



THE SUPREME COURT *of* OHIO  
ANNUAL REPORT 2015



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Maureen O'Connor  
Chief Justice

Paul E. Pfeifer  
Terrence O'Donnell  
Judith Ann Lanzinger  
Sharon L. Kennedy  
Judith L. French  
William M. O'Neill  
Justices

Michael L. Buenger  
Administrative Director



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A Message from the

## CHIEF JUSTICE

In 2015, the Supreme Court of Ohio turned to technology more than ever to empower litigants to file documents electronically, to allow users to find information more quickly on the Court's website, to enable local courts to submit information in a timelier way, and to fund local technology upgrades through a competitive grant program.

During the year, the Supreme Court launched an e-Filing Portal for attorneys and self-represented litigants. The same rules and deadlines apply whether litigants file documents in person or online, but attorneys seem to appreciate the ease of filing remotely. Statistics show that about 70 percent of all attorney filings are completed electronically.

Attorneys also benefited from a refresh of the attorney services portal. Because of the upgrades, attorneys can view and manage their registration and continuing legal education records online, as well as edit their contact information and change their passwords.

Technological advances were also aimed at making information on the Court's website

easier to find. The Court accomplished this through two revamped applications.

- In February, the Court unveiled an Opinions & Announcements page with greater search capability. With the enhancements, users can search specific topics or issues and narrow their searches for court decisions by county, case number, and author.
- In September, the Court redesigned the online case docket. The update makes it easier to search cases and provides mobile-friendly access. In addition, the main page contains expanded search capabilities and a “recent filings” tab that lists all case filings in the last five days.

By November, all trial courts had the capability to submit their caseload statistics via the Court’s eStats portal, eliminating the need to submit paperwork by local courts and perform data entry work by Supreme Court staff.

The Court approved \$2.5 million in grants for 109 technology projects at courts in 61 counties. Appeals courts, common pleas courts, municipal

courts, and county courts were encouraged to apply to assist in removing any barriers to the efficient and effective administration of justice. Examples of funded projects included implementing electronic document filing, updating case management system software, and installing electronic kiosks for self-represented litigants.

In these pages, you can read more in-depth about the technological advances spanning many Court services and about other developments, activities, and accomplishments by the Supreme Court justices and staff.

While 2015 represented a banner year for using technology to improve the efficiency and the fair administration of justice, we will continue to find even more ways to make better use of technology to benefit all Ohioans.

Thank you for your support of our efforts.

God Bless,

A handwritten signature in black ink, appearing to read "Thomas G. Sikkema". The signature is written in a cursive style with a large initial "T" and "S".



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## SUPREME COURT JUSTICES

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**STANDING FROM LEFT TO RIGHT:**

Justice Judith L. French, Justice Judith Ann Lanzinger, Justice Sharon L. Kennedy, and Justice William M. O'Neill.

**SEATED FROM LEFT TO RIGHT:**

Justice Paul E. Pfeifer, Chief Justice Maureen O'Connor, and Justice Terrence O'Donnell.

**MAUREEN O’CONNOR**, Chief Justice

Chief Justice Maureen O’Connor became the first woman and 10th chief justice in Ohio history in 2011. Since taking office, she has led significant reforms and improvements in the Ohio judicial system. In 2015, she successfully worked with the Ohio General Assembly and the Governor to increase pay for Ohio judges for the first time since 2007. She also launched JudicialVotesCount.org, a statewide online resource to provide voters with reliable information on judicial candidates. Additionally, she unveiled a statewide competitive technology grant program to assist local courts meet their technology needs.

**PAUL E. PFEIFER**, Justice

Elected in 1992, Justice Paul E. Pfeifer is the senior member of the Ohio Supreme Court. He grew up on his family’s dairy farm near Bucyrus, and still lives down the road, where he raises Black Angus cattle. He served in both houses of the Ohio General Assembly, as chairman of the Senate Judiciary Committee for 10 years, and he crafted the legislation creating the Ohio Tuition Trust Authority.

**TERRENCE O’DONNELL**, Justice

Since joining the Ohio Supreme Court in 2003, Justice Terrence O’Donnell has led statewide efforts to increase professionalism among lawyers and judges. Previously, he served on the common pleas and appellate benches and worked as a school teacher. He also served as chairman of the Ohio Legal Rights Service Commission, which oversees the protection and advocacy of the developmentally disabled and mentally ill statewide.

**JUDITH ANN LANZINGER**, Justice

After 31 years on the bench and now serving her second term on the Ohio Supreme Court, Justice Judith Ann Lanzinger is the only person ever elected to all four levels of the Ohio judiciary. She maintains an educational blog about the Court, *justicejudy.blogspot.com*, and is the 150th justice and seventh woman to serve on the Supreme Court. She also served on the faculty of the National Judicial College for 12 years.

**SHARON L. KENNEDY**, Justice

A former Butler County Domestic Relations Court judge, Justice Sharon L. Kennedy won election to an unexpired term on the Supreme Court in November 2012 and was elected to her first full term on Nov. 4, 2014. She served on the bench in Butler County from 1999 to 2012, where, as administrative judge, she improved its case management system to ensure the timely resolution of cases for families and children. Before becoming a judge, she was special counsel to the attorney general and a part-time magistrate. She began her career as a police officer.

**JUDITH L. FRENCH**, Justice

Former appellate judge Judith L. French became the 155th justice of the Ohio Supreme Court in January 2013, after her appointment by Gov. John Kasich. She won election to her first full term on the Supreme Court on Nov. 4, 2014. Before serving as an appellate judge, she was chief legal counsel to Gov. Bob Taft, as well as an assistant attorney general and then chief counsel to the attorney general. Twice, she argued before the U.S. Supreme Court, including on behalf of the state in the Cleveland school-vouchers case.

**WILLIAM M. O’NEILL**, Justice

A former Army officer, Vietnam veteran, reporter, registered nurse, and appellate judge, Justice William M. O’Neill – a member of the Ohio Veterans Hall of Fame – joined the Ohio Supreme Court in January 2013. He is a retired Army lieutenant colonel and a retired Judge Advocate General (JAG) lieutenant colonel in the Ohio National Guard. He received the Bronze Star and the Army Commendation Medal for his service in Vietnam.



# STAFF NOTES

Ohio Supreme Court employees are guided in their work by a vision statement, a mission statement, and three strategic directives.

## VISION STATEMENT

For the Supreme Court of Ohio to administer justice with integrity and provide leadership for the Judicial Branch of Ohio government.

## MISSION STATEMENT

The Supreme Court will accomplish its vision by:

Applying and promoting standards of impartiality and fairness.

Strengthening the judiciary, courts, and bar of Ohio.

Fostering collaboration with its justice system partners.

Serving as a catalyst for the strategic direction of the justice system.

## STRATEGIC DIRECTIVES

Foster Uniformity  
Achieve Internal Efficiencies  
Support the Judiciary

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• CRIMINAL SENTENCING COMMISSION • Sara D. Andrews •  
Jo Ellen Cline • David Diroll

# NEW YEAR, NEW TOP ADMINISTRATOR



On day one as administrative director, Michael L. Buenger (center) met with members of the Ohio Supreme Court's senior staff on Jan. 5. The administrative director leads the offices responsible for overseeing the Court's numerous divisions and its 250-employee staff. With more than 25 years of state, national, and international judicial administration experience, Buenger told the staff that one of the greatest responsibilities of the judicial branch is to treat those coming through the courthouse doors with respect, civility, and professionalism.

## SENIOR STAFF

In 2015, the Supreme Court promoted one employee and hired another to senior staff.

### CRAIG MAYTON

Chief Legal Counsel, Office of the Chief Legal Counsel



The Court welcomed Craig Mayton as its new chief legal counsel and director of the Office of the Chief Legal Counsel on Feb. 10.

Mayton leads the office and supervises the positions of senior policy & research counsel, judicial & legislative affairs counsel, staff attorney, and administrative coordinator.

Prior to working at the Court, Mayton spent eight years at the Ohio attorney general's office, including four years as the first assistant attorney general and three years with the State Employment Relations Board. He also served as chief legal counsel to the state auditor. He most recently served in private practice and was chairman of the Ohio State Bar Association's Access to Justice Committee.

Mayton received his bachelor of arts in Russian Studies from the University of Maryland and his law degree from The Ohio State University Moritz College of Law.

### CHRISTY TULL

Director, Ohio Judicial College



M. Christy Tull was named director of the Ohio Judicial College on March 1. Tull has more than 27 years of experience in the education field, of which, the past 19 have been devoted to continuing education for judges at the Court. Previously, she was director of training at the Ohio Center for Law-Related Education. Tull has six years' experience as a program evaluator for the Ohio Legislative Office of Education Oversight and staff for the Ohio Senate and House of Representatives. In addition, she was training coordinator with a statewide program for domestic violence shelters and a teacher in England, Bahrain, and the U.S.A. teaching adults and K-12 students.

She is a recipient of the Education Award for the Ohio Association of Magistrates and service recognition from the Ohio Association of Juvenile Court Judges. Tull is past president of the National Association for State Judicial Educators. She is a trained mediator, has a B.A. in speech communication from Albion College, a M.A. in public policy and management from The Ohio State University, and is a certified court manager from the National Center for State Court's Court Management Program.

## Criminal Sentencing Commission Hires New Director



The Ohio Criminal Sentencing Commission hired Sara Andrews, a 20-year veteran of the Ohio Department of Rehabilitation and Correction (DRC), as its director. Andrews, who replaced long-time director David Diroll, started her new position in January.

