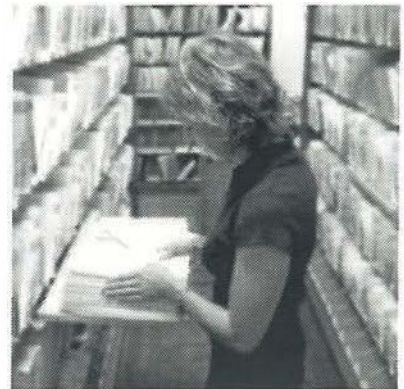
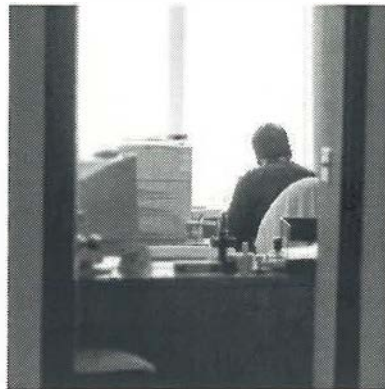




# The Supreme Court of Ohio

## Annual Report





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## The Supreme Court of Ohio



Deborah L. Cook

Francis E. Sweeney

Paul E. Pfeifer

Evelyn Lundberg Stratton

Andrew Douglas

Thomas J. Moyer  
*Chief Justice*

Alice Robie Resneck

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## Table of Contents

<b>Page 2</b>	<b>Letter from the Chief Justice</b>
<b>Page 4</b>	<b>Year in Review</b>
<b>Page 6</b>	<b>2001 Budget</b>
<b>Page 8</b>	<b>2001 Caseload Statistics</b>
<b>Page 12</b>	<b>Ohio Courts Building</b>
<b>Page 14</b>	<b>Division, Offices and Sections</b>
<b>Page 32</b>	<b>Standing Boards, Commissions, and Committees</b>

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## Letter from the Chief Justice

Dear Fellow Ohioans:

Most citizens know that the Supreme Court of Ohio is our state's highest court, and that its primary duty is to hear appeals of selected cases after they have been decided by a trial court in one of the 88 counties and reviewed by one of the state's 12 District Courts of Appeals.

Many Ohioans are not aware, however, that the Supreme Court also is responsible for directing and administering the entire state court system.

Through a skilled professional staff, the Court oversees Ohio's judicial branch. This includes budgeting and disbursing more than \$75 million appropriated by the Ohio General Assembly each year to partially fund the operations of trial and appellate courts across the state and compensate the 800 judges, magistrates and clerks who staff those courts. It also includes monitoring the efficiency with which each county's courts and individual judges manage their dockets; establishing statewide rules of practice and procedure to insure uniform administration of justice; enforcing strict codes of professional conduct for lawyers and judges and providing support services—such as continuing judicial education, staff training and technology assistance—that improve the service our state courts deliver to all Ohioans.

In this, our annual report for 2001, we are pleased to summarize the Court's judicial and administrative activities during the past year.

The justices and staff of your Supreme Court recognize that public confidence is an asset that must be continually re-earned, and we pledge our best efforts to continue improving the quality of justice dispensed in Ohio's state courts in 2002 and the years to come.



Thomas J. Moyer

Chief Justice

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# The Supreme Court of Ohio

## Year in Review

JAN 18

The court announces it is considering new rules to allow court across the state to accept the electronic filing of documents. Policy adopted May 16 and went in to effect July 1.

FEB 15

Court amends an attorney disciplinary rule that governs the timing of solicitations sent to people named as defendants in civil actions.

MAR 20

Chief Justice Thomas Moyer in his State of the Judiciary speech calls for action on a variety of proposals ranging from competent representation for children to judicial election reform.

APR 5

Court adopts rule permitting attorneys accused of misconduct to admit their wrongdoings and agree to a recommended sanction. The new rule takes effect May 1.

APR 9

Chief Justice Thomas Moyer informs Gov. Bob Taft that the Supreme Court will voluntarily reduce its budget by \$1 million — 1.1 percent — for the remainder of the fiscal year ending June 30. A copy of the letter also sent to legislative leaders.

APR 26

The court by a 5-2 vote passes rule, effective July 1, requiring all lawyers without malpractice insurance to notify their clients using a standard form.

MAY 24

Court proposes amendments to the Traffic Rules that would allow juvenile divisions of common pleas courts to establish traffic violations bureaus.

<p>Court hears oral arguments in <i>DeRolph v. State</i>, the school funding case, proceedings streamed into the internet.</p>	<p>JUN 20</p>
<p>Chief Justice Thomas Moyer appoints a 13-member task force to develop statewide standards for those who represent children in court.</p>	<p>JUN 28</p>
<p>The Supreme Court of Ohio requires new attorneys to participate in a training program designed to help with the transition from law school to the real-world practice of law.</p>	<p>JUL 1</p>
<p>The Supreme Court of Ohio adopts a Creed of Professionalism for Judges and Magistrates, offering guidelines aimed at promoting professionalism and civility.</p>	<p>JUL 9</p>
<p>Supreme Court revises its attorney registration materials to solicit racial and ethnic information from Ohio's nearly 50,000 lawyers.</p>	
<p>Court states it will reduce its budget by 1 percent for the current fiscal year. The court has absorbed four reductions totaling more than \$7.2 million over the past 10 months.</p>	<p>OCT 30</p>
<p>Supreme Court informs State Auditor Jim Petro of substantial progress toward implementing strict controls of payments to assigned judges.</p>	<p>DEC 27</p>

## The Ohio Supreme Court 2001 Budget

### Ohio Supreme Court Central and Judiciary Calendar Year 2001 Budget

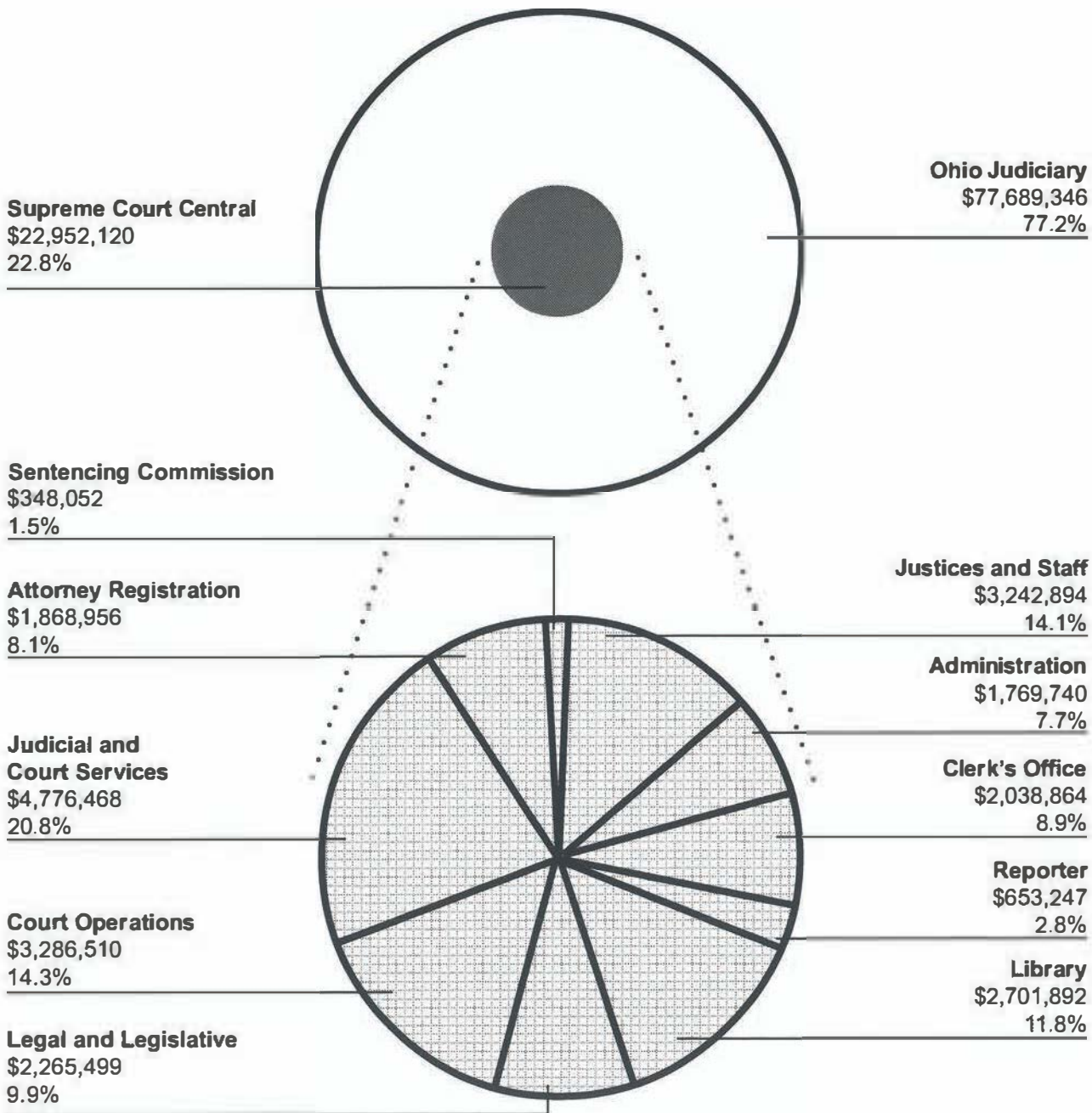
#### Ohio Judiciary Calendar Year 2001 Budget

