in 1998.

Assignment of Judges - Doug Stephens

Chief Justice Moyer made 2,541 assignments of judges to trial and appellate courts in 1997. This included assignments of retired judges as well as sitting judges.

Assignments are made on specific cases as well as for period of time. A judge may request an assignment for a case that may appear to present a conflict of interest from that judge or may request an assignment to preside over a docket during times of absence and need.

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 July 1, 1997, after the Rules of Superintendence Committee concluded its review of the statistical reporting requirements in early 1997. New rules, staff comments, and reporting form instructions were distributed to all judges, clerks, and court administrators.

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, presented its findings from 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. The report recommended: 1) expanding the Juvenile Data Network (see below); 2) drafting a family code to consolidate up to ten titles of the Revised Code; 3) expanding training to judges and others on family law; and 4) developing pilot courts to test family court concepts.

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 1997, more than 100,000 records were collected from six counties. Permanent establishment and expansion to include all 88 counties is planned for 1998.

LAW LIBRARY
Paul S. Fu, Librarian

Collection and Services

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, the general public, and out-of-state patrons. The Law Library has a carefully selected and well maintained collection of more than 400,000 equivalent volumes. It contains a comprehensive collection of Ohio, federal, and other state laws, and a core collection of international and foreign law. The Library's most notable collections are the Ohio materials, general treatises and practice books, legal periodicals, and audio-visual materials.

Library/Technology

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 two years. There are 40 workstations linking the Justices' chambers, Court offices, and four public workstations on the network system. The system has greatly improved research speed and efficiency. In the past two years, more than 3,000 government agency and private attorneys and members of the general public have used the four public CD-ROM workstations in the Law Library.

Since 1992, the Law Library has been using a totally integrated on-line library system, NOTIS, which covers all areas of Library operations. The on-line public catalog, SCROLL, can be accessed by lawyers and judges from anywhere in Ohio.

In addition to the print and audio-visual collections, Library patrons use all kinds of information technology to do legal research. The current technologies include remote database research, CD-ROM, on-line catalog, and Internet research. The Law Library plans to design an integrated computer legal research system incorporating all technologies and make the system available at individual research stations throughout the library. This integrated computer legal research system, if implemented, would be truly an improvement over the present separate and uncoordinated research system.

Activities and Statistics

In 1997, a total of 25,392 patrons visited the Law Library, including personnel from more than 60 state agencies. The Law Library added 6,887 printed volumes, 33,362 pieces of microfiche, and 280 rolls of microfilm to the collection. In addition, the Library staff responded to 18,629 reference questions.

CLERK'S OFFICE

Marcia J. Mengel, Clerk

Clerk's Office

During 1997, the Clerk's Office processed 2,730 new cases and scheduled 180 cases for oral argument (159 for full Court hearing, and 21 tax cases for hearing by a master commissioner). The Clerk's Office also processed 719 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 1997, the Admissions Office processed more than 4,000 admission applications, including 1,956 law student registrations, 1,951 bar examination applications, 89 applications for admission without examination, and 9 applications (7 new and 2 renewals) for temporary certification under Rule IX of the Rules for the Government of the Bar. The Admissions Office also issued 463 legal intern certificates and 1,912 certificates of good standing.

The Admissions Office administered two bar examinations and two admissions ceremonies in 1997. During the February bar examination, 442 applicants were tested, and in May the Office conducted an admissions ceremony at the Ohio Theatre for the 358 successful applicants who had met all criteria for admission. At the July examination, 1,278 applicants were tested, and a November admissions ceremony was held for the 966 successful applicants who qualified for admission.

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 1997-1999 attorney registration biennium began on September 1, 1997.

During the year, more than 45,000 attorneys registered for the 1997-1999 biennium as follows: 35,970 attorneys registered for active status; 6,768 registered as inactive; and 2,195 attorneys registered for retired status, a status for attorneys age 65 and over who no longer practice law. In addition, 220 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 1997, the Reporter's Office published 301 full Supreme Court opinions with 23 abbreviated entries and 85 miscellaneous orders, for a total of 409 edited Supreme Court works. Also, 719 court of appeals opinions and 90 trial court opinions were published in the *Ohio Official Reports*.

Supreme Court opinions, announcements, rules, and notices accounted for 3,139 pages in the Advance Sheets or 35 percent of the 1997 total. Court of appeals opinions took 5,284 pages in the Advance Sheets or nearly 60 percent, while trial court opinions took 459 pages or 5 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 -- <http://www.sconet.state.oh.us> -- so that the public can have access to this information within hours of its release.

In addition, the Office of Court Technology and Services updated the Court's Web page this year, adding many features, including the Manual of Citations.

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.

