



# Ohio Judicial Conference



Legislative Platform  
2021-2022

& Biennial Report  
2019-2020

# A Word from the Ohio Judicial Conference

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January 2021

The Honorable Mike DeWine, Governor  
Vern Riffe Building, 30th Floor  
77 South High Street  
Columbus, OH 43215

The Honorable Matt Huffman, President  
The Ohio Senate  
1 Capitol Square, Room 201  
Columbus, Ohio 43215

The Honorable Kenny Yuko, Minority Leader  
The Ohio Senate  
1 Capitol Square, Room 303  
Columbus, Ohio 43215

The Honorable Bob Cupp, Speaker  
The Ohio House of Representatives  
Vern Riffe Building, 14th Floor  
77 South High Street  
Columbus, Ohio 43215

The Honorable Emilia Sykes, Minority Leader  
The Ohio House of Representatives  
Vern Riffe Building, 14th Floor  
77 South High Street  
Columbus, Ohio 43215

Mark Flanders, Director  
Legislative Service Commission  
Vern Riffe Building, 9th Floor  
77 South High Street  
Columbus, Ohio 43215

Enclosed is the 2021-2022 Legislative Platform and 2019-2020 Biennial Report of the Ohio Judicial Conference. We hope that you will consider the issues presented in the Platform and contact us if you are interested in working together on one or more of them. Of course, we also stand ready to provide you with independent information or comment on any issues of interest to you that might impact Ohio's courts or the judiciary.

As a record of proceedings of the Conference for the past two years and a plan for the next two years, these materials constitute our statutory obligation to report and make recommendations for the improvement of the administration of justice.

Please visit our website at [www.ohiojudges.org](http://www.ohiojudges.org), where you will find additional information about the Conference and greater detail regarding the various issues raised in the legislative platform. To conserve resources, we have reduced our reliance on printed materials and increased reliance on our website. We hope you will visit it often.

Thank you for your time and consideration.

Sincerely,



Paul E. Pfeifer, Executive Director



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Section 1:  
Governance

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# Officers

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The officers of the Ohio Judicial Conference are elected by the members to serve two year terms. Normally, an officer is first elected as 2nd Vice Chair, and then serves sequentially in the other officer positions.



Honorary Chair  
Chief Justice Maureen O'Connor  
Supreme Court of Ohio



Chair  
Judge Judge Joyce A.  
Campbell  
Fairfield Municipal Court



Chair Elect  
Judge Paula C. Giulitto  
Portage County Domestic  
Relations Court



First Vice Chair  
Judge John J. Russo  
Cuyahoga County  
Common Pleas Court



Second Vice Chair Judge  
David Hejmanowski  
Delaware County Probate  
and Juvenile Court



Immediate Past Chair  
Judge Stephen W. Powell  
Twelfth District  
Court of Appeals



Secretary/Treasurer  
Paul Pfeifer  
Executive Director

# Executive Committee

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The Judicial Conference Executive Committee meets quarterly to establish Judicial Conference policy, to receive updates, to consider recommendations from Judicial Conference committees, to review and make recommendations with regard to the work of Judicial Conference staff, and to adopt resolutions that express judicial consensus.

The Executive Committee is comprised of approximately 50 judges. The Executive Committee consists of the officers and co-chairs of the committees of the Judicial Conference; the Chief Justice of the Supreme Court of Ohio; the Chief Justice and the Chief Justice-elect of the Courts of Appeals of Ohio; the presiding officer and the presiding officer-elect of each member judicial association; the Administrative Director of the Supreme Court of Ohio; and the Executive Director of the Ohio Judicial Conference.

## 2020 Executive Committee Members

### ***Officers***

#### *Chair*

Judge Stephen W. Powell

#### *Chair Elect*

Judge Joyce A. Campbell

#### *First Vice Chair*

Judge Paula C. Giulitto

#### *Second Vice Chair*

Judge John J. Russo

#### *Immediate Past Chair*

Judge James A. Shriver

#### *Honorary Chair*

Chief Justice Maureen O'Connor

#### *Secretary/Treasurer*

Paul E. Pfeifer

### ***Standing Committees and Co-Chairs***

#### *Appellate Law & Procedure*

Judge Craig R. Baldwin

Judge Sean C. Gallagher

#### *Civil Law & Procedure*

Judge David M. Gormley

Judge Gene A. Zmuda

#### *Community Corrections*

Judge Emanuella D. Groves

Judge Howard H. Harcha, III

#### *Court Administration*

Judge John J. Russo

Judge James A. Shriver

#### *Court Technology*

Judge Ronald P. Forsthoefel

Judge George P. McCarthy

#### *Criminal Law & Procedure*

Judge Brian F. Hagan

Judge Cynthia Westcott Rice

#### *Domestic Relations Law & Procedure*

Judge Diane M. Palos

Judge Matt C. Staley

#### *Judicial Education*

Judge John J. Russo

# Executive Committee (contd.)

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## *Judicial Ethics, Professionalism & Diversity*