	Budgeted FY2001	Budgeted FY2002	Avg. for Calendar 2001
Courts of Appeals	\$ 23,864,679	\$ 24,913,859	\$ 24,389,269
Lower Courts	\$ 51,464,666	\$ 55,135,488	\$ 53,300,077
<b>Total Ohio Judiciary</b>	<b>\$ 75,329,345</b>	<b>\$ 80,049,347</b>	<b>\$ 77,689,346</b>

#### Ohio Supreme Court Central Calendar Year 2001 Budget

	Budgeted FY2001	Budgeted FY2002	Avg. for Calendar 2001	
Justices and Staff	\$ 3,181,190	\$ 3,304,597	\$ 3,242,894	14.1%
Administration	\$ 1,679,230	\$ 1,860,250	\$ 1,769,740	7.7%
Clerk's Office	\$ 1,999,169	\$ 2,078,559	\$ 2,038,864	8.9%
Reporter	\$ 637,558	\$ 668,936	\$ 653,247	2.8%
Library	\$ 3,220,053	\$ 2,183,731	\$ 2,701,892	11.8%
Legal and Legislative	\$ 2,377,039	\$ 2,153,958	\$ 2,265,499	9.9%
Court Operations	\$ 3,571,542	\$ 3,001,477	\$ 3,286,510	14.3%
Judicial & Court Services	\$ 5,186,420	\$ 4,366,515	\$ 4,776,468	20.8%
Attorney Registration	\$ 1,838,602	\$ 1,899,310	\$ 1,868,956	8.1%
Sentencing Commission	\$ 363,568	\$ 332,535	\$ 348,052	1.5%
<b>Total Supreme Court Central</b>	<b>\$ 24,054,371</b>	<b>\$ 21,849,868</b>	<b>\$ 22,952,120</b>	
<b>Total Ohio Judiciary and Supreme Court Central</b>	<b>\$ 99,383,716</b>	<b>\$101,899,215</b>	<b>\$100,641,466</b>	





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## 2001 Caseload Statistics

### JURISDICTIONAL APPEALS

Claimed Appeals of Right	22
Discretionary Appeals (Non-felony)	1,028
Discretionary Appeals (Felony)	502
Death Penalty Postconviction Appeals	25
Appeals Involving Termination of Parental Rights/Adoption	32
<b>TOTAL</b>	<b>1,609</b>

### MERIT DOCKET

Original Actions	145
Habeas Corpus Cases	38
Direct Appeals	139
Certified Conflicts	25
Appeals from Board of Tax Appeals	36
Appeals from Public Utilities Commission	10
Appeals from Power Siting Board	1
Death Penalty Cases	11
Certified Questions of State Law	14
Murnahan Appeals	121
Appeals of Election Contest under R.C. 3515.15	0
Appeals under R.C. 4121.25	0
Appeals of Right	0
<b>TOTAL</b>	<b>540</b>

### PRACTICE OF LAW CASES

Disciplinary Cases	119
Admissions Cases	5
Other Practice of Law Cases	11
<b>TOTAL</b>	<b>135</b>

**TOTAL NUMBER OF CASES FILED            2,284**

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**FINAL DISPOSITIONS 2001****JURISDICTIONAL APPEALS (JURISDICTION DECLINED, LEAVE TO APPEAL DENIED AND/OR APPEAL DISMISSED)**

Claimed Appeals of Right	23
Discretionary Appeals (Non-felony)	953
Discretionary Appeals (Felony)	387
Death Penalty Postconviction Appeals	24
Appeals Involving Termination of Parental Rights/Adoption	25
<b>TOTAL</b>	<b>1,412</b>

**MERIT DOCKET**

Original Actions	145
Habeas Corpus Cases	44
Direct Appeals	168
Certified Conflicts	33
Appeals from Board of Tax Appeals	33
Appeals from Public Utilities Commission	14
Appeals from Power Siting Board	1
Death Penalty Cases	11
Merit Cases Pursuant to Allowance	131
Certified Questions of State Law	7
Munahan Appeals	112
Appeals of Election Contest under R.C. 3515.15	1
Appeals under R.C. 4121.25	0
Appeals of Right	0
<b>TOTAL</b>	<b>700</b>
<b>TOTAL NUMBER OF FINAL DISPOSITIONS</b>	<b>2,112</b>

**DISCRETIONARY APPEALS AND CLAIMED APPEALS OF RIGHT ALLOWED 2001**

Claimed Appeals of Right	1
Discretionary Appeals (Non-felony)	107
Discretionary Appeals (Felony)	13
<b>TOTAL</b>	<b>121</b>

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## 2001 Caseload Statistics

### CASES RELATING TO THE PRACTICE OF LAW CASES FILED 2001

#### DISCIPLINARY CASES

Regular disciplinary cases	80
Consent to discipline cases	1
Mental illness suspension cases	0
Automatic suspensions for felony convictions	10
Automatic suspensions for child support noncompliance	1
Interim remedial suspensions	1
Resignations	12
Reciprocal discipline cases	8
Disciplinary cases involving judges	5
Judicial cases filed pursuant to Gov. Jud. R. III	0
Judicial campaign cases	0
Miscellaneous disciplinary matters	1
<b>TOTAL</b>	<b>119</b>

#### ADMISSIONS CASES

Character and fitness cases	5
Miscellaneous admissions matters	0
<b>TOTAL</b>	<b>5</b>

#### OTHER PRACTICE OF LAW CASES

Cases relating to the unauthorized practice of law	10
Other cases relating to the practice of law	1
<b>TOTAL</b>	<b>11</b>

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**CASES RELATING TO THE PRACTICE OF LAW  
FINAL DISPOSITIONS 2001**

**DISCIPLINARY CASES**

Public reprimands	5
Definite suspensions	11
Definite suspensions with probation	10
Suspensions pending compliance	0
Indefinite suspensions	16
Disbarments	13
Regular disciplinary cases dismissed by the Court	3
Mental illness suspensions	0
Automatic suspensions for felony convictions	11
Automatic suspensions for felony convictions dismissed	1
Automatic suspensions for child support noncompliance	1
Interim remedial suspensions	1
Resignations	2
Resignations with disciplinary action pending	12
Resignations denied	0
Reciprocal discipline imposed	9
Reciprocal discipline cases dismissed	1
Disciplinary cases involving judges	2
Judicial cases under Gov. Jud. R. III where Court imposed sanction	0
Judicial campaign cases decided by five-judge commission	0
Miscellaneous disciplinary matters	0
<b>TOTAL</b>	<b>98</b>

**ADMISSIONS CASES**

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

**OTHER PRACTICE OF LAW CASES**

Cases relating to the unauthorized practice of law	2
Other cases relating to the practice of law	2
<b>TOTAL</b>	<b>4</b>

## The Ohio Courts Building

Historians will note 2001 as the year when the dream of establishing a separate building for the Supreme Court moved from the drawing boards into actual construction.