At DRC, Andrews served as deputy director of the Division of Parole and Community Services and chief of the Adult Parole Authority. In addition to managing more than 600 employees and overseeing a budget of more than \$200 million, Andrews was responsible for the Ohio Parole Board, the Office of Victim Services, the Office of Offender Reentry, the Bureau of Research, and the inspection of Ohio's jails. She also served as Ohio's commissioner for the Interstate Compact for Adult Supervision. She began working for DRC in 1991 as a parole officer.

In 1990, the General Assembly created the sentencing commission by statute. The commission conducts reviews of Ohio's sentencing statutes and sentencing patterns and makes recommendations regarding necessary statutory changes. The commission consists of 31 members, 10 of whom are judges appointed by the chief justice.

## 2015 Events Raised Money, Donations for Charities

Supreme Court employees once again displayed their generosity in 2015 through their participation in Employee Events Committee and Wellness Committee events and a statewide campaign that benefited charities.

The Employee Events Committee\* raised money for the Parsons Avenue Free Store during several events: the Picnic on the Plaza in June that included a corn toss competition, the Columbus Day Pizza Sale/Bake Sale that sold 90 pizza and salad lunches, and the Holiday Celebration in December that featured an ugly sweater contest and photo booth.

The Wellness Committee\* also got into the act on Columbus Day by holding its second annual Treasure Hunt. Donated items that didn't sell – including clothing, books, CDs, DVDs, purses, kitchen items, and more – were donated to Broad Street Elementary School's program that rewards students who demonstrate good behavior and academic achievement. Students were able to use "play money" to buy birthday and holiday gifts for their family and friends. Other unsold items were donated to Dress for Success and the local humane society.

In addition, the Supreme Court earned a gold bar with two stars from the State of Ohio Combined Charitable Campaign, the highest attribution given by the campaign.

In 2014, Court employees raised \$17,976 for the annual statewide campaign that totaled more than \$2.8 million. By comparison, Court employees contributed more than \$26,000 in 2015 for an annual statewide campaign that totaled more than \$3 million.

*\*The Employee Events Committee and the Wellness Committee are internal committees of Supreme Court and affiliated offices staff that support functions not funded by taxpayer dollars. Staff participate in these wellness and employee events during their lunch hours.*

## 2015 RETIREES



**Elizabeth A. Clarke**  
Senior Judicial Attorney  
to Justice Kennedy



**Mark Loudenslagel**  
Assistant Reporter  
Office of the Reporter



**Dan Merrill**  
Purchasing Officer  
Office of Fiscal Resources

## STAFF TAKE ON NATIONAL JUSTICE SYSTEM LEADERSHIP ROLES

Three Supreme Court employees started one-year terms as presidents of separate national organizations.



**Stephanie Hess**  
NACM, NCSC

Director of Court Services Stephanie Hess became president in July 2015 of the

National Association for Court Management (NACM), the largest organization of court management professionals in the world with more than 1,700 members committed to improving the administration of justice. Hess also assumed a position on the board of directors of the National Center for State Courts (NCSC) late in the summer. NCSC is a nonprofit court reform organization dedicated to improving the administration of justice by providing leadership and service to the state courts.



**Margaret Allen**  
NASJE

Margaret Allen, education program manager for the Ohio Judicial College, began her

term in fall 2015 as the president of the National Association of State Judicial Educators (NASJE), a member organization of judicial educators and others interested in judicial branch education. Allen is also co-chair of the NASJE Membership and Mentor Committee and has served on the education committee.



**Richard Dove**  
NCLDB

In 2015, Rick Dove became president of the National Council of Lawyer Disciplinary Boards

(NCLDB), an organization that provides a national forum for the exchange of information about the administration, conduct, and improvement of lawyer disciplinary proceedings. Dove served on the Supreme Court staff for more than 22 years before becoming director of the Board of Professional Conduct in 2011.

## HONORS & AWARDS



**NOTEWORTHY ACCOMPLISHMENTS.** At a Nov. 3 swearing-in ceremony, Heidi Wagner Dorn (left), Board of Professional Conduct; Allan Asbury, Board of Professional Conduct; and Janet Green Marbley, Lawyers' Fund for Client Protection, were admitted to practice before the U.S. Supreme Court.



**EMPLOYEE EXCELLENCE.** For the 11th year, the Ohio Supreme Court recognized the professionalism and outstanding service of its employees. Three employees were honored in April 2015 - Rachael Radel (left), Office of Human Resources; Stephen Kahler, Office of the Clerk; and Lori Keating, Office of Attorney Services. At the event, 30 employees also were given certificates for 5, 10, 15, 20, 25, and 30 years of service with the Court.



## DID SOMEONE SAY **KAIZEN?**



The Supreme Court hosted its first-ever Kaizen Event on March 30 through April 3 with help from the staff from LEANOhio at the Department of Administrative Services.

“Kaizen” is a Japanese term meaning “change for the better,” and four facilitators trained in process improvement led staffers through a weeklong challenge to come up with a more efficient buying method.

For the Court’s event, senior staff designated one person from each office to participate, and 13 staff members participated daily with three subject-matter experts (*Mindi Wells, deputy administrative director; Robert Stuart, director of information technology; and Craig Mayton, chief legal counsel*) available as needed.

The team identified the “current state” where the Court currently uses a paper process involving blue requisition forms and several attachments to request, receive, and pay for purchases. The team worked together all week to recommend ways the procurement process can improve to be simpler, faster, and better.

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## Employees Schooled in LEANOhio Principles at ‘Boot Camp’

Twelve Supreme Court employees participated in a one-week, intensive training session – called a “Boot Camp” – on improving government processes.

Offered by the Ohio Department of Administrative Services, LEANOhio strives to make state government simpler, faster, better, and less costly.

During the session, employees learned to use Lean methods to simplify processes by eliminating unneeded steps, serve as an effective improvement team leader, identify leading causes of waste, and develop requirements for an efficient process before implementing IT solutions.

Billed as practical training aimed at generating results, the program is tailored to the public-sector workplace and public-sector processes. Included is an in-depth simulation involving a prototypical agency, so participants build their toolkits by way of a real-world situation.





## SUPREME COURT DECISIONS

The Supreme Court issued opinions in more than 200 cases in 2015, addressing the state's most important and significant legal issues. Here is a sampling of the rulings that drew media interest last year.

### **Cleveland Taxation of NFL Players Unconstitutional**

In a unanimous decision on April 30, the Court ruled that the way Cleveland calculates income taxes due from non-resident NFL players violates their due process rights. Cleveland divides the number of games played in the city by the number of games in the season to decide how much of the athlete's income to tax. The seven other cities that tax visiting players use the "duty-days" approach, in which the compensation to be taxed is calculated by dividing the number of days spent in a city by the total days worked that year. Hunter T. Hillenmeyer advocated for the duty-days calculation. While NFL athletes play 20 or so games annually, he argued they work more than 150 days each year attending training camps, meetings, practices, game preparation, and games. The Court ordered a partial refund of 2004, 2005, and 2006 taxes Hillenmeyer paid to Cleveland. Justice Judith Ann Lanzinger wrote that income must be divided among the places an employee works and that due

process prohibits collecting taxes on a nonresident's income earned outside its boundaries.

In a second unanimous ruling involving an NFL player, Justice Paul E. Pfeifer concluded that a pro athlete who missed a game in Cleveland because he stayed home receiving treatment for an injury is not subject to Cleveland's income tax. The Court held that Jeffrey B. Saturday is entitled to a full refund of taxes paid to Cleveland for 2008.

*Hillenmeyer v. Cleveland Bd. of Rev.*  
144 Ohio St.3d 165, 2015-Ohio-1623

*Saturday v. Cleveland Bd. of Rev.*  
142 Ohio St.3d 528, 2015-Ohio-1625

### **Grain Storage Bins Are Not Taxable as Real Property**

The Court ruled on July 15 that grain storage bins are personal property pursuant to state law and may not be taxed as real property. The Court's unanimous decision affirmed a ruling of the Board of Tax Appeals, which determined that the actual value of property owned by Metamora Elevator Company

in Fulton County was \$738,240 instead of the auditor's assessed value of more than \$1.8 million, including the storage bins. In the opinion written by Justice Terrence O'Donnell, the Court observed that historically the distinction between fixtures that were real property and those that were personal property was elusive. But, in 1992, the General Assembly clarified that storage bins are personal property.

*Metamora Elevator Co. v. Fulton Cty. Bd. of Revision*  
143 Ohio St.3d 359, 2015-Ohio-2807

### **Asset Transfers Allowed During Medicaid Application Process, But Only Within Certain Limits**

Federal and state Medicaid laws allow an institutionalized spouse to transfer a home or other assets to the spouse not in an institution, but only up to a specific amount, called the community spouse resource allowance (CSRA), the Court ruled on Aug. 26. This type of transfer is permitted between the time of applying for Medicaid

# PUBLIC RECORDS

In 2015, the Court ordered the release of documents in these public records cases.