Judge John M. Durkin  
Judge Jeffrey E. Froelich

## *Ohio Jury Instructions*

Judge Patrick Carroll

## *Jury Service*

Judge James F. Stevenson  
Judge Gary L. Yost

## *Juvenile Law & Procedure*

Judge Luann Cooperrider  
Judge Jim D. James

## *Legislative*

Judge Joyce A. Campbell  
Judge John R. Willamowski

## *Magistrates*

Judge Beth W. Cappelli  
Judge Timothy N. O'Connell

## *Probate Law & Procedure*

Judge Jan Michael Long  
Judge Jack R. Puffenberger

## *Public Confidence & Community Outreach*

Judge Eugene A. Lucci  
Judge Brendan J. Sheehan

## *Publications*

Judge David A. Hejmanowski  
Judge Deborah J. Nicastro

## *Retired Judges*

Judge Margaret A. Clark, Retired  
Judge Mel Kemmer, Retired

## *Specialized Dockets*

Judge Taryn L. Heath  
Judge Tim W. Rudduck

## *Traffic Law & Procedure*

Judge Jonathan Starn  
Judge Janet Dyar Welch

## ***Judicial Associations and Leadership***

### ***OCAJA***

#### ***Ohio Courts of Appeals Judges Association***

Judge William A. Klatt, Chief Judge  
Judge Cynthia Westcott Rice, Chief Judge Elect

### ***OCPJA***

#### ***Ohio Common Pleas Judges Association***

Judge Jeffrey L. Reed, President  
Judge Scott T. Gusweiler, President Elect

### ***OADRJ***

#### ***Ohio Association of Domestic Relations Judges***

Judge Dana S. Preisse, President  
Judge Beth A. Smith, President Elect

### ***OAJCJ***

#### ***Ohio Association of Juvenile Court Judges***

Judge David B. Bender, President  
Judge Jenifer K. Overmyer, Jr., Vice President

### ***OAPJ***

#### ***Ohio Association of Probate Judges***

Judge Richard P. Carey, President  
Judge Laura J. Gallagher, President Elect

### ***AMCJO***

#### ***Association of Municipal/County Judges of Ohio***

Judge Denise L. Moody, President  
Judge Teresa Lyn Ballinger, First Vice President

Jeff Hagler

Administrative Director  
The Supreme Court of Ohio

# OJC Staff

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# ORC Sections

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## R. C. 105.91 – THE OHIO JUDICIAL CONFERENCE

### **§105.91 OHIO JUDICIAL CONFERENCE; MEMBERS; DUTIES**

There is hereby established an Ohio judicial conference consisting of the judges of the supreme court, courts of appeals, common pleas courts, probate courts, juvenile courts, municipal courts, and county courts of Ohio organized and operated upon a voluntary membership basis for the purpose of studying the coordination of the work of the several courts of Ohio, the encouragement of uniformity in the application of the law, rules, and practice throughout the state and within each division of the courts as an integral part of the judicial system of the state; to promote an exchange of experience and suggestions respecting the operation of the judicial system; and in general to consider the business and problems pertaining to the administration of justice and to make recommendations for its improvement.

### **§ 105.911 JUDICIAL IMPACT STATEMENTS**

(A) If a bill or resolution introduced in the general assembly appears to affect the revenues or expenditures of the courts of Ohio, to increase or decrease the workload or caseload of judges or members of their staffs, or to affect case disposition, the Ohio judicial conference may prepare a judicial impact statement of the bill or resolution on its own initiative or at the request of any member of the general assembly. The Ohio judicial conference may prepare a judicial impact statement before the bill or resolution is recommended for passage by the house of representatives or senate committee of the general assembly to which the bill was referred and again before the bill or resolution is taken up for final consideration by either house of the general assembly. The judicial impact statement shall include an estimate, in dollars, of the amount by which the bill or resolution would increase or decrease revenues or expenditures and any other information the Ohio judicial conference considers necessary to explain the fiscal effect of the bill or resolution. The statement also shall include an analysis of the bill or resolution's administrative and procedural effects on the courts of this state.

(B) The Ohio judicial conference shall distribute copies of a judicial impact statement as follows:

(1) For consideration by the senate or house of representatives rules committee, or the standing committee to which a bill is referred, two copies to the chairman together with a copy to each member of the committee;

(2) For final consideration, a copy to each member of the house that is considering the bill.

If the member who introduced the bill or resolution or who requested the statement is not a member of the house or rules committee considering the bill, the Ohio judicial conference shall send the member a copy.

(C) In preparing a judicial impact statement the Ohio judicial conference may request any court, department, division, institution, board, commission, authority, bureau, or other instrumentality or officer of the state or of a county, municipal corporation, township, school district, or other governmental entity of the state to provide any of the following information:

(1) An estimate, in dollars, of the amount by which the bill or resolution would increase or decrease the revenues or expenditures received or made by the court, instrumentality, officer, or entity;

(2) Any other information the Ohio judicial conference considers necessary for it to understand or explain the fiscal, administrative, and procedural effects of the bill or resolution.