The court throughout its 198-year history has met and conducted business in shared quarters.



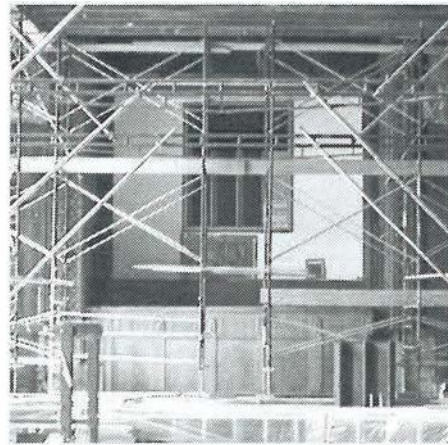
Initially in the Statehouse, then the Statehouse Annex, and now the Rhodes Office Tower, where it has been housed since 1974.

After years of planning and securing the support of the General Assembly and governor's office, work began on restoring the

70-year old-Ohio Departments Building at 65 South Front Street. This marks the first comprehensive renovation and restoration of the civic landmark, located one block off from Capitol Square and overlooking the Scioto River.

The initial work focused on the basics: demolition, removing hazardous materials, historical salvage, electrical plumbing, fire protection and concrete.

Bob Loversidge, architect for Schooley Caldwell Associates that designed the \$85.5 million project, said many people mistakenly believe the work is near completion. Because work on the exterior was completed in 1998, "people assume the court will move in any day."



In reality, the move-in date is scheduled for Spring 2004.

Paul Goggin, executive director of the Ohio Building Authority that is administering the project, said after one year the work is 15 percent complete, costing \$9.6 million.

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"We made considerable progress during the year," Goggin said. "We are on schedule and under budget."

The building authority in September and November awarded 23 separate prime contracts totaling \$54 million for what Goggin describes as the "second and most significant phase" of the project. It is significant as the work will entail all new construction, repair, renovation and restoration for the building interior.

Loversidge said from the architects' viewpoint, during the first year they experienced "the normal start-up pains, but no surprises."

He said the major challenge will be "shoehorning" 21st century systems into a building designed and constructed some three generations ago. "When the building opened in the '30s, it was equipped with candlestick-style telephones and a telegraph machine. We

designed a building for computers and modems."

While there is the nod to contemporary technology, considerable attention will be paid to the restoration of the artistic details. The building is noted as a prime example of the Art

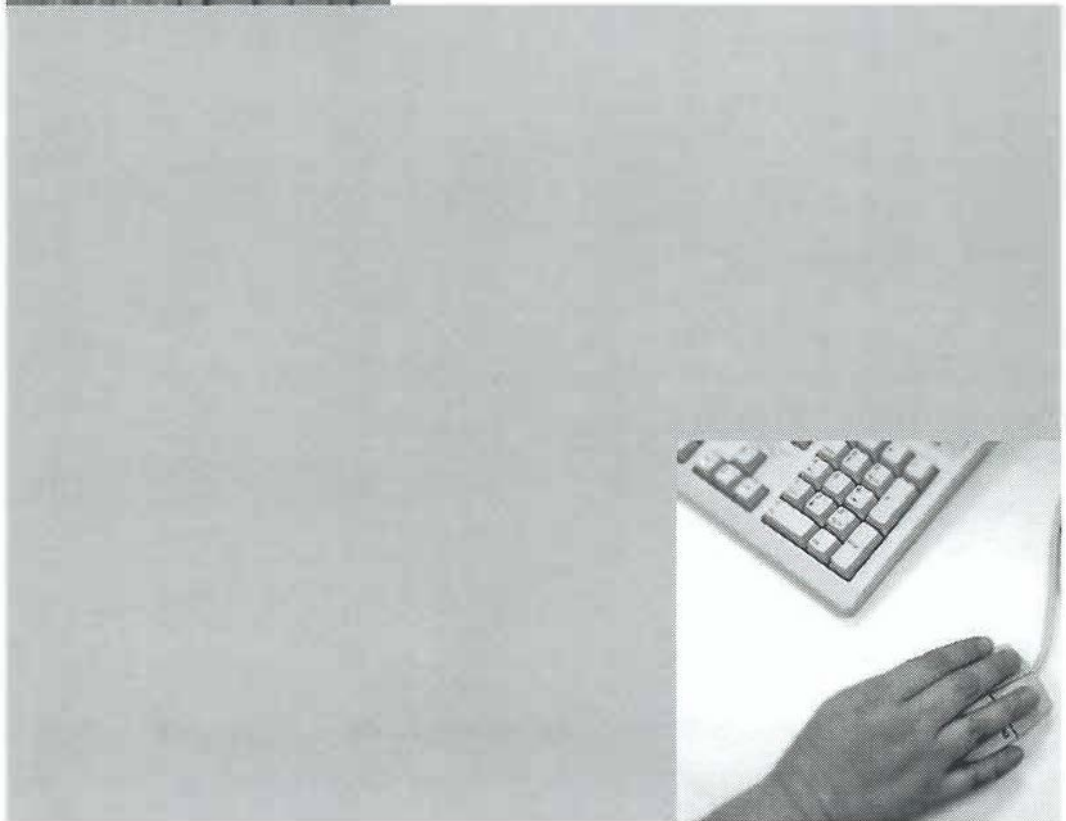
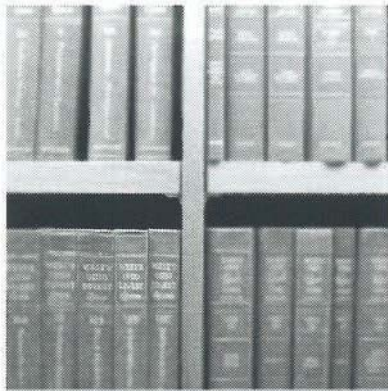


Deco period, with outstanding artwork by early 20th century American artists. Unlike many of today's buildings, the artwork is integrated both on the building's exterior and interior.

White House historian William Seale, who is consulting on the project,

asserts the building's architectural and artistic details makes it a one-of-a-kind. "No building like it will ever be built again."

# Divisions, Offices and Sections





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## OFFICE OF ADMINISTRATIVE DIRECTOR

*Steven C. Hollon*

*Administrative Director*

*Keith Bartlett*

*Assistant Administrative Director*

The Office of the Administrative Director oversees the administrative and operational functions of the Supreme Court. The court executes its judicial functions and administers the state trial and appellate courts through six divisions and one office that report to the Administrative Director. They are:

- The Clerks Division, including the Office of the Clerk, Attorney Registration and Admissions;
- The Library Division
- The Reporter's Division;
- Legal & Legislative Services Division, including Legal and Legislative Services, Continuing Legal Education and Master Commissioners;
- The Court Operations Division, including Fiscal Services, Human Resources, Information Technology, Central Services and Security
- Judicial & Court Services Division, including the Judicial College; Case Management Programs; Technology Resources; Dispute Resolution and Specialized Court Programs.
- The Communications Office.