## Callback from 911 Operator Is Public Record

On March 19, the Court ruled 6-1 that the recording of a 911 dispatcher's outbound, return call is a public record. In the Butler County case, when the dispatcher returned a call to a previous 911 caller, the man who answered the phone said he stabbed his stepfather. The county prosecutor subsequently refused the *Cincinnati Enquirer's* request for the outbound call's recording, and asked for and received a protective order from Judge Michael Sage to block the release of the call. The *Enquirer* sought a writ of mandamus from the Twelfth District Court of Appeals, and a few days before the trial, Judge Sage, of the Butler County Common Pleas Court, released the recording. The appeals court granted the writ and awarded statutory damages to the newspaper. Justice Judith L. French stated the return call from the 911 operator meets the definition of a public record. Further, the Court ruled the protective order served only to saddle the *Enquirer* with more litigation costs.

State ex rel. Cincinnati Enquirer v. Sage  
142 Ohio St.3d 392, 2015-Ohio-974

## Police Records at Private University Are Public

The Court ruled on May 21 in a per curiam opinion that the police department at a private central Ohio university is a public office and can be compelled to provide public records. In a 4-3 decision, the Court ordered the Otterbein University police chief to produce the criminal records requested by a news editor at a student-run website. The Court determined the university's police department was established by statute to enforce criminal laws, and that function makes the department a public office under the state's Public Records Act.

State ex rel. Schiffbauer v. Banaszak  
142 Ohio St.3d 535, 2015-Ohio-1854

## Court Rules in Two South Euclid Cases Involving Public Records

The Court on Dec. 2 awarded \$600 in damages after South Euclid took too long to provide public records to the person requesting them. The Court ordered the city of South Euclid to provide Emilie DiFranco with any public records not yet given to her since she first asked for them in September 2013. In addition, the Court awarded DiFranco statutory damages of \$600 plus costs because the city took an

unreasonable amount of time to produce many of the records. The Court also ruled in a separate case in which DiFranco alleged the city had acted frivolously in responding to another public-records request. The Court rejected that claim.

State ex rel. DiFranco v. S. Euclid  
144 Ohio St.3d 565, 2015-Ohio-4914

## Court Orders Release of Key-Card-Swipe Data from Cuyahoga County

On Dec. 9, the Court issued a writ of mandamus to compel Cuyahoga County to release key-card-swipe data documenting when former county executive Edward FitzGerald entered and exited county parking facilities and buildings. In a 4-3 per curiam decision, the Court concluded that while the records sought by the Ohio Republican Party were "security records" exempt from release at the time of the request, circumstances have changed and there is no longer any basis to withhold the key-card-swipe data.

State ex rel. Ohio Republican Party v. FitzGerald  
145 Ohio St.3d 92, 2015-Ohio-5056

and notification of approval, Justice Sharon L. Kennedy wrote in the Court's majority opinion. But any asset amount above the CSRA received by the community spouse must be available to the institutionalized spouse to use for his or her care, the Court explained in the 4-3 ruling. The Court noted, however, that the penalties calculated by the state

against Marcella and Raymond Atkinson were based on the wrong provision in federal law. The Court returned the case to the trial court in Knox County to apply a different federal provision and to adjust the penalty if needed.

Estate of Atkinson v. Ohio Dept. of Job & Family Servs.  
144 Ohio St.3d 70, 2015-Ohio-3397

## Broken Gun Is Not a Deadly Weapon

A gun that does not work and is not welded as a bludgeon is not a deadly weapon under the state law that bans carrying a concealed weapon without a license, the Court ruled on Sept. 10. The decision, written by Justice William M. O'Neill, set aside a juvenile court's finding of delinquency



against J.T., a Cincinnati teenager. A police officer had stopped J.T. and another male on the street and discovered a loaded 9 mm handgun when checking J.T.'s waistband. The gun was later found to be inoperable, though the juvenile court concluded that J.T. had been illegally carrying a concealed weapon.

In re J.T.  
143 Ohio St.3d 516, 2015-Ohio-3654

### **Court Decides Charter School Case**

The Court ruled on Sept. 15 in a case stemming from ongoing litigation brought by 10 Cleveland charter schools against the companies that operated and managed them. Writing for the majority in a split decision, Justice Lanzinger wrote that the Court determined an entity managing the daily operations of a charter school (also known as a "community school") is an "operator" within the state's

community-school law. Further, the management entity performs a governmental function and has a fiduciary relationship with the school it operates. When the operator uses public funds to buy personal property, such as computers, software, office equipment, and furniture, to use in the school, this fiduciary relationship comes into play, the Court held. Justice Lanzinger noted that although sponsors are regulated, current law is largely silent on the operator's duties and does not restrict the content

## **OIL AND GAS**

Disputes over natural gas and oil drilling rights in eastern Ohio bubbled up to the Court.

### **City's Drilling Ordinances Clash with State Oil and Gas Law**

Local drilling and zoning ordinances in Munroe Falls cannot be enforced because they conflict with state law regulating oil and gas wells and operations, the Court concluded on Feb. 17. The Court ruled that a Munroe Falls' zoning ordinance and four local laws governing oil and gas drilling are not an appropriate exercise of the city's home rule powers. The city had obtained a court order stopping Beck Energy Corporation from drilling until the company complied with local law. In the Court's lead opinion, Justice French wrote that home rule does not allow a municipality "to discriminate against, unfairly impede, or obstruct oil and gas activities and operations that the state has permitted under R.C. Chapter 1509."

State ex rel. Morrison v. Beck Energy Corp.  
143 Ohio St.3d 271, 2015-Ohio-485

### **Heirs to Oil and Gas Below Eastern Ohio Property Filed Proper Documents to Keep Mineral Rights**

On June 18, the Court concluded that the owners of land in Harrison County cannot declare that the oil and gas interests below their property have been abandoned because the holders of those interests properly filed documents to preserve their rights. State law allows a property owner to reclaim separately held oil and gas rights if those rights have been abandoned and the owner publishes notice of the intent to declare that abandonment. However, in a unanimous opinion written by Chief Justice Maureen O'Connor, the Court ruled that a mineral rights holder's claim to maintain those rights, filed according to state law, prevents the loss of those interests if the claim is filed within 60 days after the surface owner publishes the notice.

Dodd v. Croskey  
143 Ohio St.3d 293, 2015-Ohio-2362

### **Oil and Gas Leases Are Title Transactions Under Ohio Dormant Mineral Act**

A lease that grants oil and gas rights to another party and was recorded with the county recorder is a title transaction under the state's Dormant Mineral Act, the Court ruled on Nov. 5. However, the Court concluded, the unrecorded expiration of an oil and gas lease does not qualify as a title transaction. The Court's decision, written by Chief Justice O'Connor, was unanimous in ruling that the unrecorded expiration of an oil and gas lease is not a title transaction. The Court divided on whether the leases themselves are title transactions. The holding answers questions submitted by a federal court considering a dispute between the owners of 90-plus acres in Harrison County and the various companies that have leased the property's mineral interests.

Chesapeake Exploration, L.L.C. v. Buell  
144 Ohio St.3d 490, 2015-Ohio-4551

# SEX OFFENSES

The Court dealt with challenges to different aspects of the state's laws related to sexually oriented crimes.

## Provision in Gross Sexual Imposition Statute Found Unconstitutional

The Court ruled on Feb. 11 that part of the state's gross sexual imposition law is unconstitutional. The problematic provision mandates a prison term when evidence other than the victim's testimony corroborates the offense. The penalty provision has no rational basis for distinguishing between cases with or without corroborating evidence – a violation of due process protections in the U.S. Constitution, Justice Lanzinger wrote in the Court's majority opinion. In addition, when a defendant pleads guilty to gross sexual imposition and corroborating evidence is shown, the defendant's constitutional right to a jury trial is infringed on when a court imposes the mandatory prison term, the Court determined.

State v. Bevely  
142 Ohio St.3d 41, 2015-Ohio-475

## Sexual Abuse Lawsuits Against State Governed by 12-Year Time Limit

The 12-year limit for a childhood sexual abuse victim to file a suit applies to sexual abuse claims against the state, the Court ruled on May 14. The longer statutory deadline takes precedence over a two-year time period for initiating civil actions against the state, the Court determined. In the 4-3 decision, Justice Pfeifer concluded the 12-year statute of limitations controls in cases alleging wrongdoing by a public or a private party under the childhood sexual abuse statute. The clock for these claims starts for most alleged victims when they turn 18, according to the law.

Watkins v. Dept. of Youth Servs.  
143 Ohio St.3d 477, 2015-Ohio-1776

## Sex-Offender Registration and Notification Mandates Are Constitutional

State law requires convicted sex offenders to register and to verify their addresses periodically with authorities. The Court ruled on Nov. 12 that those requirements for certain offenders do not amount to cruel and unusual punishment. The obligations for Tier II sex offenders "are not so extreme as to be grossly disproportionate to the crime or shocking to a reasonable person and to the community's sense of justice," Justice Lanzinger wrote in the Court's lead opinion, concluding that the requirements violate neither the U.S. Constitution nor the Ohio Constitution.

State v. Blankenship  
145 Ohio St.3d 221, 2015-Ohio-4624

of contracts between schools' governing authorities and their management companies. In this case, the contract between the schools and the management company, referred to as White Hat, allowed White Hat to title property in its own name and later required the schools to buy back personal property they wanted to keep when the contract ended. The Court concluded that the provision is enforceable and returned the case to the trial court for an inventory of the disputed property and its disposal according to the contract.