The Ohio judicial conference first shall contact the Ohio legislative budget office for information regarding the fiscal effects of the bill or resolution. If the Ohio legislative budget office does not have the fiscal information sought by the Ohio judicial conference, then the Ohio judicial conference and the Ohio legislative budget office jointly may request any of the entities described in division (C) of this section to provide the fiscal information.

A court, instrumentality, officer, or entity shall comply with a request for information as soon as reasonably possible after receiving it. The Ohio judicial conference

# ORC Sections (contd.)

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shall specify the manner of compliance in its request and, if necessary, may specify a period of no longer than five days for compliance. The Ohio judicial conference may consider any information provided under division (C) of this section in preparing a judicial impact statement.

(D) The failure of the Ohio judicial conference to prepare a judicial impact statement before a bill or resolution is taken up for consideration by the house of representatives or senate committee, or by either or both houses for final consideration, shall not impair the validity of any bill or resolution passed by either or both houses of the general assembly.

(E) This section does not affect the duty of the Ohio legislative budget office to prepare fiscal analyses pursuant to section 103.14 of the Revised Code.

(F) As used in this section:

(1) With regard to a bill or resolution, “procedural effects” includes all court-related procedures, including pretrial, trial, and post-trial proceedings.

(2) With regard to a bill or resolution, “administrative effects” includes matters pertaining to the business of the courts, including clerical processes, records management, planning and research, changes in court personnel, calendar management, facilities and equipment, workload distribution, court reorganization, and the creation or addition of judgeships.

## **§ 105.92 COMPATIBILITY OF OFFICE**

Membership in the Ohio judicial conference does not constitute holding another public office.

## **§ 105.93 PUBLICATION OF REPORTS**

The Ohio judicial conference may publish reports and recommendations and at its election sell and distribute the same upon such terms and conditions as may be authorized by its executive committee.

## **§ 105.94 GRANTS, GIFTS, BEQUESTS AND DEVISES**

The Ohio judicial conference may receive grants, gifts, bequests, and devises and expend them for expenses of members in attending executive and standing

committee meetings and for special research or study relating to the administration of justice. The conference shall file annually, but not later than the fifteenth day of March, with the supreme court, a full report of all grants, gifts, bequests, and devises received during the preceding calendar year, when received, and to whom and for what expended.

## **§ 105.95 BIENNIAL REPORTS TO GENERAL ASSEMBLY**

On or before February 1, 1965, and biennially thereafter the Ohio judicial conference shall submit in writing to the general assembly and to the governor a report of the proceedings of the conference together with any recommendations for legislation.

## **§ 105.96 PERSONNEL; COMPENSATION, EXPENSES**

The Ohio judicial conference may employ personnel and such research assistants as may be required to carry out the purposes of the conference. Their compensation and necessary expenses shall be paid from the state treasury out of funds appropriated therefore. All disbursements shall be by voucher approved by the chairman of the conference.

## **§ 105.97 JUDGES NOT REIMBURSED FOR COURSE FEES**

A judge who attends any continuing education program or course offered by the Ohio judicial conference shall pay the requisite fees associated with the program or course and shall not receive reimbursement for the fees from moneys appropriated by the general assembly to the conference.

The image features a large, light blue watermark of the Seal of the Ohio Judicial Branch. The seal is circular with the words "OHIO JUDICIAL" in a curved banner at the top and "CREATED" in a curved banner at the bottom. In the center of the seal is a large, stylized letter "O".

Section 2:  
Legislative  
Activities

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# Legislative Activities

## **The Judicial Conference Assists Legislators with Legislative Initiatives and Constituent Inquiries.**

The Ohio Judicial Conference works, at all points in the lawmaking process, to communicate with the Ohio General Assembly about ways to improve the administration of justice. The Judicial Conference works with legislators who request judicial input on their initiatives early in the lawmaking process. During the 133rd General Assembly, many legislators approached the Judicial Conference to discuss their legislative ideas prior to and immediately after introduction. Feedback from our various committees helped those legislators to realize the practical impact that their proposals would have on Ohio courts.

## **The Judicial Conference Identifies the Legislative Priorities of Ohio Judges.**

The Ohio Judicial Conference submits a Legislative Platform to each General Assembly. The platform outlines initiatives that the Judicial Conference supports and recommends for adoption by the General Assembly during its two-year session. Some highlights of our 2019-2020 Legislative Platform included changes to sentencing statutes and probate guardianship and civil commitment statutes.



**Judge Michael Jackson speaks about Veterans Courts at the 2019 Veterans Summit.**

**The Judicial Conference Monitors Legislation that Impacts the Judiciary.** The Judicial Conference reviews all legislation that is introduced in the General Assembly to determine whether a bill may affect the administration of justice. This information



**Judge Taryn Heath leads a panel discussion at the 2019 Veterans Summit.**

is published electronically in the bi-weekly Legislative Newsletter, which is sent to our membership, and The BillBoard, which is sent monthly to the legislature. Our law and procedure committees meet regularly to analyze and discuss how various legislation improves or weakens the administration of justice. The Legislative Committee meets every month to discuss all topics legislative. Letters and emails are frequently sent to sponsors and Senate and House committee chairs to convey concerns, recommendations, or support.