## Administrative Director's Office

Much of the Administrative Director's time and attention during 2001 were spent responding to significant cuts in the General Assembly's original budget appropriations for the Supreme Court and state judiciary. When early shortfalls in 2001 tax receipts made budget cuts a likely prospect, the administrative director met immediately with the Chief Justice, division managers and senior staff to raise awareness about the situation and solicit suggestions for voluntary cost-saving measures. Three primary strategies were identified and implemented:

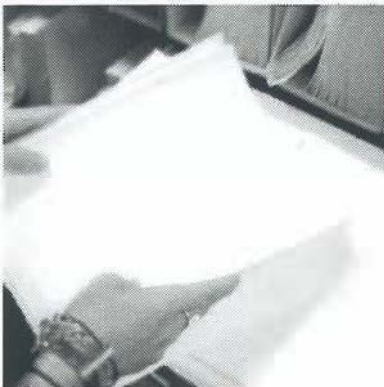
- Canceling \$600,000 in planned grants to courts across the state for new or expanded dispute mediation programs;
  - Tightening procedures for assignment of assigned judges and encouraging trial and appellate courts to maximize local judicial resources; and
- Reducing operating costs of the Supreme Court Law Library by approximately \$500,000 by canceling duplicative/marginal resource materials, cutting back on new acquisitions and adopting other suggestions developed by an internal Library Steering Committee.

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## Divisions, Offices and Sections

The administrative director also gave high priority to the work of two staff committees charged with developing internal policies, procedures and administrative rules:

- The Operations Committee developed formal procedural guidelines to govern staff purchasing, contracting and request for proposal activities.
- The Human Resources Committee reviewed existing documents and proposed updated personnel policies covering sexual harassment, equal employment opportunity and staff travel. The committee also proposed a new discipline policy, and recommended changes and updates in the Court's existing employee code of conduct. At year's end, final drafts of both committees' proposals were being reviewed by senior staff with the expectation that they will be submitted to the Court for formal adoption as administrative rules in early 2002.



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## Communications Office

*Jay Wuebbold*  
*Director*

The mission of the Communications Office is to disseminate timely and accurate news and information about Supreme Court cases and its administrative activities to the news media, attorneys, parties involved in cases and other interested members of the public.

During calendar year 2001 the office researched, wrote and distributed 87 summaries of Supreme Court decisions. The staff also wrote 132 synopses of cases argued before the Court. The office also continued to make available printed full-text copies of all decisions and announcements, while increasing efforts to encourage reporters and the public to access information via the court's Web site: [www.sconet.state.oh.us](http://www.sconet.state.oh.us), where all opinions and announcements are posted immediately and are always available.

The office issued a total of 32 news releases regarding cases or official actions taken by the Court and its various administrative divisions, and responded to 3,900 telephone, fax, mail, on-line and walk-in inquiries from the media and the public on a variety of law-related subjects.

In other significant activities during 2001, the Communications Office:

- Collaborated with a consultant and staff working group to expand and update the content and revise the graphic appearance and organization of the court's Web site. New pages were added during 2001 for the Criminal Sentencing Commission and the Advisory Committee on Technology and the Courts, and content was fully updated for various divisions and offices including Admissions, CLE, Law Library and Clerk's Office.
- Arranged live statewide television coverage of oral arguments in the Iacono case in January and partnered with Ohio News Network to make its recorded coverage of the June 20 "DeRolph III" oral arguments accessible as streaming video on the Supreme Court Web site.
- Improved the design, timeliness and accessibility of the Court Bulletin, the internal weekly e-newsletter by posting the publication on the court's Intranet. The editorial scope of the Bulletin (now two years old) was also expanded to keep the various offices and staff up to date on a wider range of activities and programs of interest.

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## Divisions, Offices and Sections

### CLERK'S DIVISION

#### Clerk's Office

*Marcia Mengel*  
Clerk of the Court  
*Mary Ann Dix*  
Chief Deputy Clerk

The Clerk's Office tracks and manages all cases filed with the Supreme Court. The office monitors filings for compliance with the court's procedural rules; determines when various case matters are ready for the court's consideration; schedules oral arguments; issues summonses and entries; and maintains the court's journal and docket.

The office's staff of 15 assists attorneys and parties in matters coming before the Supreme Court in complying with filing requirements and responds to inquiries about the status of pending cases.

During 2001, the Clerk's Office:

- Filed 2,284 new cases;
- Processed 587 continuing legal education enforcement matters. These proceedings began with a recommendation to the court that the attorneys failed to satisfy the continuing legal education requirements for the 1998-99 reporting period.
- Enhanced the on-line oral argument calendar on the court's Web site by adding information regarding attorneys scheduled to argue cases and justices, or assigned judges, scheduled to hear them;

- Made substantial progress in a program to dispose of old case materials no longer subject to state record retention requirements. During the year, staff reviewed and sorted for disposal or retention files for cases filed between 1966 and 1985.
- Continued to develop software for a fully computerized internal case management system to help the court track current cases and future filings.

#### Admissions Section

*Beverly Braskett*  
Manager

The Admissions Section supports the Supreme Court in its constitutional role of regulating admission to the practice of law in Ohio. With a staff of six full-time, and one part-time, employees, the section processes applications for admission to practice; tracks applicants' status; coordinates and administers semiannual bar examinations and organizes admission ceremonies at which successful applicants take their oath of office. The section also issues miscellaneous certificates relating to attorney admission, including legal intern certificates for law students working in clinical programs and foreign legal consultants.

During 2001, the Admissions Section:

- Processed approximately 3,500 applications for admission applications, including 1,371 law student registration applications, 1,990 bar examination applications, and 114 applications for admission without examination;

- Provided staff support to the Board of Bar Examiners and administered bar examinations to 1,763 applicants—544 in February and 1,219 in July
- Coordinated admission ceremonies in May and November for a total of 1,164 applicants who passed the bar exam and met all other requirements
- Placed a printable copy of the court's application for admission to the bar on the Supreme Court Web site, enhancing service to applicants and reducing internal printing and mailing costs
- Issued 3,279 certificates of good standing to verify the status of Ohio attorneys and 380 legal intern certificates, enabling qualified law school students to provide limited services in legal clinic programs.
- Planned and conducted two training workshops in Columbus for members of the local bar association committees which investigate and verify the character and fitness applicants for admission to the bar. A total of 196 persons representing 44 bar associations participated in the two workshops.

## Attorney Registration Section

*Cindy Farrenkopf*  
Coordinator

The Attorney Registration Section administers the court's biennial registration of all persons admitted to practice law in Ohio. Its duties include sending out and processing registration

forms; maintaining an up-to-date database of names, addresses and other pertinent information on all licensed attorneys; and collecting biennial registration fees from lawyers on active or corporate status. The section has a year-round staff of one full-time and one part-time registration clerk, and adds temporary employees during peak biennial registration periods.

During 2001, the Attorney Registration Section:

- Mailed out 2001-03 registration packets in early July to approximately 50,000 attorneys admitted to practice in the state. By the end of the year, 48,146 attorneys completed registrations, including:
  - 37,252 attorneys on active status—9,990 female, 27,261 male and one unreported
  - 7,746 attorneys on inactive status
  - 2,907 retired attorneys
  - 241 corporate attorneys
- For the first time, 2001-03 registrants were asked to provide information about their race and ethnicity to help the court track the demographic makeup of the legal profession across the state. This information is being entered into a new database that will be accessible for research purposes when data entry is complete.
- Circulated a request for proposals and contracted with a new financial institution to provide "lockbox" services. This involves receiving attorney registration fees directly from registrants, depositing them into the Attorney Registration Fund and providing the court with documentation of all transactions.

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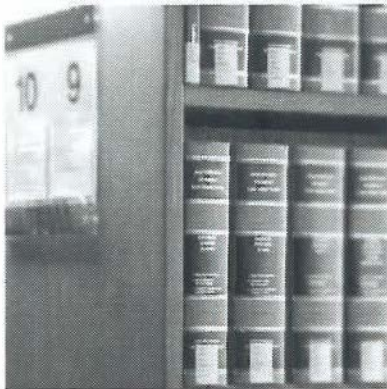
## Divisions, Offices and Sections

### LIBRARY DIVISION

*Diane E. Kier*  
*Acting Librarian*

The Supreme Court Library's primary missions are:

- 1) to serve the legal research needs of the justices and staff; and
- 2) to provide access to law-related research materials for the general public, legal professionals, the General Assembly and other elected state officials.