Hope Academy Broadway Campus  
v. White Hat Mgt.  
145 Ohio St.3d 29, 2015-Ohio-3716

## Court Disavows "Unmistakable Crime" Doctrine

A woman who concealed heroin in her body could not be convicted of tampering with evidence unless the state proved that she knew that an investigation by authorities was ongoing or would likely be instituted, the Court ruled on Dec. 30. In a 7-0 decision authored by Justice O'Donnell, the Court reversed Chelsey Barry's tampering with evidence conviction for concealing 56 grams of heroin within a body cavity. Justice O'Donnell wrote that to prove she was guilty of tampering with evidence, prosecutors needed to prove beyond a reasonable doubt that Barry knew an official

proceeding or investigation was in progress or likely to be commenced at the time the evidence was concealed. The state cannot simply infer that because Barry knew that concealing evidence was an "unmistakable crime," but rather it must also prove that she knew a criminal investigation was ongoing or likely to follow.

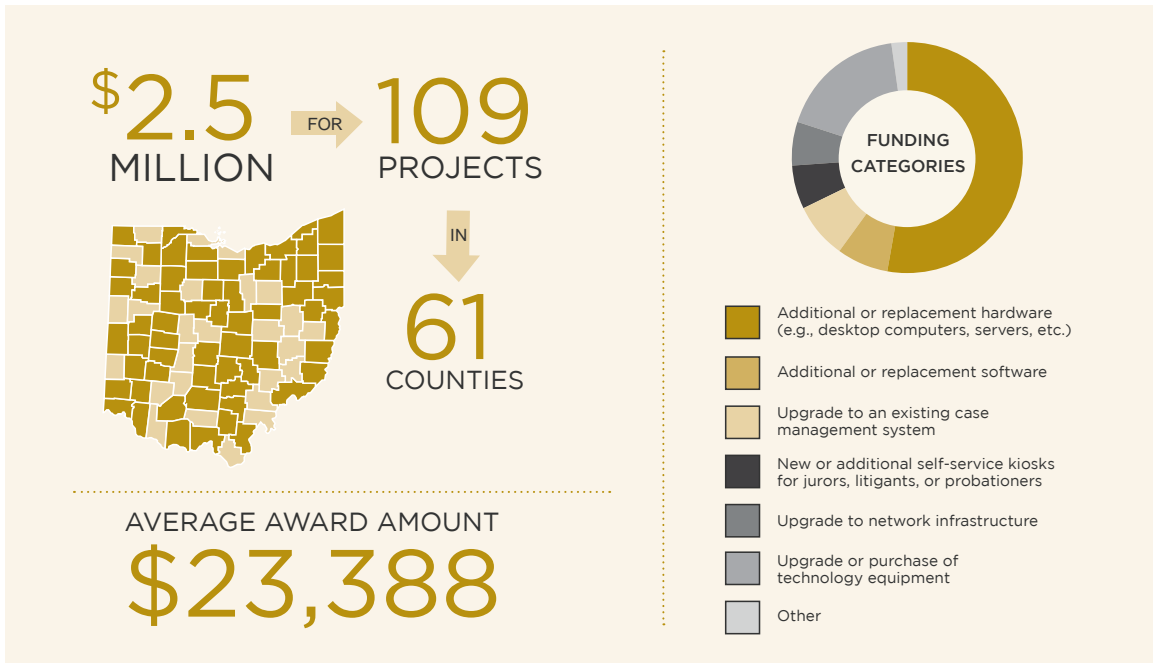
State v. Barry  
145 Ohio St.3d 354, 2015-Ohio-5449

# AROUND THE COURT

## TECHNOLOGY GRANTS

### IMPROVING ACCESS TO JUSTICE IN LOCAL COURTS

Addressing local courts' needs for funding assistance to keep up with evolving technology that improves citizens' access to justice, the Ohio Supreme Court provided more than **\$2.5 MILLION** in grants in 2015.



The funding through the Ohio Courts Technology Initiative was used for 109 technology projects at courts in 61 counties across the state. Chief Justice O'Connor announced the grants in February, and all courts were notified by mid-June if their grant proposals were approved.

"Financial constraints at the local level can impede needed upgrades in technology. I'm pleased that the Supreme Court could assist in filling the funding gap," Chief Justice O'Connor said.

Supreme Court Deputy Administrative Director Mindi Wells added that budgetary resources available in the fiscal year provided an opportunity to launch the grant program.

"The Ohio Court Technology Initiative was designed to provide direct benefit to Ohio courts, specifically to support the delivery of technology services and the exchange of information by and between courts and justice system partners," Wells said.

#### Wide Array of Projects

The grant awards ranged from a few hundred dollars to a few hundred-thousand dollars for projects such as website redesigns, security upgrades, and online case information access (*See above for a breakdown of project categories*).

#### Implementation and Outcomes

The Supreme Court funding covered one-time costs, with the local court responsible for any maintenance or ongoing support. All purchases or upgrades had to be completed, installed, operational, and in use by Sept. 1, 2015.

There were 336 requests submitted for funding. While not all the requests could be approved, Chief Justice O'Connor commended each judge and court staff for submitting grant applications, and added the Supreme Court will continue to look for opportunities to assist local courts with resources to improve access to justice.

# SUPREME COURT UPGRADES WEBSITE

There were many technology upgrades to the Court's website, [sc.ohio.gov](http://sc.ohio.gov), in 2015. The enhancements improved online access for the bench, the bar, and the public.



## ELECTRONIC FILING

After a nearly three-month pilot program that began in late 2014, the Ohio Supreme Court e-Filing Portal opened on Jan. 5 to all registered Ohio attorneys and those registered for pro hac vice status. Electronic filing was later extended to self-represented litigants in July.

Attorneys seemed to adopt the online access. In the first 31 days, 70 percent of all attorney filings with the Supreme Court were filed electronically.

Video tutorials and a guide were developed to help users navigate the e-Filing portal.



## MUNI & COUNTY COURTS ADDED TO eSTATS PORTAL

All Ohio trial courts were able to submit their caseload statistics using eStats as of Nov. 24. Municipal and county courts were the final group of trial courts to receive access to the online portal to electronically submit caseload information.

Municipal and county court judges weren't required to use eStats to submit monthly reports until February 2016. Amendments to Rule 37 of the Rules of Superintendence for the Courts of Ohio took effect in July 2013, calling for mandatory electronic submission.

Reports provide caseload information and performance measures, such as overage rates and clearance rates. These allow courts to examine incoming caseload trends and evaluate their ability to dispose of cases within the Supreme Court's case-processing time standards.



## NEW OPINIONS & ANNOUNCEMENTS SEARCH FEATURES

In February the Court unveiled an easier to use Opinions & Announcements Web page with greater search capability.

Users search the Opinions & Announcements page for Supreme Court, Court of Claims, and appeals court opinions, as well as Supreme Court motion and procedural rulings, case announcements, and administrative actions.

With the enhancements, users are able to search for specific topics or issues, such as mandamus actions or attorney discipline matters or expedited election cases. Other new features enable users to search court decisions by county, case number, and author. Many of these categories were available for display by columns on the old Opinions & Announcements page, but users could not search for them or filter out other information.

A Supreme Court opinion can now be searched by the citation, which encompasses the number of the bound volume containing the published opinion and its page number in the bound volume.

In addition, searching by the designated Supreme Court WebCite number is now more convenient. Users simply plug in the year and the WebCite number — on either side of the word "Ohio" — and click search. Different from the case number assigned by the clerk's office, the reporter's office assigns each opinion, case announcement, or administrative action with a unique WebCite number to differentiate them from all others.



## ATTORNEY SERVICES PORTAL

The attorney services portal was refreshed in time for the biennial attorney registration period in 2015.

The portal allows attorneys to view and manage their attorney registration and continuing legal education records. Attorneys can also edit residence and office contact information, and change their Attorney Services password.



## REDESIGNED CASE SEARCH

The online case management system, with more than 73,000 cases dating back to 1985, and one of the most-visited areas on the Court's website, was redesigned.

The major update added new features to make it easier to search cases and provide mobile-friendly access for all types of devices. The main page features expanded search capabilities and a new "Recent Filings" tab that lists all case filings made to Supreme Court cases in the last five days.

Each case page now includes:

- Tabs that list the parties involved in the case and decisions in chronological order
- Link to register for case activity notification
- Link to the oral argument video, if available
- Printable view.



## ACCESS TO JUSTICE

### TASK FORCE RELEASES FINAL REPORT

Since the 1990s, Ohio legal aid organizations were able to supplement federal funding with interest derived from the trust funds lawyers keep for their clients. But when the recession hit the nation's economy in 2008, interest rates dropped to nearly zero. Low interest rates caused a 90-percent decline in IOLTA/IOTA revenue, going from \$22.3 million in 2007, to \$2.6 million in 2014.

Legal aid advocates began seeking new and innovative ways to serve those who qualify for their assistance. Chief Justice O'Connor established the Task Force on Access to Justice to uncover the gaps in and obstacles to accessing the civil justice system.

The task force report was released in April 2015, and among the suggestions outside of funding were:

- Developing and maintaining a statewide website that provides free and accurate legal information, including standardized forms and videos describing how to navigate the civil justice system.
- Promoting self-help centers located in or near courthouses, with knowledgeable staff available to assist those unable to afford attorneys with completing forms and preparing for hearings.
- Providing clear guidance under the Rules of Professional Conduct regarding when a lawyer may provide limited-scope representation for those who only need attorneys for portions of their case.

"My colleagues and I on the Court will consider the task force recommendations and decide which ones to endorse and pursue. Part of the important work to be done now is to give each recommendation due consideration, including all the consequences," Chief Justice O'Connor said.