**The Judicial Conference Publishes Judicial Impact Statements.** Under statutory authority granted in section 105.911(A) of the Revised Code, the law and procedure committees provide the Ohio General Assembly with information on legislation that significantly impacts Ohio courts. The Judicial Conference communicates regularly with bill sponsors through judicial impact statements that describe the effect a bill will have on the judiciary, and when possible, provide recommendations for improvement. Judicial Impact Statements convey detailed information on how the bill affects court workload, case dockets, administrative or judicial procedures, revenues, and other relevant matters and are approved by the Judicial Conference's Executive Committee. Copies of Judicial Impact Statements from the 133rd General Assembly as well as from past General Assemblies can be found on our website ([www.ohiojudges.org](http://www.ohiojudges.org)).

# Legislative Activities (contd.)



**Judge Kathleen Rodenberg testifies to the House Criminal Justice Committee on HB 3, June 13, 2019.**

**The Judicial Conference Publishes Information on Laws Passed.** The Ohio Judicial Conference regularly distributes information on laws as they pass and become effective. Enactment News, bench aids, or special mailings inform judges about changes to the law that affect the courts and the administration of justice in Ohio. The Ohio Judicial Conference acts as the central repository for all information on enactment of statutes that impact Ohio's judiciary. Our website ([www.ohiojudges.org](http://www.ohiojudges.org)) contains effective dates, summaries, and any necessary forms.

**The Judicial Conference Promotes Inter-branch Collaboration.** The Legislative Committee of the Judicial Conference plans and organizes several programs designed to foster collaboration and partnership between the branches of government. These programs include:

- **New Legislator Program.** The Judicial Conference makes presentations before House and Senate committees to help legislators understand the role the Judicial Conference plays in providing information and analysis of bills with a judicial impact. Judges often attend meetings with caucus staff to present our Legislative Platform, to answer questions that legislators may have about the conference, and to get acquainted with members so that aides and other staff know who to contact when they have a question about Ohio courts and judges. We also work

with the Supreme Court of Ohio and Ohio State Bar Association to co-sponsor a reception for new legislators at the Ohio Judicial Center.

- **Roundtables & Panel Discussions.** The Judicial Conference Annual Meeting is often an opportunity for judges and legislators to come together. Frequently the Judicial Conference Legislative Committee plans and organizes a roundtable or panel discussion of an issue of mutual interest to legislators and judges, or other criminal justice communities and judges. This often takes place during the educational portion of the Annual Meeting but can occur whenever the need arises.

- **Judicial-Legislative Exchange Program.** The Judicial-Legislative Exchange Program facilitates reciprocal visits between judges and legislators. In this program legislators visit judges at their courts, observing court sessions and other aspects of the judges' work and judges visit legislators at the Statehouse, attending committee hearings and session. The exchanges are opportunities for both judges and legislators to better appreciate each other's day-to-day work as well as to build personal relationships that promote communication and cooperation.

All of the legislative activities and publications are completed with the help and guidance of the OJC Legislative Committee, which was co-chaired by Judges Joyce Campbell and John Willamowski in 2019-2020.



**Judge Gary C. Bennett and Senator Nathan Manning during the OJC's 2019 Judicial-Legislative Exchange.**

# Legislative Platform

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## 2021-2022 Ohio Judicial Conference Legislative Platform

The Ohio Judicial Conference works to encourage legislation that supports several core principles:

- The Ohio Judiciary is a co-equal branch of Government that, under the Constitution, cannot be marginalized by the Executive or Legislative branches.
- The Ohio Revised Code should be as easy as possible for a layperson to understand and should not contain provisions which have not withstood constitutional scrutiny.

### CRIMINAL LAW AND COMMUNITY CORRECTIONS:

**RC 2929.15 Sentencing Caps.** The 90- and 180-day sanctions caps in RC 2929.15, in many cases, undermine the purpose of probation.

**Judicial Release.** The various forms of early release from prison should be streamlined and simplified so that rather than having many early release mechanisms that are confusing and rarely used, the Code has few early release mechanisms that are consistently used.

**Criminal Code, Traffic/DUI Law, and Drug Law Simplification.** Title 29, Title 39 (Drug Laws), and Title 45 (Traffic Laws/DUI Law) should be revised and simplified.

**Definition of Drug of Abuse.** Review 4511.19, 3719.011, and 4511.181 and clarify references to “drugs of abuse,” “harmful intoxicants,” and “dangerous drugs,” especially with regard to the establishment of impairment in OVI cases.

**Re-Offender Sentencing.** Unless the journal entry provides otherwise, a sentence imposed pursuant to R.C. § 2929.141 (Person On Release Committing a Felony) shall be served before any other sentence, including specifications. Various specifications (such as gun specifications) state that the sentence shall be served consecutively and prior to the underlying sentence, but no such direction is given regarding post-release control.

**State v. Nucklos (2009).** The definition of “affirmative defense” should be changed to correspond with recent case law.

### JUVENILE JUSTICE:

**Juvenile Justice Reform.** Reform last drafted as 132 HB 394 should be adopted. It includes altering mandatory bindover for juveniles to adult court.