OFFICE OF COURT TECHNOLOGY AND SERVICES

James J. Mendel, Manager

Supreme Court of Ohio Network (SCONet)

During 1997, the Office of Court Technology and Services completed a major renovation and upgrade of the Supreme Court Website <http://www.sconet.state.oh.us> to improve public and court access to information about the Supreme Court, including cases, rule proposals, and court activities and programs. In addition, the Website offers easier electronic communications for comments, questions, and recommendations.

Ohio Appellate Strategic Information System (OASIS)

The Office continued to work with court of appeals judges, administrators, and staff to support and enhance the case management software package for the five district courts of appeals that have installed OASIS. During 1997, the enhancements included upgrading the database software in preparation for the move to a Windows version of the

software in 1998. Finally, modifications to the software were completed to collect and produce the Supreme Court Reports for the appellate courts.

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 1997, the Office provided technical assistance to 33 courts and completed work with 17 courts in 16 counties.

PUBLIC INFORMATION OFFICE

Harry Franken, Communications Director

The Public Information Office has the responsibility of informing the public of the activities of the Supreme Court. Actions of the Court are announced to the public, including the news media, through the Office.

During 1997, the Public Information Office released 330 opinions, prepared and distributed written summaries for 146 of the opinions, prepared brief summaries for all cases scheduled to be argued before the Court, replied to 2,311 telephone and 3,090 facsimile requests for information. The Office issued 33 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 journalism students of The Ohio State University and Kent State University.

FISCAL OFFICE

Noreen L. S. Weisberg, Fiscal Officer

The Fiscal Office administered combined annual budgets of approximately \$90 million for the Judiciary, including the Supreme Court. The Fiscal Office also provided fiscal and administrative management support for the Supreme Court, courts of appeals, trial courts, and affiliated entities from multiple funding sources and accounts. Other services of the Office included employee benefits and compensation; budgeting, purchasing, accounting, compliance review, and payment processing for the Supreme Court and Judiciary funds, accounts, grants, and inventories. In addition, the Office provided administrative technical assistance and support services to the offices of the Supreme Court, the Justices, and their staffs.

The Fiscal Office payroll unit prepared 128 biweekly and monthly payrolls; coordinated benefits, payroll tax withholdings, mandatory and voluntary deductions, payments, and adjustments for more than 1,300 judges and court personnel, including the Ohio Judicial Conference. The Fiscal Office also collected the counties' share of

payments made to retired judges assigned by the Chief Justice, as required by law. The accounting unit made quarterly reimbursements to counties for the state's share of compensation to locally appointed municipal court judges. The Fiscal Office 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 grants awarded to, and on grants and subsidies awarded by, the Supreme Court.

Statutorily required increases and changes in state compensation and supplements for statewide judicial and specified court officials were made January 1 and July 1, 1997 and January 1, 1998. Starting July 1, 1997, all part-time municipal court judges and county court judges received a state share supplement to compensation paid locally. As a result, 76 judgeships were added to the monthly payroll.

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 and are referred to as judicial determinations.

A judge of the Court may review a civil action that has been determined administratively and enter judgment and may also hear and determine an appeal taken from an order issued by a panel of commissioners in a victims case. In either event, the judgment cannot be the subject of further appeal.

Court of Claims Case Management

<u>Civil</u>	<u>Comparative Data</u>	
	1996	1997
Administrative Determinations:		
Pending Cases January 1	236	265
Filed	819	716
Terminated	790	792
Pending Cases December 31	265	189

Judicial Determinations:

Pending Cases January 1	460	486
Filed	492	540
Terminated	466	536
Pending Cases December 31	486	490

Victims of Crime

Single Commissioner:

(Initial Determination)

Pending Cases January 1	3,797	3,756
New Filings	4,786	4,664
Supplemental Filings	419	323
Referrals/Remands	771	647
Total Filings	5,976	5,634
Terminated	6,017	6,150
Pending Cases December 31	3,756	3,240

Comparative Data

	1996	1997
Panel of Commissioners:		
(First Appeal)		
Pending Cases January 1	227	250
Objections Filed	891	601
Terminated	868	640
Pending Cases December 31	250	211

Judicial Appeals:

(Final Appeal)

Pending Cases January 1	55	49
Appeals Filed	204	109
Terminated	210	145
Pending Cases December 31	49	13

CASES FILED

JURISDICTIONAL APPEALS	<u>1997</u>
Claimed Appeals of Right	36
Discretionary Appeals (Non-felony)	1,208
Discretionary Appeals (Felony)	595
 MERIT DOCKET	
Original Actions	263
Habeas Corpus Cases	83
Direct Appeals	213
Certified Conflicts	33
Appeals from Board of Tax Appeals	39
Appeals from Public Utilities Commission	30
Appeals from Power Siting Board	0
Death Penalty Cases*	20
Certified Questions of State Law	6
<i>Murnahan</i> Appeals	82
Appeals of Election Contest under R.C. 3515.15	0
Appeals under R.C. 4121.25	0
 PRACTICE OF LAW CASES	
Disciplinary Cases**	111
Admissions Cases**	8
Other Practice of Law Cases**	3
	2,730
 TOTAL	 2,730