In November, the Supreme Court took public comment on proposals that would increase funding for legal aid services, including raising the pro hac vice registration fees from \$150 to \$300 and issuing a \$50 voluntary "add on" fee to the biennial attorney registration to support civil legal services. The \$350 registration fee hasn't increased since 2007.

The Court accepted comments until Jan. 7, 2016, on a proposal to allow an "emeritus status" to practice law in Ohio to attorneys who are associated with a law school clinic, legal aid, approved legal services organization, public defender's office, or other legal services organization. To qualify, applicants must meet the following requirements:

- Engaged in the practice of law for a minimum of 25 years or a minimum of 15 years if 65 or older
- Is in good standing with the Court
- Has not resigned from the practice of law with discipline pending or in order to avoid disciplinary proceedings
- Has not been disciplined for professional misconduct within the past 10 years.

The Court will consider public comments before taking any action on the proposed changes.

## ADULT GUARDIANSHIP

### SUPREME COURT MOVES TO PROTECT VULNERABLE ADULTS

New adult guardianship policies and practices took effect June 1 that overhauled the Rules 66.01 to 66.09 of Superintendence for the Courts of Ohio. The nine new rules were recommended by the Advisory Committee on Children and Families.

“The result of countless hours of work from the committee members are rules that will align Ohio with standards set by the National Guardianship Association in adult guardianship cases and raise the level of professionalism among our guardians,” Chief Justice O’Connor said.

Probate courts will use the rules to address emergency guardianship procedures and establish a complaint process.

Guardians are required to take a minimum of six hours of training and to annually do three hours of continuing education. The Supreme Court’s Judicial College developed a video that explains the education coursework and held several education courses at the Thomas J. Moyer Ohio Judicial Center for adult guardians after the rule went into effect. Courses, detailing a guardian’s responsibilities, reporting requirements, and the rights of adult wards, are offered monthly and across Ohio.

#### Updated Sup.R. 66.01 - 66.09

Several revisions included:

- Amending the definition for “guardian” to no longer exempt family members from the rules.
- Requiring courts to maintain and monitor a roster of guardians with 10 or more wards under their care.
- Requiring guardians to meet at least quarterly with the wards under their care.

## 2015 RULE AMENDMENTS

The most impactful and far-reaching rule changes adopted by the Supreme Court in 2015 concerned Rule 66 of the Rules of Superintendence for the Courts of Ohio for adult guardianships. Effective June 1, the new rules raised adult guardian standards to safeguard wards’ best interests (see story above).

The year saw several more rule revisions, including:



#### e-FILING EXPANSION

Expanding who can file documents electronically with the Supreme Court to self-represented litigants after beginning the year allowing attorneys the option of e-filing.



#### OHIO COURTS NETWORK

Requiring local courts to connect to the Ohio Courts Network by July 1, 2016 – a year from the rule’s adoption – if their case management system has the capability and immediately upon implementation for local courts when changing or upgrading their case management systems in the future.



#### PRO BONO LEGAL SERVICE

Allowing corporate status attorneys to provide pro bono legal service if the legal services are assigned by entities outlined in Rule VI of the Rules for the Government of the Bar of Ohio.



#### JUVENILE & DOMESTIC RELATIONS RECORDS

Requiring local courts to protect sensitive personal information contained in the records of juvenile and domestic relations civil proceedings.

# 2015

## YEAR IN REVIEW

### JANUARY 5

Michael L. Buenger begins his duties as the Ohio Supreme Court administrative director.

The Supreme Court e-Filing Portal opens to all registered Ohio attorneys and those registered for pro hac vice status.

### JANUARY 14



Ohio Supreme Court Justices Sharon L. Kennedy and Judith L. French are honored in front of nearly 300 family and friends during a traditional swearing-in ceremony at the Thomas J. Moyer Ohio Judicial Center. Justice Kennedy was sworn in to her first full term on Jan. 1. She joined the Court in December 2012 after she was elected to an unexpired term. Justice French, who was appointed to the Court in December 2012, began her first full six-year term on Jan. 2.

### FEBRUARY 9

The Court welcomes Craig Mayton as its new chief legal counsel and director of the Office of the Chief Legal Counsel.

### FEBRUARY 10



Grant funds through the Ohio Courts Technology Initiative are announced to support local court technology projects to aid in removing barriers to efficient and effective administration of justice.

### FEBRUARY 11

A new Opinions & Announcements webpage with greater search capability is unveiled, including the ability to search for specific topics or issues.

### FEBRUARY 17

The Board of Professional Conduct, formerly the Board of Commissioners on Grievances & Discipline, notes a “significant increase” in new cases for the year in its 2014 annual report.

### FEBRUARY 24-26

Nearly 400 aspiring lawyers take the Ohio Bar Exam at the Greater Columbus Convention Center.

### FEBRUARY 25



The seventh annual Black History Month event at the Moyer Judicial Center is a student-centered celebration that includes a discussion with students from the Law and Leadership Institute serving as panelists and moderator.

### MARCH 10



Nearly two dozen interpreters, who passed written and oral tests in 2014 and 2015 in seven different languages, become Supreme Court certified.

The Court adopts sweeping new policies and practices for Ohio’s adult guardianship cases that will take effect June 1.

**MARCH 25**



Richland County high school students see the justice system in action as the Ohio Supreme Court holds oral arguments in Mansfield for its biannual Off-Site Court Program.

**APRIL 14**

The Task Force on Access to Justice delivers its report to the Court with 11 recommendations for removing barriers to Ohio's civil justice system, including raising attorney registration fees to support legal aid organizations.

**APRIL 24**

Results of the February Ohio Bar Exam show a passage rate of nearly 64 percent.

Chief Justice Maureen O'Connor welcomes an Estonian delegation of three judges and one prosecutor who are visiting Ohio as part of the Open World program, a U.S. exchange program for countries of the post-Soviet era. The exchanges establish lasting professional relationships between the up-and-coming leaders of Open World countries and Americans dedicated to showcasing U.S. values and democratic institutions.

**MAY 4**



During ceremonies at the Ohio Theatre in Columbus, the Court accepts 262 new attorneys into the practice of law.

**MAY 14**

Court staff participate in a day-long education program, "What Have You Done for me Lately?" which centered upon services and resources available to Ohio courts as part of the Ohio Association for Court Administration Spring Conference.

**MAY 20**

Michael Farley is hired as the judicial and legislative affairs counsel to serve as the Court's primary liaison with the Ohio General Assembly.

**MAY 27**



Former general counsel and acting secretary of the U.S. Department of Commerce Cameron Kerry discusses

Internet privacy, cybersecurity, and governance at the Forum on the Law held in the Courtroom.

**JUNE 15**

The control room of the Thomas J. Moyer Ohio Judicial Center goes from an analog to a digital security management system, as the Office of Court Security upgrades the system to more efficient, compact equipment.

**JUNE 23**

Judges from 56 Ohio counties and their community partners attend the 2015 Judicial Symposium on Addiction and Child Welfare, presented by the Ohio Supreme Court and other partners, to address the impact of the opiate crisis on Ohio's families.

**JUNE 24-25**

The first required education courses begin for attorneys, other professionals, and laypersons to promote effective care and management of adult Ohioans who are under guardianship.

**JUNE 30**

An enhanced Attorney Services Portal debuts as attorneys prepare for the biennial registration period.

**JULY 8-10**

The Ohio Supreme Court's Dispute Resolution Section hosts the Association for Conflict Resolution Inaugural ElderCaring Coordination Training.



# 2015 YEAR IN REVIEW

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## JULY 13

The Office of Information Technology announces plans to upgrade the Court's software, nearly 9 years old, and replace about 30 percent of the older computers.

## JULY 22

The e-Filing Portal opens to self-represented litigants as new rules approved by the Supreme Court justices go into effect to allow for non-attorney electronic filing.

## JULY 28-30

The Ohio Bar Exam is administered to 1,045 applicants at the Roberts Centre in Wilmington, the first time it's held outside of Columbus in more than 50 years.

## AUGUST 17-18



National and state policymakers come together to discuss how to safely incorporate the use of medication-assisted treatment in drug courts during the Medication-Assisted Treatment Forum hosted by the Court's Specialized Dockets Section.



## AUGUST 19

Chief Justice Maureen O'Connor announces the Juvenile Justice Subcommittee of the Advisory Committee on Children & Families will make proposals for rule and policy changes on restraining juveniles in court.

## SEPTEMBER 1

The first statewide judicial voter education website, [JudicialVotesCount.org](http://JudicialVotesCount.org), launched to provide Ohioans with judicial candidate biographical information and information about what judges do, descriptions about the duties of different courts, and brief videos of former judges explaining how the court system works.

## SEPTEMBER 3

Delivering her State of the Judiciary Address in front of nearly 350 judges, Chief Justice O'Connor highlights innovative approaches to judging, including specialized docket courts such as drug courts to help combat opiate addiction and veterans' treatment courts.



## SEPTEMBER 16

As part of the Off-Site Court Program, the justices travel to Fremont Ross High School in Sandusky County for oral arguments.



## SEPTEMBER 17

Nearly \$20,000 from the Thomas J. Moyer Ohio Judicial Center Foundation is made available through a grant application process to defray schools' transportation costs to visit the Ohio Supreme Court and its Visitor Education Center.

## SEPTEMBER 29

A redesigned online case management system debuts with expanded search capabilities and a new "Recent Filings" tab.

The first of four 5 percent pay raises for Ohio judges — as

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outlined in the budget bill — takes effect. Judges had not received a pay raise in seven years.