**Planned Permanent Living Arrangements (PPLA).** Amend RC 2151.353 and 2151.415 to permit a juvenile court to order PPLA if not requested by a children services agency, in response to *In re A.B.*, 110 Ohio St. 3d 230, 2006.

# Legislative Platform (contd.)

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## FAMILY LAW:

**Parenting Time Enforcement.** A procedural mechanism is necessary to permit a parent to file a motion for parenting time enforcement, as an alternative to a motion for contempt.

**Parental Duty of Support-Age Limit and School Enrollment.** A court should have the authority to continue a child support order beyond age 18 if, among other things, the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday.

**Family Law Reform.** Modernizing and simplifying RC 3109.04 to help family courts and practitioners provide better outcomes in shared parenting cases.

**Private Judging Reform.** Amending the private judging statute, RC 2701.10, to give elected judges the discretion to order a referral of a case to a private judge and to clarify that jurisdiction is automatically returned to the referring judge for subsequent motions or modifications.

**Public Pension Reform and Marital Property.** Title 31 should clarify that Deferred Retirement Option Plan (DROP) funds constitute marital property and that certain post-divorce and post-dissolution disability benefits are marital property. Pre-retirement rights of survivorship should be codified (Cosby v. Cosby (96 Ohio St.3d 228, 2002)), and the state retirement systems should automatically implement court division of property orders.

## TRAFFIC AND OVI LAW:

**Review and Modernization of License Suspensions and Reinstatement Fees.** Unnecessary or ineffective suspensions should be removed from Title 45; reinstatement fees should be uniform – not vary based on reason for suspension; barriers to legal driving privileges should be removed, including for child support suspensions. Language prohibiting driving under suspension of a license should include the language “or whose privilege to obtain a license has been suspended.”

**Insurance Verification Modernization.** The Department of Public Safety Financial Responsibility Study Committee report (2014) recommends eliminating random verification of financial responsibility. Insurance verification has a tremendous impact on the municipal court caseload and real-time electronic insurance verification method should be implemented. Proof of insurance should also be required upon renewing or obtaining vehicle registration.

**Title 45 Corrections.** Several drafting errors/ambiguities were identified in Title 45, including F3 OVI Sentencing; enhanced penalties for speeding; and an affirmative defense for emergencies when driving under suspension; and huffing a harmful intoxicant should be considered an impairing drug of abuse in OVI cases.

**US/Canada Reciprocity.** The Ohio BMV should be authorized to enter into an agreement with Canada or the province of Ontario for the purposes of reciprocal enforcement of traffic violation sanctions.

## PROBATE LAW:

**Mental Health Professionals.** There is a need in many counties for additional mental health professionals to have the authority to testify in hearings for involuntary commitment and continued commitment.

**Guardianship Modernization.** To modernize Chapter 2111 of the Revised Code and Sup.R.66 to make them consistent with current guardianship needs and to allow for the appointment of appropriate non-profit corporations to serve as guardians.

# Legislative Platform (contd.)

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## PROBATE LAW (cont'd.):

**Name Change Modernization.** To modernize Chapter 2717 of the Revised Code to make the existing name change procedure more efficient and less costly to applicants and to grant probate courts more discretion to determine the best way to administer each action.

## COURT ADMINISTRATION:

**Municipal Court Funding and Revenue.** RC 1901.31(C)(1) provides that the salary of certain municipal court clerks is set by either the court or the local legislative authority, depending upon whether the court brings in enough revenue to pay for itself. The court should set the salary of its clerk, and the salary and who sets it should not be dependent upon the court's revenue. Retired judges filling in for municipal court judges should be able to more easily complete paperwork for compensation and the county should be collecting the reimbursement from the Supreme Court.

**Uniform Computerization Fees.** The 129<sup>th</sup> GA passed an increase in computerization fees for Common Pleas General Division only. Similar provisions in other sections regarding other court jurisdictions should be increased as well.

**Court Costs in Transferred Cases.** Levying a cost in a case when the juvenile is transferred should not automatically create a final disposition of the case.

**Court Reporting and Transcripts.** Sec. 2301.18 through .26 should be consistent with current practices and should be able to accommodate future technological changes in court technology.



**Judges and Legislators at the OJC's 2019 Judicial-Legislative Exchange: OJC Director Paul Pfeifer, Judge Denise Moody, Senator Bob Hackett, Senate President Larry Obhof, Judge John Willamowski.**



The image features a large, light blue watermark of the Seal of the Ohio Judicial Branch. The seal is circular with the words "OHIO JUDICIAL" at the top and "CREATED" at the bottom. In the center, the word "OF" is written in a large, stylized font.

## Section 4: Committees

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# COMMITTEE REPORTS

## Appellate Law and Procedure Committee

The Appellate Law & Procedure Committee analyzes pending legislation with a judicial impact on laws regarding appeals, courts of appeals, and appellate procedure, and reviews issues and proposals of relevance to judges with appellate jurisdiction. The Committee makes recommendations to improve the Ohio Revised Code, Ohio Rules of Appellate Procedure, and relevant Supreme Court Rules of Superintendence.