The library maintains a collection of more than 400,000 publications on diverse legal topics in a variety of formats including print, audio-visual, microfilm/microfiche, CD-ROM, DVD and searchable computer databases. It is widely recognized as being one of the most complete state law libraries in the nation.

During 2001 the library:

- Observed the June retirement of longtime director Dr. Paul Fu and began a national search for his replacement. In the interim, Diane Kier was named acting librarian. Longtime senior staff member Henry Jackson also retired during the year after 27 years' service.
- Hosted a total of 13,558 patrons and responded to more than 8,000 in-person, phone, fax and e-mail inquiries and requests for assistance.
- In response to budget cutbacks, library personnel worked with a steering committee, named by Administrative Director Steven C. Hollon, to achieve savings of approximately \$500,000 from the office's original 2001 expense projections. Savings were accomplished primarily by freezing new acquisitions and discontinuing updates of redundant and nonessential publications. New print volumes acquired during 2001 totaled 2,478--a 73 percent reduction from the 9,200 volumes acquired during 2000.
- Intensified ongoing efforts to optimize use of space at its off-site storage facility by discarding hundreds of outdated, duplicative and nonessential titles.

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## REPORTER'S DIVISION

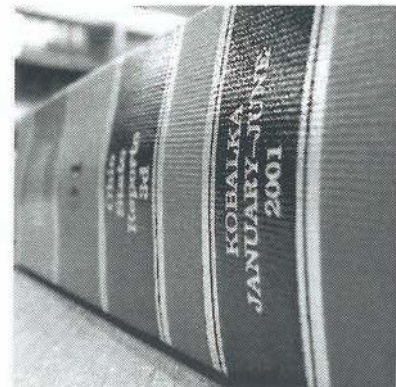
*Walter S. Kobalka*  
*Reporter of Decisions*

The Reporter's Office compiles and publishes the full text of all Supreme Court opinions, entries, miscellaneous orders and rule amendments in the weekly Ohio Official Reports, and posts those materials for public access on the court's Web site. The Reporter's Office also reviews and selects for official publication significant opinions of Ohio's intermediate appellate and trial courts.

During 2001, the Reporter's Office:

- Circulated a request for proposals from legal publishers and completed negotiations for a new five-year contract with the West Group and the Ohio State Bar Association to serve as joint publishers of Ohio Official Reports.
- Worked with the Court's information technology office on a pilot project that by June 2002 will provide a single data base for opinions from the Supreme Court, the 12 appellate courts and the Court of Claims.
- Negotiated an agreement with West Group provide free its FindLaw materials, including U.S. Supreme Court and Circuit Courts of Appeals decisions.

- Published weekly advance sheets containing 9,049 pages of officially-reported opinions, entries and rule-related materials, as follows:
  - 448 full Supreme Court opinions; abbreviated entries and miscellaneous orders in 2,458 total pages;
  - 587 pages of new Supreme Court rules and rule amendments;
  - 621 Ohio court of appeals opinions in 5,620 pages;
  - 47 Ohio trial court opinions in 384 pages.



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## Divisions, Offices and Sections

### LEGAL AND LEGISLATIVE SERVICES DIVISION

#### Legal & Legislative Office

*Rick Dove*  
Director

The division acts as the Supreme Court's liaison with the Ohio General Assembly, monitoring bills that impact the court and judicial branch and providing background information and testimony before legislative committees when appropriate. Activities during 2001 included:

- Arranged and conducted orientation sessions about the state judicial system for members and staff of three legislative committees which frequently hear bills affecting the courts and judiciary;
- Testified or provided information to the legislature on bills impacting the judicial branch, including legislation to strengthen campaign finance reporting rules for Supreme Court candidates; measures to create new judgeships, legislation to extend the prohibition



against the filing of vexatious litigation and a proposal to require insurance companies to notify clients when settlement checks are issued to their attorneys;

- Worked with the Ohio Judicial Conference on a number of legislative initiatives, including arranging summer visits by state legislators to their local courts and reciprocal visits by judges to the General Assembly on October 3 and 17, including joint judge/legislator lunches at the Court.
- Conducted six educational seminars for judicial candidates on state laws and ethics rules governing their campaign activities, and responded to hundreds of legal/ethical questions from judicial candidates and their campaign staffs.
- Arranged and coordinated two Off-Site Court Programs during which the justices traveled to Lawrence County (April) and Greene County (October) to hear oral arguments in scheduled Supreme Court cases before audiences of school students. More than 400 students in those counties participated in this year's programs, bringing the total number of participants to more than 19,000 since the Off-Site Court program began in 1987.

*OTHER LIAISON ACTIVITIES:* The division also staffed a number of the Court's own Boards and Commissions, and acted as the court's



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representative on external professional and multidisciplinary boards and committees including the Ohio Legal Assistance Foundation; Ohio Jury Management Association; Ohio Center for Law-Related Education and Center for Prevention of Family & Community Violence.

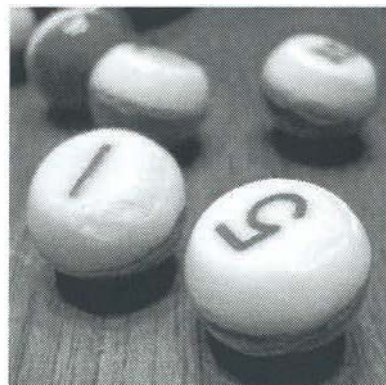
### **Master Commissioners Office**

*John J. Dilenschneider*  
*Counsel to the Court*

The Master Commissioners Office evaluates and advises the Supreme Court on various types of specialized cases and appeals which the court has a constitutional or statutory duty to review. These include death penalty cases, requests for extraordinary writs, attorney discipline matters, and direct appeals from rulings of the Workers' Compensation Board, the Board of Tax Appeals, and the Public Utilities Commission.

The office's professional staff of 11 includes attorneys with extensive experience as former judges, administrative hearing officers, assistant attorneys general, senior counsel for state and federal agencies and department heads at major law firms. Under the direction of Counsel to the Court, the master commissioners review pleadings, evidence and briefs in their assigned cases, research and analyze the issues presented, prepare legal memoranda to assist the court's deliberations and prepare draft opinions when requested.

The master commissioners during 2001 continued to expand the use of a voluntary in-house mediation program initiated in 1998 to help disputants resolve issues brought forward in appeals to the Supreme Court. Of more than 30 cases referred to the office's mediation staff during the year, approximately 75 percent were resolved to the satisfaction of the parties—greatly reducing litigation costs and conserving judicial resources for other cases.



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## Divisions, Offices and Sections

### **Office of Continuing Legal Education**

*Diane Chesley Lahm*  
Director

The office supports the activities of the court's Commissions on Continuing Legal Education (CLE) and Commission on the Certification of Attorneys as Specialists. The director serves as secretary to both commissions.

### **Commission on Continuing Legal Education**

This body administers and enforces the Supreme Court rules that require Ohio attorneys and judges to attend and report a prescribed number of hours of accredited continuing legal education coursework hours every two years. In supporting the commission during 2001, the CLE Office:

- Reviewed course content and accredited approximately 10,000 CLE classes offered across the state, including the first seven courses designed to meet recently-enacted new lawyer training requirements for attorneys admitted to practice after July 1;
- Maintained CLE records on more than 40,000 Ohio attorneys and judges, processed approximately 18,000 final reporting transcripts for the 1999-2000 period received in December 2000, and issued a report to the court identifying and recommending sanctions against those who failed to meet 1999-2000 reporting requirements;

- Began development of a new in-house database to track completion of new lawyer training requirements;
- Initiated a program to encourage large-volume CLE providers to submit their attendance data via e-mail to save the court the time and expense of processing tens of thousands of Scantron computer cards annually. By December 2001, 14 large-volume providers had converted to e-mail reporting.

### **Commission on Certification of Attorneys as Specialists**

The commission oversees the process by which Ohio attorneys can be certified as "specialists" in various areas of law or legal practice. This includes identifying specific areas of law/practice in which "specialist" status may be claimed, ensuring that certifying agencies and their criteria meet minimum standards for state accreditation, and setting guidelines for attorneys who wish to advertise specialty certifications. Since it was created by the Supreme Court in 1993, the commission has approved 13 areas of law/legal practice in which Ohio lawyers may be certified as specialists.