* *Included in this category are seven cases involving appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after January 1, 1995. Three 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 ten cases involve appeals from the courts 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 1997.*

APPENDIX A

FINAL DISPOSITIONS*

JURISDICTIONAL APPEALS (JURISDICTION DECLINED, LEAVE TO APPEAL DENIED AND/OR APPEAL DISMISSED)	<u>1997</u>
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Claimed Appeals of Right	31
Discretionary Appeals (Non-felony)**	1,124
Discretionary Appeals (Felony)**	<u>506</u>

TOTAL	1,661
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MERIT DOCKET

Original Actions	256
Habeas Corpus Cases	78
Direct Appeals	172
Certified Conflicts	26
Appeals from Board of Tax Appeals	52
Appeals from Public Utilities Commission	20
Appeals from Power Siting Board	0
Death Penalty Cases	14
Merit Cases Pursuant to Allowance***	98
Certified Questions of State Law	3
<i>Mumahan</i> Appeals	83
Appeals of Election Contest under R.C. 3515.15	0
Appeals under R.C. 4121.25	<u>0</u>

TOTAL	802
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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>1997</u>
Claimed Appeals of Right	0
Discretionary Appeals (Non-felony)*	87
Discretionary Appeals (Felony)*	<u>16</u>
TOTAL	103

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

APPENDIX C

CASES PENDING

CASE TYPE	PENDING AS OF 01/01/98
Discretionary Appeals and Claimed Appeals of Right*	530**
Original Actions	62
Habeas Corpus Cases	11
Direct Appeals	325
Certified Conflicts	33
Appeals from Board of Tax Appeals	34
Appeals from Public Utilities Commission	18
Death Penalty Cases***	32
Certified Questions of State Law	6
Mumahan Appeals	15
Appeal of Elections Contest under R.C. 3515.15	<u>0</u>
TOTAL	1,066

* *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.*

** *111 of these cases had been allowed by the Court and were pending on the merits as of January 1, 1998. The remainder were pending as jurisdictional appeals.*

*** *Included in this category are 14 cases involving appeals from the courts of common pleas in which the death penalty was imposed for an offense committed on or after January 1, 1995. Three 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 courts of appeals. The remaining fifteen (15) cases involve appeals from the courts of appeals for offenses committed prior to January 1, 1995.*

APPENDIX D

**CASES RELATING TO THE PRACTICE OF LAW
CASES FILED
1997**

DISCIPLINARY CASES

Regular disciplinary cases	74
Mental illness suspension cases	0
Automatic suspensions for felony convictions	11
Automatic suspensions for child support noncompliance	3
Resignations	10
Reciprocal discipline cases	6
Disciplinary cases involving judges	3
Judicial campaign cases filed pursuant to Gov. Jud. R. II, Sec. 5	0
Judicial cases filed pursuant to Gov. Jud. R. III	0
Miscellaneous disciplinary matters	<u>4</u>
TOTAL	111

ADMISSIONS CASES

Character and fitness cases	8
Miscellaneous admissions matters	<u>0</u>
TOTAL	8

OTHER PRACTICE OF LAW CASES¹

Cases relating to the unauthorized practice of law	3
Other cases relating to the practice of law	<u>0</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
1997**

DISCIPLINARY CASES

Public reprimands	11
Definite suspensions	15
Definite suspensions with probation ¹	12
Mental illness suspensions	0
Suspensions pending compliance	6
Indefinite suspensions	25
Disbarments	9
Automatic suspensions for felony convictions	10
Automatic suspension cases dismissed as moot ²	1
Automatic suspension cases where Court imposed no disciplinary sanction ³	2
Automatic suspensions for child support noncompliance	2
Resignations	11
Reciprocal discipline imposed	6
Reciprocal discipline cases dismissed	0
Disciplinary cases involving judges	1
Judicial cases under Gov. Jud. R. III where Court imposed sanction	0
Judicial campaign cases where Court imposed sanction ⁴	1
Judicial campaign cases where five-judge commission imposed sanction ⁵	2
Disciplinary cases dismissed by the Court	0
Miscellaneous disciplinary matters ⁶	<u>0</u>
TOTAL	114

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	4
Other cases relating to the practice of law	<u>0</u>
TOTAL	4