Much of the Committee's attention over this biennium was on proposals to change R.C. 2953.08, appellate review of felony sentences. In addition to the proposal to update R.C. 2953.08, the Committee reviewed a Marsy's Law bill that would create a process for victims to appeal a trial-court decision that they believe denies them rights afforded under Marsy's Law.

## Civil Law & Procedure Committee

The Civil Law and Procedure Committee is responsible for tracking and analyzing legislation that will affect the policies and procedures of courts with jurisdiction over civil matters. The Committee reviews bills both pre-introduction, as requested by legislators, and as bills are introduced and concerns are raised. It also drafts bench cards and bench aids on relevant topics.

In the 133rd General Assembly, members of the Civil Law and Procedure Committee helped to develop language for a provision in HB 13; the provision created a process and venue to settle disputes between broadband providers and rural electric cooperatives.



**Judge Jan Michael Long testifies on SB 239 before the Senate Judiciary Committee, February 5, 2020.**

# COMMITTEE REPORTS (contd.)

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## **Community Corrections Committee**

The Community Corrections Committee provides a judicial perspective and advice on legislation and innovation in the field of community corrections. The committee reviews community corrections programs, policies and proposals, makes recommendations to the judiciary and provides input as needed into the planning of various workshops, trainings and forums for judges, and court personnel on the subject of community corrections, jails, sentencing alternatives & other related topics. T

In the 133rd General Assembly, the Community Corrections Committee organized several roundtables for judges to discuss development of local probation offices in counties that currently rely on the APA for probation supervision services because of ODRC's plan to phase our probation work; and it worked on amendments for clarifying definitions and calculations relevant to the Reagan Tokes Act (2018), which created an indefinite sentencing scheme for some offenders while maintaining a definite scheme for more others.

## **Court Administration Committee**

The Court Administration Committee reviews issues and proposals concerning general court administration and court reform. The work includes analyzing court staffing needs, establishing facility and equipment standards, and facilitating efficient court operations. The Committee also analyzes pending legislation with an impact on court administration and makes recommendations to improve the Ohio Revised Code, Ohio Rules of Practice and Procedure, and the Rules of Superintendence governing Ohio courts.

The majority of bills the Court Administration Committee tracked during the 133rd General Assembly deal with guns, relevant to a court's authority to set and enforce its own security policies and procedures. Bills that infringe upon the autonomy of the judicial branch are highly likely unconstitutional on separation-of-powers grounds.

Another bill that garnered a great deal of judicial discussion is S.B. 353, which would have reformed how bail determinations are made in Ohio, requiring courts to use and consider the results of certain risk-assessment tools when setting bail in criminal cases. Bail reform is expected to be a priority for the legislature in the 134th General Assembly.

## **Court Technology Committee**

The Court Technology Committee explores new developments in court technology and policies related to it, and serves as a resource to help Ohio judges effectively use technology.

The Committee sponsors an Annual Court Technology Committee each year. The 2020 conference had to be canceled for the first time in the Committee's history, but the Committee instead turned its attention to creating a guidebook on adopting and using new technology in the courtroom. This guidance is particularly useful for courts that cannot operate conventionally because of the pandemic.

The Committee has collaborated with the Supreme Court's Commission on Technology and the Courts.

# COMMITTEE REPORTS (contd.)

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## **Criminal Law & Procedure Committee**

The Criminal Law and Procedure Committee is responsible for tracking and analyzing legislation and rule amendments that will affect the policies and procedures of courts with jurisdiction over criminal matters.

Occupying much of the Committee's time and attention during the last several months of the 133rd General Assembly was SB 3. The bill would have enacted controversial reforms to classifying and sentencing drug offenses. Other bills the Committee tracked included HB 1 (intervention in lieu of conviction and record sealing), HB 186 (prohibition of death mentally for the seriously mentally ill), and HB 337 (qualified victim advocates).

## **Domestic Relations Law & Procedure Committee**

The Domestic Relations Law & Procedure Committee reviews issues and proposals of relevance to judges with domestic relations jurisdiction and analyzes pending legislation with judicial impact on family law and procedure. The committee meets jointly with the Executive Committee of the Ohio Association of Domestic Relations Judges on a quarterly basis.

During the 133rd biennium, the Committee worked on HB 3, which created a procedure for an emergency protection order; and private judging reforms, mainly to correct what had become abuses of private judging.

## **Judicial Education Committee**

The Judicial Education Committee works with the Executive Committee, the judicial associations, and the Ohio Judicial Conference staff to develop, organize, and present the Annual Meeting Education Program. The committee works closely with the Judicial College so all attending judges may receive Judicial College credit for attending this educational event. The 2019 Annual Meeting was held September 12-13. The theme was "Courtrooms, Cameras, and Building Public Confidence." The 2020 Annual Meeting took place September 10-11 with the theme "Breaking Barriers." It was virtual Annual Meeting for the first time in the OJC's history.