#### **OCTOBER 13**

The Court publishes more than two dozen domestic relations and juvenile forms translated in five of the most used foreign languages in Ohio.

#### **OCTOBER 15-16**



Supreme court chief justices, associate justices, and administrators from 10 states attend a regional meeting hosted by Ohio at the Thomas J. Moyer Ohio Judicial Center.

#### **OCTOBER 20**



Columbus native and author Wil Haygood talks to students about his new book “Showdown: Thurgood Marshall and the

Supreme Court Nomination that Changed America” during a special high school edition of the Forum on the Law Lecture Series.

#### **OCTOBER 30**

Results from the July Ohio Bar Exam show a 74.5 percent passage rate among the 1,045 applicants who sat for the exam at the Roberts Centre in Wilmington.

#### **NOVEMBER 2**

More than \$9 million in fees collected from lawyers, including registration fees, supported attorney services programs in Ohio during the last fiscal year, according to the Ohio Supreme Court Attorney Services Fund 2015 annual report.

#### **NOVEMBER 16**



Lawyers, who passed the July 2015 Ohio Bar Exam and satisfied all of the Supreme Court’s other requirements, receive their certificates of admission and take the oath during ceremonies at the Ohio Theatre in Columbus.

#### **NOVEMBER 16**

Visitors to the Supreme Court’s website are surveyed to determine the quality of and overall satisfaction with their experience to help inform decisions regarding the future design, content, and structure of the website.

#### **NOVEMBER 17**

In its annual report, The Lawyers’ Fund for Client Protection in Ohio notes more than \$767,000 was awarded in fiscal year 2015 for 141 claims of attorney theft.

#### **NOVEMBER 24**

Municipal and county courts are the final group of trial courts to receive access to eStats, the online portal to electronically submit caseload information.

#### **DECEMBER 11**

The Ohio Supreme Court Commission on Continuing Legal Education announces sanctions for 168 attorneys who failed to comply with their CLE requirements.

#### **DECEMBER 12**

The Visitor Education Center at the Moyer Judicial Center marks its tenth anniversary and announces more than 120,000 people have visited since the doors opened.

# ADMINISTRATIVE OPERATIONS

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Complete descriptions of the Supreme Court administrative offices are available at [sc.ohio.gov/AdminOffices/default.asp](http://sc.ohio.gov/AdminOffices/default.asp). The work of the Court's affiliated disciplinary offices is explained at [sc.ohio.gov/AdminOffices/default.asp#affiliated](http://sc.ohio.gov/AdminOffices/default.asp#affiliated).

## ADMINISTRATIVE DIVISION

The Administrative Division is the lead division of the Supreme Court. It assists in developing and communicating the long-term vision, values, and direction of the Court and the judicial branch of Ohio government. The Administrative Division includes the offices of the Administrative Director, Chief Legal Counsel, Financial Resources, Human Resources, and Public Information. This division also oversees Court communication and outreach and provides support to the Court and Ohio judiciary in the areas of fiscal, human resources, and records management.

## CLERK'S DIVISION

The clerk of the court supervises the filing of all case-related items and maintains all case files in matters pending before the Court. In addition, the office maintains case dockets, the Court's journal, and relevant trial, appellate, board, and agency records. The office also prepares and issues Court orders, schedules oral arguments and other case-related matters for the Court's consideration, and coordinates interagency communication in death-penalty cases.

## ATTORNEY SERVICES DIVISION

The Attorney Services Division assists the Supreme Court in its regulation of the practice of law in Ohio. This division includes the Office of Bar Admissions.

## LEGAL RESOURCES DIVISION

The Office of Legal Resources assists in resolving complex legal issues pending before the Supreme Court. The Office of the Reporter publishes Supreme Court, trial, and appellate court opinions. The Law Library is one of the largest state law libraries in the nation, with a comprehensive collection of Ohio, federal, and state legal resources.

## JUDICIAL SERVICES DIVISION

The Judicial Services Division supports all Ohio trial and appellate courts in the administration of justice by helping develop policies and procedures, training judicial offices and court staff, and providing access to funding and resources. The division provides traditional and innovative court services in response to and with respect for the needs of local courts and the public they serve.

## FACILITIES MANAGEMENT DIVISION

The Facilities Management Division ensures the secure and efficient operation of the Thomas J. Moyer Ohio Judicial Center and maintains internal and external comfort, cleanliness, and building standards. The division provides building management services to Supreme Court employees and other building tenants, ensures the safety and comfort of guests, and offers security assessments and assistance to Ohio courts.

## INFORMATION TECHNOLOGY DIVISION

The Information Technology Division operates the Court's information technology systems and processes. The division also develops and implements the Ohio Courts Network, provides guidance to Ohio courts on technology-related matters, and facilitates the development of statewide information-technology standards for Ohio courts.

## AFFILIATED OFFICES

In addition to its seven divisions, the Court has four affiliated offices with a quasi-independent status because of the nature of their work: the Office of Disciplinary Counsel, the Board of Professional Conduct, the Lawyers' Fund for Client Protection, and the Ohio Criminal Sentencing Commission.

# THE SUPREME COURT *of* OHIO

## 2015 ADMINISTRATIVE STRUCTURE

Effective 07.01.15



# 2015 CASE STATISTICS

In 2015, 2,107 new cases were filed, a 6.6-percent decrease from the 2,255 cases filed in 2014.

## CASELOAD ACTIVITY SUMMARY

1,085 CASES PENDING JAN. 1, 2015

### 2,107 CASES FILED

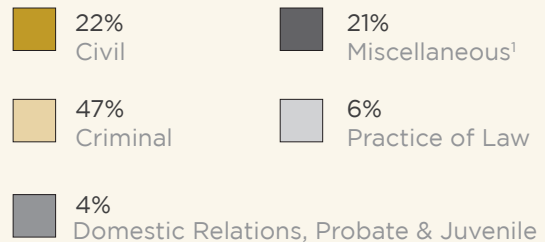
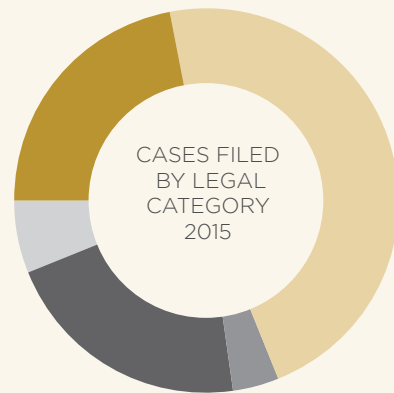
1,529 Jurisdictional Appeals  
 457 Merit Cases  
 121 Practice of Law Cases

### 2,256 CASES DISPOSED

1,632 Jurisdictional Appeals  
 505 Merit Cases  
 119 Practice of Law Cases

936 CASES PENDING DEC. 31, 2015

107% CLEARANCE RATE



The breakdown of case types filed with the Court has remained relatively consistent over the years. Criminal cases routinely make up approximately half of the Court's caseload. In 2011, criminal cases comprised 50 percent; in 2012, 51 percent; in 2013 and 2014, 46 percent of cases filed; and 47 percent of cases filed in 2015. The percentage of cases filed in the practice of law category has varied little, from 6 percent in 2011 and 2012; to 5 percent in 2013 and 2014; and back to 6 percent in 2015. In 2011, civil cases made up 22 percent of filed cases; in 2012, 19 percent; in 2013, 23 percent; in 2014, 20 percent; and in 2015, 22 percent.

<sup>1</sup> Miscellaneous cases include certified conflict cases, certified questions of state law, direct appeals, original actions, and administrative appeals.

## CASES FILED IN 2015

### 1,529 Jurisdictional Appeals

1,419	Jurisdictional Appeals
10	Death Penalty Postconviction Appeals
10	Appeals Involving Termination of Parental Rights/Adoption
90	Appeals from App.R. 26(B) Applications

### 457 Merit Cases

166	Original Actions
39	Habeas Corpus Cases
92	Direct Appeals (Cases Originating in Court of Appeals)
26	Certified Conflicts
106	Appeals from Board of Tax Appeals
1	Appeals from Public Utilities Commission
4	Appeals from Power Siting Board
2	Death Penalty Cases
5	Certified Questions of State Law
16	Cases Purporting to Invoke Unspecified Original Jurisdiction

### 121 Practice of Law Cases<sup>2</sup>

109	Disciplinary Cases
8	Bar Admission Cases
3	Unauthorized Practice of Law Cases
1	Other Matters Relating to Practice of Law

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**2,107 TOTAL CASES FILED**

<sup>2</sup> See p. 28 for a breakdown of cases relating to the practice of law that were filed in 2015.

## FINAL DISPOSITIONS

1,632	Jurisdictional Appeals <sup>3</sup>
1,515	Jurisdictional Appeals
10	Death Penalty Postconviction Appeals
14	Appeals Involving Termination of Parental Rights/Adoption
93	Appeals from App.R. 26(B) Applications
505	Merit Cases
160	Original Actions
33	Habeas Corpus Cases
87	Direct Appeals (Cases Originating in Court of Appeals)
23	Certified Conflicts
114	Appeals from Board of Tax Appeals
8	Appeals from Public Utilities Commission
3	Appeals from Power Siting Board
3	Death Penalty Cases
1	Certified Questions of State Law
16	Other Merit Cases
57	Jurisdictional Appeals Accepted for Merit Review
119	Practice of Law Cases
110	Disciplinary Cases
4	Bar Admission Cases
4	Unauthorized Practice of Law Cases
1	Other Matters Relating to Practice of Law

---

**2,256 TOTAL FINAL DISPOSITIONS**

<sup>3</sup> This category includes dispositions where the Court declined to accept jurisdiction and did not review the merits of the case.