During 2001, work was completed on an informational video for Ohio attorneys explaining the operation and purpose of the state's specialty certification program. During the fall, a free copy of the video was sent to each of the major bar associations across Ohio for appropriate use in educational programs. 2001 It also provided a fact sheet about the specialization program to attorneys across the state.

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## COURT OPERATIONS DIVISION

### Court Operations Office

**Jim Porter**

*Director*

*(Jim Porter retired December 31.)*

In addition to supervising the offices and sections listed below, the director served as chair of the Operations Committee that worked throughout the year to develop and update procedural guidelines for purchasing, staff travel and other internal operations of the court.

### Fiscal Services Office

**Ronda E. Perri**

*Director*

The Fiscal Services Office administers the Supreme Court's budget, not only for its own operations, but also for the operation of the state judiciary. It also provides fiscal and management support services for the Supreme Court, courts of appeals, trial courts and affiliated entities. In addition, the office manages the court's day-to-day purchasing, accounting and disbursement activities, regulatory reporting requirements and sets internal accounting controls and fiscal procedures.

During 2001 the office:

- Administered a Supreme Court operating budget of approximately \$24 million. Total 2001 state funds allocated for operation of the judicial branch (including Supreme Court,

Courts of Appeals and trial courts) was \$99 million.

- Processed and disbursed more than 14,000 payments to judges, staff, commission, committee and board members, counties and service providers;
- Worked closely with the administrative director and other managers to identify achievable cost savings and revise spending plans to accommodate legislative cuts of more than \$11 million from the court's original budget projection for the 2002-03 biennium.
- Achieved significant savings in procurement costs by creating a requisition-tracking database that identifies low-cost vendors and best prices for various goods and services purchased by the court on an ongoing basis;
- Conducted an internal audit of per diem and expense payments to retired judges sitting by assignment over the past two years, and developed new computer software that will flag inadvertent double-billing and prevent over-payments.

### Human Resources Office

**Kelly Kollin**

*Acting Director*

The Human Resources Office administers payroll and benefits for the 200 employees who work for the court, the 250 employees who work for the Courts of Appeals, and the

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## Divisions, Offices and Sections

approximately 700 trial and appellate court judges working in county courthouses across the state. It also provides training and support to court administrators throughout the state in employee relations, recruitment, retention and compliance with state personnel procedures

During 2001 the Human Resources Office:

- Worked with the Fiscal Services Office to automate record-keeping of payroll and expense reimbursements for assigned judges;
- Worked with a court-wide Human Resources Committee to create and update internal personnel policies and procedures. Accomplishments during the year included developing a revised employee code of conduct.



### Information Technology Office

*David K. Saffle*  
Director

During 2001 the court continued an aggressive program of upgrading its data processing and retrieval functions, and expanding its use of electronic communication technologies to provide faster, more efficient and more convenient information to the public through the Internet. During 2001 the IT Office:

- Continued migration of data files from the court's dated Wang computer system to new Windows-based SQL servers continued with the assigned judges database and the 2000 state court case statistics now housed on the new system. This work included a complete conversion of data regarding affidavits of disqualification and admissions to the new system, which was underway at year's end.
- Streamed the June arguments in the *DeRolph* school funding case live onto the court's Web site, with archival video remaining on-line through July 31.
- Made available a wide range of official data, documents, reports and other valuable information, previously available only as paper documents, via the court's World Wide Web site ([www.sconet.oh.state.us](http://www.sconet.oh.state.us)). New material now accessible on-line includes:
  - bar examination results;
  - a printable application form for admission to practice as an attorney;

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- a comprehensive list of upcoming approved CLE programs;
  - an enhanced calendar of upcoming cases and events updated by each court office;
  - a variety of informational materials about court operations and procedures, and
  - resource documents for local court administrators including civil service wage schedules and copies of the court's EEO, Workplace Safety and Family Medical Leave policies.
- Began working with construction site managers and contractors at the court's future home at 65 S. Front Street. This is to assure that electrical service, computer cabling and fiber network installations in the new building are compatible with the court's anticipated future technology needs. Specifications of all electrical and communications installations at the new facility are also being monitored to assure full future connectivity and interoperability with other judicial, legislative and executive branch agencies.

## Central Services

*Vikkie L. Wilson*  
*Coordinator*

The office provides the court with interoffice and U.S. mail services, in-house printing and photocopying, office supplies, conference room scheduling and setup, telecommunications, transportation and other general support and maintenance services.

During 2001 the office:

- Processed an average of 18,000 pieces of outgoing mail each month, while receiving more than 105,000 incoming letters, packages and books.
- Introduced an on-line conference room request form on the court's Intranet to streamline the process for securing facilities for meetings. Approximately 670 meetings were booked during the year.
- Worked closely with other offices to help purge off-site storage facilities of outdated case files and library materials, relocate the Communications Office to the third floor and provide information and liaison with the contractors engaged in the rehabilitation and renovation of the court's future offices at 65 S. Front Street.

## Security

Officers of the Ohio State Highway Patrol and personnel from United Security Management Services, Inc. operated the security checkpoint in the Rhodes State Office Tower lobby and patrolled court facilities several times daily. Security personnel collaborated with the court's Operations Committee to develop and implement new procedures for responding to potential emergency situations.

### JUDICIAL AND COURT SERVICES DIVISION

#### Office of Judicial and Court Services

*Douglas Stephens*  
Director

Douglas Stephens was appointed as Director of Judicial and Court Services in February. The office oversees the operation of the division and the assigned judges and statistical programs.

During 2001, the assigned judges program achieved significant cost savings from original budget projections by helping courts across the state use local judicial resources more efficiently--thus reducing their reliance on costly assistance from assigned retired judges. A new fiscal database was implemented to eliminate the possibility of accidental over-payments to

visiting judges in the future. An in-depth review of past performance by the state auditor, requested by the court's administrative director, found that while there had been isolated instances of overbilling and underbilling by assigned judges, there had been no pattern of such activity. The audit found that total overpayments over the past two years amounted to less than  $\frac{1}{100}$  of one percent of the court's payments to assigned judges. The court will implement additional accounting safeguards suggested by the state auditor.

The Supreme Court's constitutional role of providing oversight of the state court system includes gathering and compiling statistical data on the volume, types, handling time and dispositions of cases processed by all common pleas, municipal, county and appellate courts.

After many years of maintaining this data on a dated Wang computer system with limited report generation capabilities, in May 2001 the Office of Judicial and Court Services completed creation of a new database housed on a Windows-based SQL server. Migration of case statistics to this new software and hardware environment has dramatically improved the court's search and query capabilities, and enabled it to integrate case handling and disposition information into other applications and reports. The new database was used to compile the 2000 Ohio Courts Summary, which was being finalized for in-house production at the end of the year. Work has already begun on the 2001 edition.



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## Ohio Judicial College

*John Meeks*

*Director*

The mission of the Judicial College, which observed its 25th anniversary in 2001, is to provide timely and effective continuing legal education programming for Ohio judges and court staff. Each year, the college offers a wide variety of courses to meet the needs of judges, magistrates and non-judicial staff at all levels and areas of jurisdiction, including general civil and criminal courts and probate, juvenile and domestic relations divisions.

In 2001 the college offered a total of 115 courses, attended by 6,775 sitting judges, magistrates, acting judges, judicial candidates and other court personnel.

Fourteen course offerings were videoconferences presented simultaneously at 12 or more sites. Content included orientation programs for new judges and magistrates, Judicial College faculty development workshops and distribution of a timely court security training videotape entitled "Crisis in the Courthouse." Distribution of the security video to 157 courts and 116 law enforcement offices across the state was funded by the Ohio Judicial Conference.

The Judicial College also sought and received a \$50,000 grant from the Ohio Department of Public Safety to conduct education programs for court personnel on traffic safety issues.