APPENDIX F

- 1 *This category 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 *This category includes a case that was dismissed by the Court upon the respondent's resignation from the practice of law.*
- 3 *The Court declined to impose discipline under Gov. Bar R. V, Sec. 5 (interim suspension from the practice of law for a felony conviction) against two attorneys who were given treatment in lieu of conviction pursuant to Ohio Revised Code 2951.041. The Court referred both matters to the Office of Disciplinary Counsel for further investigation.*
- 4 *This category includes a case where the Court dismissed the matter and taxed costs of proceeding to the complainant.*
- 5 *This category includes two cases where five-judge commission entered orders against respondents pursuant to Gov. Jud. R. II, Sec. 5(E)(1).*
- 6 *The six cases included in the category "suspensions pending compliance" were initially filed as miscellaneous disciplinary matters.*

1997 RULE AMENDMENTS

1. **Creed of Professionalism and Statement of Aspirational Ideals – Recommendations of the Commission on Professionalism (Michelle Hall)**
Effective date: February 3, 1997
2. **Uniform Traffic Ticket; Traffic Rule 13 and 25 (Rick Dove)**
Effective date: July 1, 1997
3. **Standard Probate Forms (Keith Bartlett)**
Effective date: April 1, 1997
4. **Canons 1-6, Code of Judicial Conduct (Keith Bartlett)**
Effective date: May 1, 1997
5. **Civ. R. 4.1, 4.2, 4.3, 4.5, 4.6, 30, 56, 73, 75; Crim. R. 35; Juv. R. 30; App. R. 6, 11, 19, 26, 31, 32, 33, 34, 41, 42, 43 – Rules Advisory Committee Recommendations (Keith Bartlett)**
Effective date: July 1, 1997
6. **Rules of Superintendence – Recommendations of Committee to Review the Rules of Superintendence (Rick Dove)**
Effective date: July 1, 1997; January 1, 1998
7. **Gov. Bar R. I – Recommendations of Board of Commissioners on Character and Fitness (Marcia Mengel)**
Effective date: May 1, 1997
8. **Rules of Superintendence – Recommendations of Records Management Task Force (Michelle Hall)**
Effective date: October 1, 1997
9. **Board of Commissioners on Grievances and Discipline Regulations -- Advisory Opinions (Keith Bartlett)**
Effective date: March 1, 1997

10. **Sup. R. 16 – Qualifications for Mediators in Custody and Visitation Disputes (Eileen Pruett)**
Effective date: November 24, 1997
11. **C.P. Sup. R. 8 and Report Form – Death Penalty Post-Conviction Relief Petitions, Time Guidelines and Report Form (Rick Dove/Doug Stephens)**
Effective date: July 1, 1997
12. **Gov. Bar R. V, Section 5 – Child Support Default; Interim Suspension (Rick Dove)**
Effective date: April 21, 1997
13. **Supreme Court Rules of Practice Rule XIV, Section 5 – Frivolous Actions; Sanctions (Rick Dove)**
Effective date: April 28, 1997
14. **Rule 10.01 and 10.02, Rules of Superintendence for the Courts in Ohio and Standard Protection Order Forms (Michelle Hall)**
Effective date: January 1, 1998
15. **Rules of Superintendence Probate Rules (Rick Dove)**
Effective date: October 1, 1997
16. **Specialization Designation - Estate Planning, Trust and Probate Law (Diane Chesley-Lahm)**
Effective date: August 26, 1997
17. **Gov. Bar R. VI – Attorney Registration Fee Increase (Steve Stover)**
Effective date: July 1, 1997
18. **Canon 7, Code of Judicial Conduct; Gov. Jud. R. II, Section 5 – Judicial Campaign Conduct; Enforcement (Rick Dove)**
Effective date: June 1, 1997
19. **Gov. Bar R. V, Section 3(C)(5) – Certified Grievance Committees (Keith Bartlett)**
Effective date: October 1, 1997

20. **Gov. Bar R. X, Section 3 and 9 – Continuing Legal Education Professionalism (Michelle Hall)**
Effective date: January 1, 1998
21. **Specialization Designation – Federal Taxation and Elder Law (Diane Chesley-Lahm)**
Effective date: August 26, 1997
22. **Standard Probate Forms – Form Series 18: Adoption of Minors (Michelle Hall)**
Effective date: October 1, 1997
23. **Gov. Bar R. VIII – Clients’ Security Fund (Janet Green Marbley)**
Effective date: October 20, 1997
24. **Gov. Bar R. V, Section 11(F) – Reciprocal Discipline (Marcia Mengel)**
Effective date: November 3, 1997
25. **Sup. R. 26.02 to 26.05 – Records Management and Retention (Michelle Hall)**
Effective date: October 1, 1997
26. **Code of Judicial Conduct, Compliance Section -- Financial Disclosure for Retired Assigned Judges (Keith Bartlett)**
Effective date: December 8, 1997

APPENDIX G

**SUPREME COURT OF OHIO
BOARDS, COMMISSIONS, AND COMMITTEES
1997**

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