## CASES PENDING ON DECEMBER 31, 2015

### 456 Jurisdictional Appeals

- 431 Jurisdictional Appeals
- 12 Death Penalty Postconviction Appeals
- 13 Appeals from App.R. 26(B) Applications

### 409 Merit Cases

- 66 Original Actions
- 12 Habeas Corpus Cases
- 80 Direct Appeals (Cases Originating in Court of Appeals)
- 25 Certified Conflicts
- 116 Appeals from Board of Tax Appeals
- 13 Appeals from Public Utilities Commission
- 4 Appeals from Power Siting Board
- 17 Death Penalty Cases
- 9 Certified Questions of State Law
- 1 Appeals from App.R. 26(B) Application in a Death Penalty Case
- 3 Other Merit Cases
- 63 Jurisdictional Appeals Accepted for Review

### 71 Practice of Law Cases

- 61 Disciplinary Cases
- 8 Bar Admission Cases
- 2 Unauthorized Practice of Law Cases

---

**936 TOTAL CASES PENDING**



## PRACTICE OF LAW CASES: CASES FILED

### 109 Disciplinary Cases

- 39 Cases on Report of Board
- 12 Consent to Discipline Cases
  - 1 Consent to Discipline Cases on Remand
  - 3 Cases on Motion for Interim Remedial Suspension
- 20 Attorney Resignation Cases
  - 1 Reciprocal Discipline Cases
- 14 Cases upon Felony Conviction
- 1 Cases upon Default of Child Support Order
- 18 Disciplinary Default Judgment Cases Pursuant to Gov.Bar R. V(14)

### 8 Bar Admission Cases

- 8 Character and Fitness Cases

### 3 Unauthorized Practice of Law Cases

- 1 Unauthorized Practice of Law/On Report of Board
- 2 Unauthorized Practice of Law/On Consent Decree

### 1 Other Matters Relating to Practice of Law

- 1 Motion to Show Cause Why Respondent Should Not Be Held in Contempt

---

## 121 TOTAL PRACTICE OF LAW CASES FILED

## PRACTICE OF LAW CASES: CASES DISPOSED

### 110 Disciplinary Cases

#### Cases on Report of Board

- 7 Public Reprimand
- 22 Definite Suspension
- 4 Indefinite Suspension
- 2 Disbarment
- 1 Dismissed<sup>4</sup>

#### Consent to Discipline Cases

- 8 Public Reprimand
- 2 Definite Suspension

#### Cases on Motion for Interim Remedial Suspension

- 3 Interim Suspension

#### Attorney Resignation Cases

- 20 Resignation accepted with disciplinary action pending

---

<sup>4</sup> Case No. 2015-0294 was dismissed upon the acceptance of the attorney's resignation from the practice of law with disciplinary action pending.

## PRACTICE OF LAW CASES: CASES DISPOSED, CONT.

### Reciprocal Discipline Cases

- 1 Definite Suspension

### Cases upon Felony Conviction

- 14 Interim Suspension

### Cases upon Default of Child Support Order

- 1 Interim Suspension

### Disciplinary Default Judgment Cases Pursuant to Gov.Bar R. V(14)

- 20 Indefinite Suspension

- 1 Disbarred

- 2 Dismissed <sup>5</sup>

### Judge Disciplinary Cases under Gov.Bar R. V

- 1 Public Reprimand

### Judge Consent to Discipline Cases

- 1 Public Reprimand

## 4 Bar Admission Cases

### Character and Fitness Cases

- 1 Applicant disapproved, may reapply
- 3 Applicant disapproved, precluded from reapplying

## 4 Unauthorized Practice of Law Cases

### Cases on Report of Board

- 1 Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed
- 1 Respondent enjoined from actions constituting the unauthorized practice of law
- 1 Cause Dismissed

### Cases on Consent Decree

- 1 Respondent enjoined from actions constituting the unauthorized practice of law

## 1 Other Matters Relating to Practice of Law

- 1 Respondent found in contempt

**119 TOTAL PRACTICE OF LAW CASES DISPOSED**

**71 PRACTICE OF LAW CASES PENDING DEC. 31, 2015**

---

**98% PRACTICE OF LAW CASE CLEARANCE RATE**

<sup>5</sup> Case No. 2013-0014 was dismissed upon the respondent's indefinite suspension in Case No. 2014-0968. Case No. 2014-1516 was dismissed upon the acceptance of the attorney's resignation from the practice of law with disciplinary action pending.

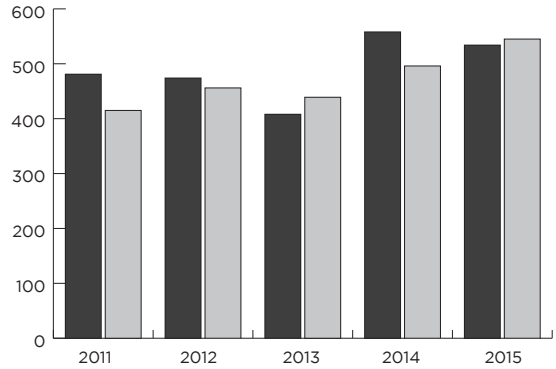
## TIME TO DISPOSITION 2011 - 2015

The following charts present the average length of time from filing of an action to final disposition in broad categories of case types, including: all cases, jurisdictional appeals accepted for merit review, original actions, and all cases decided with an opinion. The charts provide data for the years 2011 through 2015 for purposes of comparison.

The time-to-disposition reports show the mean and median number of days taken to dispose of cases, from the date of filing to the date of final disposition of a case. The median is the middle of the distribution of days, where half the days are above the median number and half are below.

### Jurisdictional Appeals ACCEPTED for Merit Review

From Case Initiation to Final Disposition



**2011 — 54 Cases**  
481-day mean  
415-day median

**2014 — 68 Cases**  
558-day mean  
496-day median

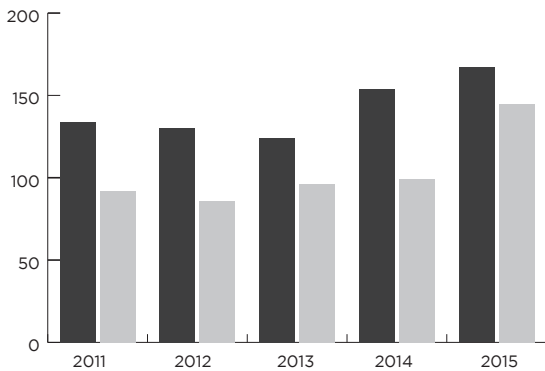
**2012 — 82 Cases**  
474-day mean  
456-day median

**2015 — 57 Cases**  
534-day mean  
545-day median

**2013 — 59 Cases**  
408-day mean  
439-day median

### All Cases

From Case Initiation to Final Disposition



**2011 — 2,267 Cases**  
134-day mean  
92-day median

**2014 — 1,958 Cases**  
154-day mean  
99-day median

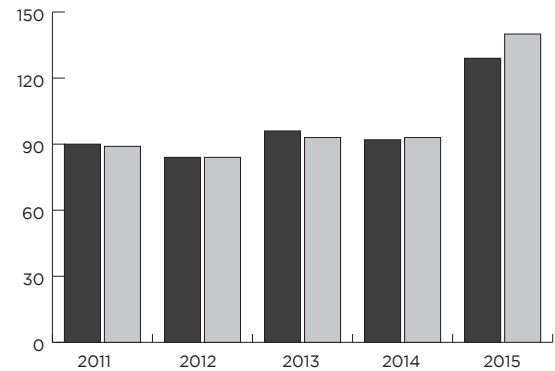
**2012 — 2,171 Cases**  
130-day mean  
86-day median

**2015 — 2,256 Cases**  
167-day mean  
145-day median

**2013 — 2,040 Cases**  
124-day mean  
96-day median

### Jurisdictional Appeals NOT ACCEPTED for Merit Review

From Case Initiation to Final Disposition



**2011 — 1,583 Cases**  
90-day mean  
89-day median

**2014 — 1,285 Cases**  
92-day mean  
93-day median

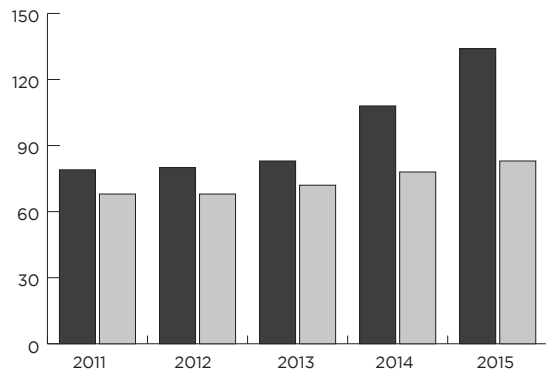
**2012 — 1,474 Cases**  
84-day mean  
84-day median