## Case Management Section

*Diane Hatcher*

*Program Manager*

This section helps courts throughout the state develop comprehensive approaches to managing case flow with an eye toward reducing delays. During 2001 the section:

- Provided direct assistance to local courts in Butler, Logan, Lucas, Mahoning, Marion, Montgomery and Muskingum Counties on a variety of special projects to improve court administration, enhance management training and make more effective use of case management software. Provided materials, advice and information to many other courts across the state which requested case management assistance during the year.
- Presented a training workshop in case flow management for administrators of small and mid-sized juvenile courts at multiple sites across the state.
- Presented Achieving Case Management Excellence course attended by approximately 100 court administrators and managers in conjunction with the 2001 fall conference of the Ohio Association of Court Administrators.

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## Divisions, Offices and Sections

### Dispute Resolution Section

*Eileen Pruett*  
*Program Manager*

This section provides training, financial support and technical assistance to help Ohio courts at all levels increase their use of assisted negotiation, mediation, arbitration and other non-adversary processes to resolve disputes. Significant accomplishments during 2001 include:

- Collaborated with the Ohio Commission on Dispute Resolution & Conflict Management to produce a manual for use by local courts and school systems in implementing Truancy Prevention through Mediation (TPMP) programs and to train court mediators involved in school truancy cases.
- Conducted training sessions for Ohio court personnel involved in mediating domestic violence cases, and collaborated with the Office of Criminal Justice Services to develop text on mediation in domestic abuse cases for the Ohio Judges' Domestic Violence Benchbook.
- When budget rollbacks made it impossible for the court to fund planned expansion/ enhancement of court-based mediation programs, the Dispute Resolution Office developed and implemented a technical assistance plan to help courts across the state maintain current dispute resolution programs and explore low-cost growth strategies.

### Specialty Dockets Section

*Melissa Knopp*  
*Program Manager*

The goal of this section is to support creation and management of specialized courts that channel non-violent drug offenders into appropriate substance abuse treatment, rehabilitation and other social service programs by using the court's criminal sentencing prerogatives and post-conviction supervision powers. A total of 38 Ohio jurisdictions now operate drug courts, ranking Ohio third in the nation in such programs. During 2001 this section:

- Conducted a successful state conference in May for professionals involved or interested in the drug court process;
- Provided technical assistance to 10 Ohio counties in connection with drug court-related programs;
- Secured federal grant funding to support statewide drug court activities and related programs for two years, including funding of a dedicated administrative assistant position at the Supreme Court.



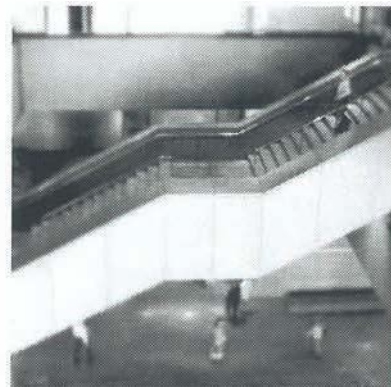
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## Technology Resources Section

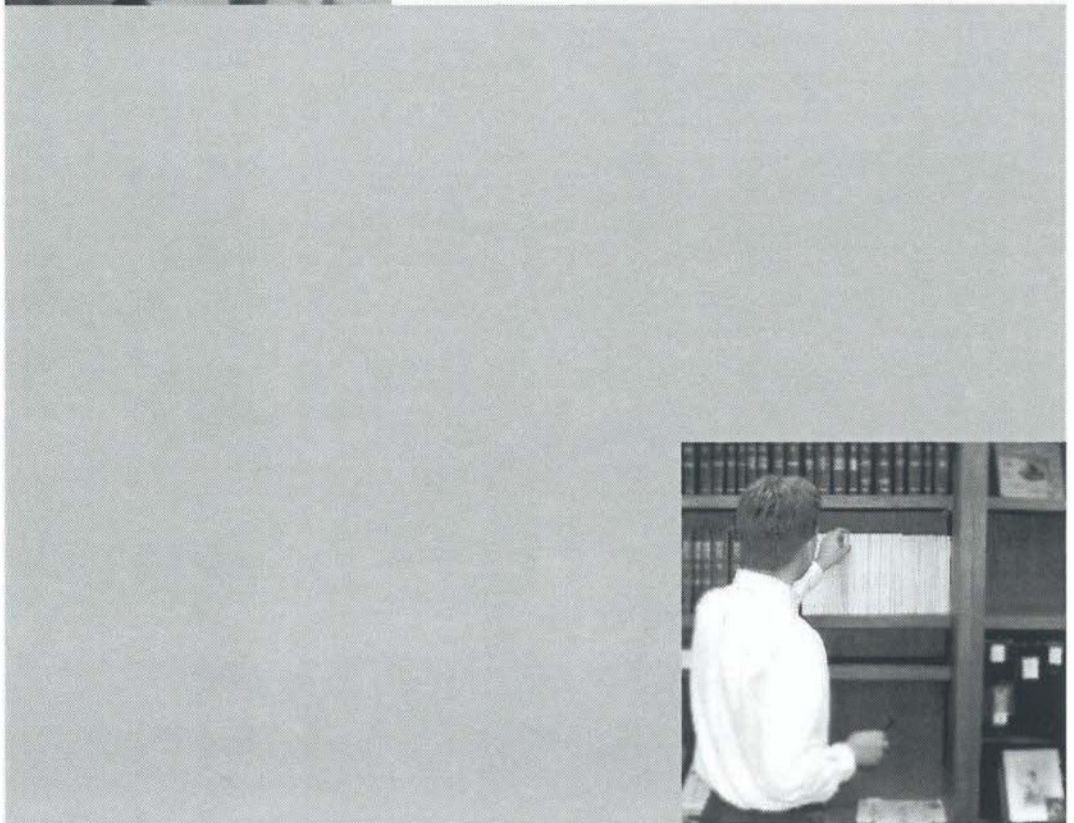
This section also supports the ongoing work of the Supreme Court Advisory Committee on Technology and the Courts. It helps trial and appellate courts across the state assure that hardware, software and communication links they adopt meet technical standards for future compatibility and interoperability of data processing systems across the entire state court system. Among major accomplishments during 2001:

- The office responded to an average of 24 requests for assistance per month from local courts—a 62 percent increase from the previous year—and presented technology workshops for local court administrators.
- Federal grants totaling \$1.5 million were secured to address two areas of critical need: 1) establishing the infrastructure for statewide information sharing; and 2) ensuring consistency in the electronic services courts use and provide to the public.
- On behalf of the Technology Advisory Committee, the office mailed out letters to 1,124 Ohio judges, court administrators and clerks of court regarding review of local electronic case filing rules.

This section provides direct technical assistance to Ohio courts in planning, installing and training staff in the operation of cost-effective electronic tools to automate court functions. During 2001 the office completed 14 major technical assistance projects involving local courts in Huron, Mahoning, Geauga, Cuyahoga, Seneca, Belmont, Coshocton, Noble, Montgomery, Hamilton, Vinton and Morgan counties.



# Standing Boards, Commissions and Committees



## Board of Bar Examiners

*Marcia J. Mengel*  
Secretary

Created by Court rule, the Board of Bar Examiners examines applicants seeking admission to the practice of law in Ohio. Board members—Ohio attorneys serving by appointment—draft essay questions for semiannual bar examinations, grade essay and performance test answers, establish the minimum passing score, and propose examination policy to the Court.

In 2001, 544 applicants took the February exam, with an overall passing rate of 58% and a passing rate of 74% for first-time takers. The July exam tested 1,219 applicants, with an overall passing rate of 76% and a passing rate of 83% for first-time takers.

In 2001, the Board approved a policy to have essay questions reviewed by an outside consultant who has significant experience in drafting and editing bar exams. The Board also improved its contingency planning by increasing its bank of essay questions.