## **Judicial Ethics and Professionalism Committee**

The Judicial Ethics & Professionalism Committee reviews ethics opinions, advisory opinions, judicial canons, and rules of professional conduct. The committee comments on proposed amendments to the Code of Judicial Conduct and serves as a judicial resource on ethics and professionalism. The Judicial Advisory Group (JAG) is a group of judges, within the Judicial Ethics and Professionalism Committee, who work with the Ohio Lawyers Assistance Program (OLAP) to provide confidential assistance to judges concerning mental health, substance abuse, general stress, and judicial temperament.

## **Ohio Jury Instructions**

The Ohio Jury Instructions Committee drafts pattern civil and criminal jury instructions for use by all Ohio judges and lawyers. Instructions are drafted or revised based on legislative enactments and controlling case law as well as requests from attorneys and judges. The OJI Committee is the oldest of the Judicial Conference committees, meeting on a Friday and Saturday seven times a year plus a 3-day summer retreat.

# COMMITTEE REPORTS (contd.)

The committee continues to work with the Ohio Jury Instructions publishers to provide and maintain accurate and current jury instructions in both print and on-line formats. OJI is available in print and online from Lexis Nexis, Westlaw, Bloomberg, and the OSBA's Casemaker. In the 133rd General Assembly, the Jury Instructions Committee worked on instructions for self-defense based on legislation passed in the 132nd General Assembly.

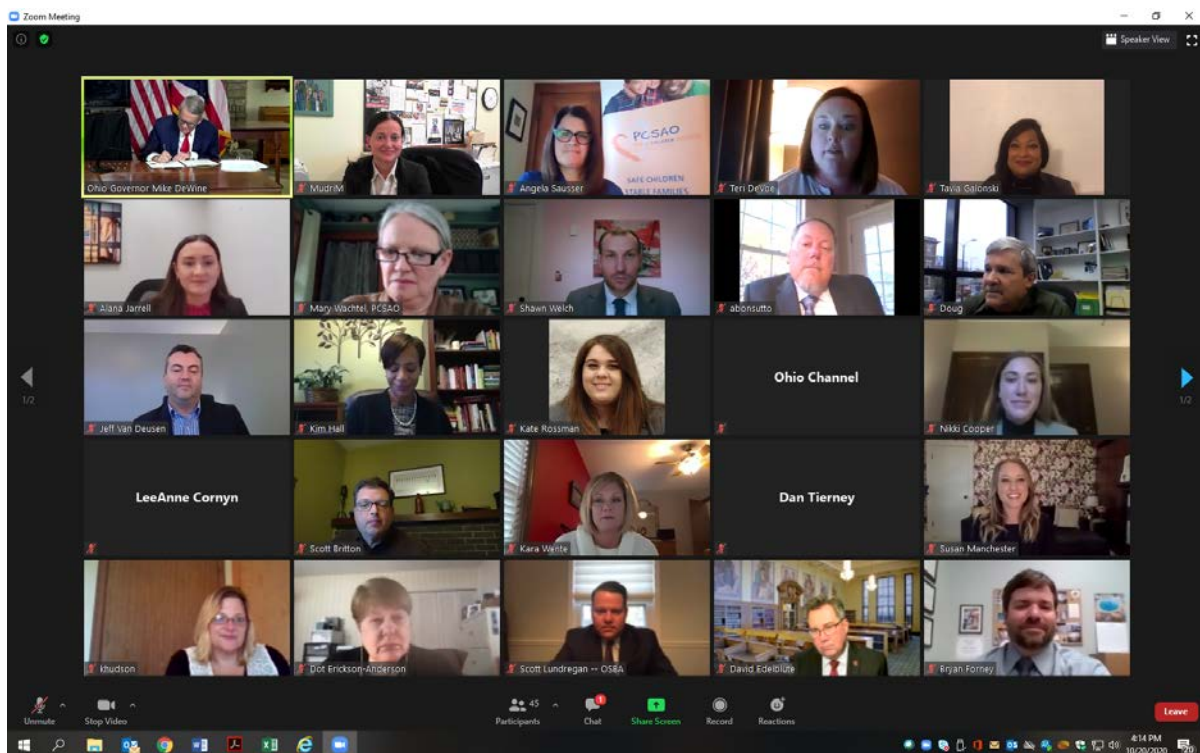
## Jury Service Committee

The Jury Service Committee examines all aspects of jury service and makes recommendations for the proper and efficient functioning of the jury system. Specifically, the committee is exploring how to broaden and diversify the jury pool and best practices for modern juries.

During 2020, the Jury Service Committee conducted several judicial education presentations on the topic of conducting jury trials safely during a pandemic, and also developed a guidebook on the topic.

## Juvenile Law & Procedure Committee

The Juvenile Law & Procedure Committee analyzes pending legislation with a judicial impact on juvenile laws and procedures and reviews issues and proposals of relevance to judges with juvenile jurisdiction. It makes recommendations to improve the Ohio Revised Code, Ohio Rules of Juvenile Procedure, and relevant Rules of Superintendence for the Courts of Ohio. The Committee tracked several bills during the 133rd General Assembly, including SB 239 (dealing with sexting) and SB 256 (dealing sentences of life without the possibility of parole for juveniles).