**2015 — 1,619 Cases**  
129-day mean  
140-day median

**2013 — 1,476 Cases**  
96-day mean  
93-day median

## Original Actions

From Case Initiation to Final Disposition



**2011 — 207 Cases**  
79-day mean  
68-day median

**2014 — 212 Cases**  
108-day mean  
78-day median

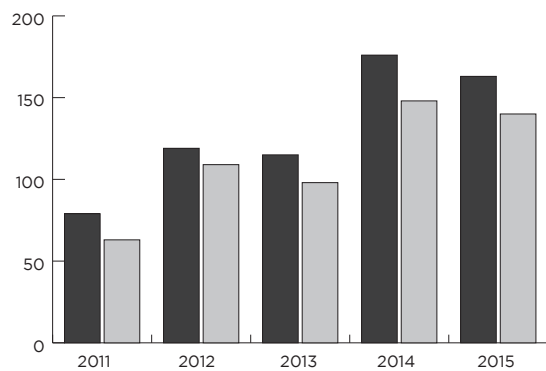
**2012 — 196 Cases**  
80-day mean  
68-day median

**2015 — 193 Cases**  
134-day mean  
83-day median

**2013 — 253 Cases**  
83-day mean  
72-day median

## Cases Decided with an Opinion

From Submission to Court Until Issuance of Opinion



**2011 — 265 Cases**  
79-day mean  
63-day median

**2014 — 265 Cases**  
176-day mean  
149-day median

**2012 — 338 Cases**  
117-day mean  
109-day median

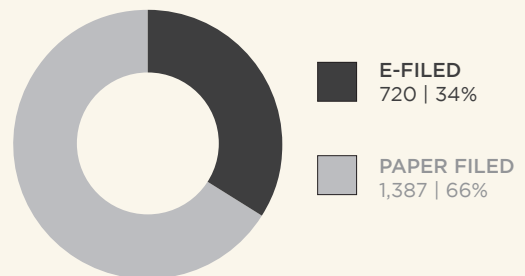
**2015 — 237 Cases**  
163-day mean  
140-day median

**2013 — 192 Cases**  
115-day mean  
98-day median

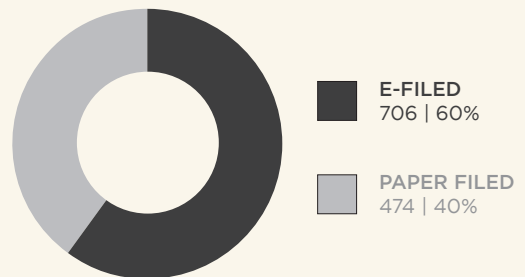
## eFiling

The following charts show a breakdown of the percentage of filings made through the Court's e-Filing Portal in 2015. The portal was made available to attorneys in January and to non-attorneys in July.

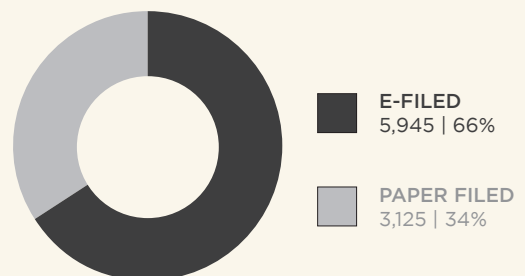
### 2015 Cases Filed



### 2015 New Cases Filed by Attorneys



### 2015 Attorney Filings



# JUDICIARY/SUPREME COURT OPERATING EXPENDITURES

.....

The Supreme Court of Ohio/Judiciary GRF budget accounts for more than \$146 million, which is used to support the operation of the Moyer Judicial Center, home to the Supreme Court, as well as the payment of the salaries of Ohio judges and courts of appeals staff.

	Expenditures FY 2015*	Percent of Total	Budgeted FY 2016**	Percent of Total
<b>JUDICIARY</b>				
Courts of Appeals Judges	\$ 11,651,074	7.9	\$ 12,474,910	7.6
Trial Court Judges	71,317,194	48.6	76,847,866	46.7
<b>TOTAL OHIO JUDICIARY</b>	<b>\$ 82,968,268</b>	<b>56.5</b>	<b>\$ 89,322,776</b>	<b>54.3</b>
<b>COURTS OF APPEALS STAFF</b>	<b>\$ 25,378,187</b>	<b>17.3</b>	<b>\$ 28,507,144</b>	<b>17.3</b>
<b>SUPREME COURT</b>				
Supreme Court of Ohio Operations	\$ 34,836,645	23.7	\$ 43,165,783	26.3
Ohio Center for Law-Related Education	236,172	.2	166,172	.1
Ohio Courts Technology Initiative	3,355,487	2.3	3,350,000	2.0
<b>SUPREME COURT TOTAL</b>	<b>\$ 38,428,304</b>	<b>26.2</b>	<b>\$ 46,681,955</b>	<b>28.4</b>
<b>OHIO JUDICIARY &amp; SUPREME COURT TOTAL</b>	<b>\$ 146,774,759</b>	<b>100.0</b>	<b>\$ 164,511,875</b>	<b>100.0</b>

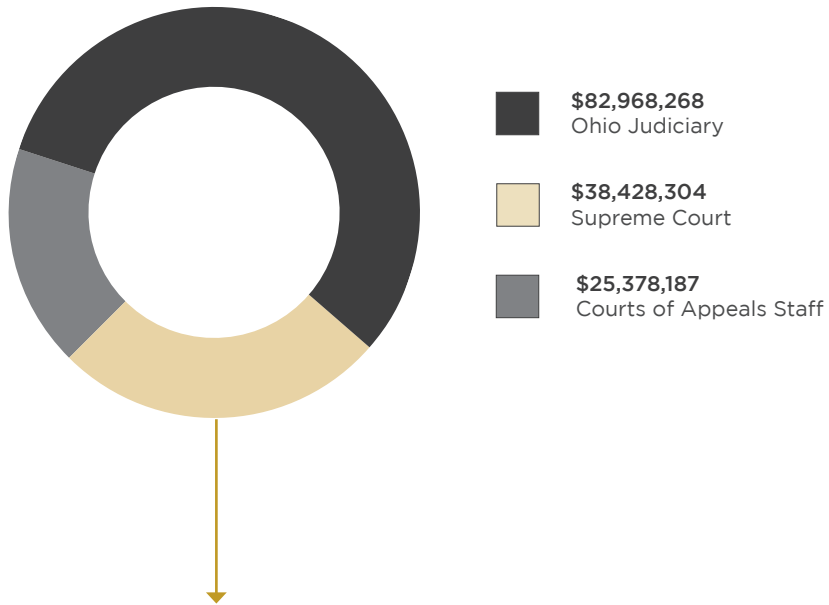
\* Includes encumbrances and all fund sources.

\*\* Budget is as of January fiscal year 2016.

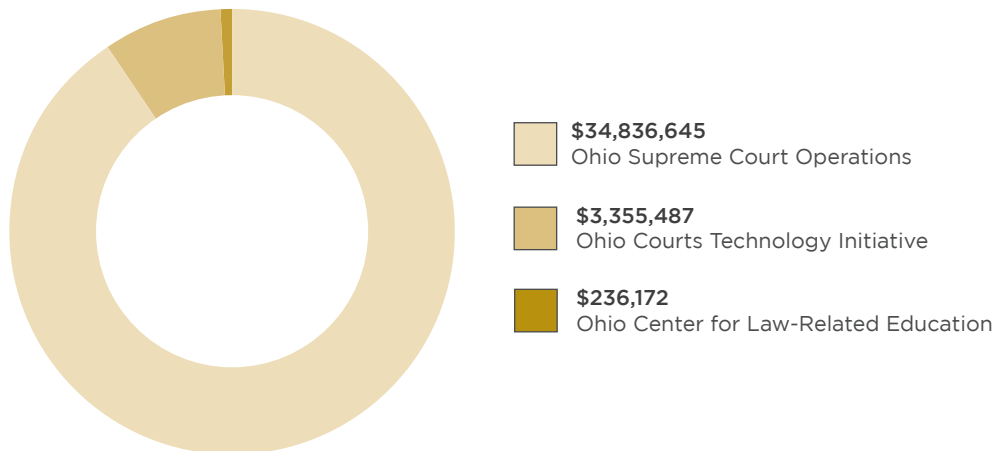
NOTE: Numbers may be rounded up to the nearest dollar.

SOURCE: State of Ohio OAKS Fin System

**OHIO JUDICIARY/SUPREME COURT**  
FISCAL YEAR 2015 TOTAL EXPENDITURES



**SUPREME COURT OF OHIO** FISCAL YEAR 2015 TOTAL EXPENDITURES





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.....

The Court relies on the volunteer services of dozens of committed judges, attorneys, clerks, court administrators, and private citizens who serve on the Supreme Court's many boards, commissions, advisory committees, and task forces. These bodies help the Court provide oversight to Ohio courts, regulate the practice of law, and provide efficient and helpful services to the judicial branch of Ohio government. For a complete listing of these bodies and the nature of their work, refer to [supremecourt.ohio.gov](https://supremecourt.ohio.gov).

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## VISITING JUDGES

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According to the Ohio Constitution, in the event of a recusal by a justice from a pending case, the chief justice can select any of the 69 sitting Ohio appellate court judges to sit temporarily on the Supreme Court. The Court thanks the court of appeals judges who served as visiting judges for Supreme Court oral arguments in 2015.



HON. MELODY STEWART  
Eighth District  
*Burkhart v. H.J. Heinz Co.*  
Case No. 2013-0580  
February 25



HON. PAT DEWINE  
First District  
*Sauer v. Crews*  
Case No. 2013-0283  
February 26



# THE SUPREME COURT *of* OHIO

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65 South Front Street Columbus, Ohio 43215-3431