## Board of Commissioners on Character and Fitness

*Marcia J. Mengel*  
Secretary

The Board of Commissioners on Character and Fitness oversees investigation of the character, fitness, and moral qualifications of applicants

for admission to the practice of law in Ohio. By Court appointment, 12 Ohio attorneys—one from each appellate district—serve on the Board. The board supervises the admissions committees of local bar associations and hears applicant appeals from adverse admission committee recommendations. It also has sua sponte investigatory authority.

In 2001, the Board:

- Held 11 hearings. Of these, 7 were appeals of admissions committee recommendations, and 4 were held after the board's sua sponte investigation of an applicant.
- Recommended to the Court a rule amendment regarding the fitness criteria that should be applied to applicants who have felony records.
- Provided written guidelines to local bar association admissions committees regarding the investigation of applicants who have significant problems with debt.
- Conducted two full-day seminars for members of admissions committees. The seminars were designed to assist admissions committee members in their role of evaluating the character and fitness of applicants for admission. A total of 196 persons, representing 44 local bar associations, attended the seminars.

### Board of Bar Examiners

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James F. DeLeon  
Brian N. Eisen  
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Samuel Zanville Kaplan  
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Jerome Phillips

## Standing Boards, Commissions and Committees

### Board of Commissioners on the Unauthorized Practice of Law

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Eric H. Keamey  
Dennis Ryan Newman  
Steven T. Nourse  
John Anthony Politis  
Cari J. Stich, Jr.  
J. Jeffrey McNeesley, *Chair*

### Standard Forms Committee

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Roseanne Buell  
Rebecca Cochran  
Brenda Duntap  
Betsy Herner  
Nancy Neylon  
Sally Pack  
Hon. Jack Rosen  
Alexandria Ruden  
Michael F. Sheils  
Michael Smalz  
Mike Taylor

### Board of Commissioners on the Unauthorized Practice of Law

*Susan B. Christoff*  
*Secretary*

The Board of Commissioners on the Unauthorized Practice of Law administers the Supreme Court's constitutional authority to regulate the practice of law and all related matters.

In 2001, five complaints alleging the unauthorized practice of law were filed with the board and 10 final reports were filed by the board with the Supreme Court. The board also held eight hearings in 2001.

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

### Commission on Professionalism

*Rick Dove*  
*Secretary*

The Commission on Professionalism was created in 1992 to promote professionalism among attorneys admitted to practice law in Ohio. In 2001, members drafted the Judicial Creed, which was adopted by the court on May 30. The Commission conducted a two-day retreat in May and developed a work plan for the next two years. As a result of the retreat, ad hoc committees were appointed as follows:

- 1) Master Plan Committee - to develop a long-term project list;
- 2) CLE Guidelines Committee to develop mandated professionalism CLE;
- 3) Court Conduct Guide Committee to review Court Conduct Guide on Gender Fairness;
- 4) Governance Committee to develop meeting schedules and determine whether to invite non-voting members to the meetings;
- 5) Operational Division Committee to develop a recommendation regarding funding and staffing issues for the Commission.

## Committee for Lawyer Referral and Information Services

*Rick Dove*  
Secretary

The committee was created to adopt regulations for the operation of lawyer referral services and ensure compliance of lawyer referral services with Ohio's Code of Professional Responsibility. The committee prepared and issued its 2001 Biennium Report, which contained recommendations to the court regarding proposed rule amendments, examining how the court monitors pre-paid legal service plans, and requesting the Board of Commissioners on the Unauthorized Practice of Law to consider expanding its responsibilities to include authority over lawyer referral services.

There were 17 operating lawyer referral services registered with the Supreme Court in 2001.

## Office of Disciplinary Counsel

*Jonathan E. Coughlan*  
Disciplinary Counsel

The Office of Disciplinary Counsel was established in 1977 to investigate and prosecute matters involving the professional responsibilities of Ohio attorneys and judges. During 2001, the office addressed 3,472 such matters, which included 361 appeals, 98 allegations of unauthorized practice of law, and 3,013 complaints of professional misconduct. The office filed formal actions with the Board of Commissioners on Grievances and Discipline in 41 instances and dismissed 3,014 complaints after intake and investigation.

In all, the office had 61 active disciplinary cases before the board and the Supreme Court, and filed one formal action with the Board of Commissioners on the Unauthorized Practice of Law.

### Committee for Lawyer Referral Information Services

Robert N. Gluck  
Carol Johnson  
Marion Smithberger, Chair  
William L. Stehle  
Benson Wolman

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

Hon. Everett Burton, Chair  
William F. Kluge  
Harry R. Reinhart  
Joann Marie Sahl  
Timothy Young

### Appellate District Study Committee

Hon. Ronald B. Adrine  
Hon. Jane Bond  
Hon. Thomas F. Bryant  
Hon. Judith A. Christley  
Rep. Dean DePiero  
Hon. W. Scott Gwin  
Irene Kuyse-Walker  
Hon. Everett H. Krueger  
Alex Lagusch  
Sen. Robert E. Latta  
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Sen. Mark Mallory  
Hon. Richard B. McQuade,  
Chair  
Hon. Robert P. Ringlano  
Hon. Mark R. Schwelker  
Hon. James R. Sherck  
Dottie Tuttle  
Hon. Joseph J. Yulovich  
Rep. Arin Womer-Benjamin

### Bench-Bar Planning Committee

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Co-Chair  
Emily K. Cooper  
Richard Dove  
Barbara J. Howard  
Hon. Lisa Sedler, Co-Chair  
Hon. Russell Steiner  
William Weisberg  
Hon. Thomas Zachman

## Standing Boards, Commissions and Committees

### Rules Advisory Committee

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William E. Breyer  
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Hon. Phil Campbell  
Anthony R. Cicero  
Lawrence Eitman  
Hon. Thomas Grady  
Kathleen Graham  
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Hon. Jill Had  
John G. Lendone  
Hon. David Lewandowski  
Hon. Thomas E. Loudon  
Elizabeth Reilly  
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Hon. Joseph Schmenk  
David I. Shroyer  
Mary Jane Trapp  
David J. Young, Vice-Chair

### Board of Commissioners on Grievances and Discipline

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Bernard K. Bauer  
Stanley C. Bender  
Louis Arden Boettler  
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Warren Davis  
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Joseph Gibson  
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Jeffrey J. Heintz  
Paula S. Hicks-Hudson  
Jonathan Hollingsworth, Chair  
Jean M. McQuillan  
Carl Morgenstern  
Michael E. Murman  
Martin J. O'Connell  
Dale K. Perdue  
Theresa B. Proenza  
Hon. Jack R. Puffenberger  
Hon. Leo M. Spellacy  
Christine J. Schutman  
Joseph Wilensberg  
J. Craig Wright  
Hon. Frederick N. Young

### Rules Advisory Committee

*Keith Bartlett*  
*Secretary*

The Rules Advisory Committee reviews and submits to the Court proposed new and amended Rules of Evidence and Rules of Civil, Criminal, Juvenile, and Appellate Procedure.

New and amended rules that went into effect July 1, 2001 addressed:

- Persons before whom depositions may be taken (Civ. R. 28).
- Dismissal of actions (Civ. R. 41).
- Joinder of other parties and restraining order in marital actions (Civ. R. 75).
- Expedited appeals (App. R. 11.2).
- Exclusion of witnesses from criminal proceedings (Evid. R. 615).
- Admission of hearsay statements and forfeiture by wrongdoing (Evid. R. 804).
- Chronic and habitual juvenile truants (Juv. R. 2, 10, 15, 27, 29, and 37).
- Serious youthful offenders (Juv. R. 2, 7, 22, 27, 29, and 40).

- Minimum standards for information systems, electronic signatures, and electronic filing (Civ. R. 5, 11, and 73; Crim. R. 12; Juv. R. 8; and App. R. 13 and 18).

In addition, in August and again in December 2001, the Committee published for comment proposed amendments to rules addressing:

- Alternate jurors in death penalty cases (Crim. R. 24).
- Planned permanent living arrangements in juvenile proceedings (Juv. R. 2, 10, 15, and 34).