**A virtual bill signing: Governor Mike DeWine signs into law HB 8, which changed training requirements for foster caregivers. OJC staff Marta Mudri and Shawn Welch are present for the signing of HB 8 which was of interest to juvenile court judges.**

# COMMITTEE REPORTS (contd.)

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## **Legislative Committee**

The Legislative Committee meets monthly with the legislative staff of the Judicial Conference; also in attendance are the legislative counsel of each judicial association, the Government Relations counsel of the Supreme Court of Ohio, the legislative counsel for the OSBA, and the director and legislative counsel of the Sentencing Commission. The Legislative Committee advises the Judicial Conference staff and the Judicial Conference committees as they evaluate the judicial impact of legislation and respond to inquiries from legislators and others.

The Legislative Committee publishes a biweekly legislative newsletter that is sent to all sitting judges and several organizations within the justice community. The committee also publishes BillBoard, which contains links to judicial impact statements and testimony on bills and is sent to members of the legislature. The OJC Twitter account was launched in mid-2016 to highlight OJC accomplishments as they happen; the account tweets several times a week to nearly 400 followers.

In an effort to respond more quickly to the needs of the legislature as a whole as well as to individual bill sponsors, the Judicial Conference continues to draft judicial impact statements, which describe the effect a bill will have on the judiciary, and when possible, provide recommendations for improving the bill. Throughout the biennium, legislative staff prepare letters to legislators about bills, testimony to committees about bills, and impact statements on legislative platform items. The Legislative Committee is also responsible for the annual Judicial-Legislative Exchange, which was canceled in 2020.

## **Magistrates Committee**

The Magistrates Committee consists of judges who have an interest in the role of magistrates in Ohio courts. This Committee collaborates with the Ohio Association of Magistrates on magistrate issues and examines magistrate qualifications, duties, training, and compensation. The committee also identifies those activities of magistrates that are of greatest importance to judges. The Committee receives regular updates from the OAM on matters important to Ohio's magistrates, and often provides feedback from the perspective of judges.

## **Probate Law & Procedure Committee**

The Probate Law & Procedure Committee reviews issues and proposals of relevance to judges with probate jurisdiction and analyzes pending legislation and rule change proposals with an impact on probate laws and procedures.

H.B. 464, the "Probate Omnibus Bill," included several OJC Legislative Platform items, which the Committee is eager to revisit in the 134th General Assembly.

## **Public Communication and Community Outreach Committee**

The Public Confidence and Community Outreach Committee promotes activities that instill public confidence in the Ohio Judiciary by helping judges educate the general public about the function and operation of the state's judicial system. During the biennium, the Committee assisted in updating all of the Judicial Conference's Citizen Guide Brochures. The committee is also making website upgrades.

# COMMITTEE REPORTS (contd.)

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## **Publications**

The Publications Committee provides guidance to Judicial Conference staff in its efforts to produce publications that meet the needs of Ohio judges by providing timely and relevant information, by encouraging dialogue, and by enhancing the Judicial Conference's ability to serve as the voice of Ohio judges.

The Publications Committee updates the OJC website and ensures judges have all the information they need about pending or recently-introduced legislation. A quarterly publication, "For the Record," provides detailed updates.

## **Retired Judges Committee**

The Retired Judges Committee reviews and makes recommendations on issues faced by retired judges. The Committee monitors Ohio Public Employee Retirement System (OPERS), Ohio Public Employees Deferred Compensation Plan and judicial retirement issues in general. It also participates in the publication of the Ohio Retired Judges Directory, an annual publication of the Judicial Conference.

Retired judges in Ohio provide a pool of qualified jurists who can sit by assignment whenever a judge is unable to preside over his or her court.

## **Specialized Dockets Committee**

The Specialized Dockets Committee exchanges ideas and recommends policies related to the operation and administration of Ohio courts with specialized dockets (mental health courts, drug courts, re-entry courts, etc.). The Specialized Courts Committee works to identify additional resources for and to facilitate the continued operation of these dockets.

Because of the continuing addiction epidemic, there has been a great deal of legislative interest in specialized dockets, diversion programs, and collateral consequences for drug offenses. The Specialized Docket Committee has reviewed various bills that impact funding as well as functioning of treatment programs that impact the population within the criminal justice system that is addicted to drugs or alcohol.

## **Traffic Law & Procedure Committee**

Over the course of the 133rd General Assembly, the topic of driving privileges and reinstatement fees has been of particular interest to legislators, with several bills introduced that intend to remove hurdles that are preventing people from driving legally. While judges greatly support this intention and agree that license suspensions and exorbitant reinstatement fees are more detrimental than effective, some of the bills, as introduced, have sparked concerns over judicial discretion and the role the judicial branch should play with regard to BMV fees.

The Committee has been working on a set of proposals to consolidate Ohio's existing driving-under-suspension offenses. Under current law, there are multiple offenses all prohibiting the same general conduct: operating a motor vehicle when not legally permitted to do so, either as a result of a suspension of some kind or a failure to obtain (or maintain) a valid license. The Traffic Law and Procedure Committee has been working to consolidate these numerous offenses into a smaller list that would be easier for courts, law enforcement, and defendants.



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