



THE SUPREME COURT *of* OHIO
2016 ANNUAL REPORT



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Annual Report 2016

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

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A Message from the Chief Justice

Dear Ohioans,

In 2016, the Ohio Supreme Court invested resources to address several intractable problems facing Ohioans in every corner of the state.

Many Ohio communities continue to grapple with the opioid epidemic, especially since the state leads the nation in the number of opioid overdose and poisoning deaths. For that reason, the Supreme Court hosted a nine-state regional delegation called the Regional Judicial Opioid Initiative. Participants engaged on ways to: share database information to prevent the crossing of state borders to obtain prescriptions; coordinate medication-assisted treatment and drug court procedures; and provide for the emergency placement of children affected by a parent with an opioid-use disorder.

The Court also spent considerable resources last year to address the ongoing impact that court fines, fees, and bail practices have on economically disadvantaged communities. As part of a coordinated statewide effort to raise awareness of these practices, the Court created and disseminated bench cards to better educate judges and court personnel about appropriate financial sanctions and obligations that can be levied in court.

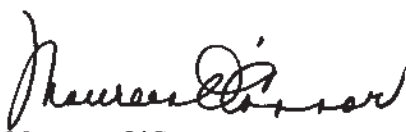
In addition, a task force sought to maintain the public's trust and confidence by examining grand juries. The group recommended granting the Ohio Attorney General's Office exclusive authority to investigate and, if necessary, prosecute police lethal use of force cases; establishing a process for the release of the grand jury record under limited circumstances; creating education and outreach programs; and strengthening grand jury independence.

These issues demand our attention. The Court also turned its attention to other important initiatives that furthered access to justice, clarified the ethical responsibilities of lawyers under the state's new medical marijuana law, and limited the shackling of children in court proceedings.

You can find more information on these initiatives and many more in the pages of the 2016 annual report.

Thank you for your support of our efforts, and thank you for reading.

God bless,



Maureen O'Connor
Chief Justice

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The Court adopted rule amendments dealing with medical marijuana, same-sex marriage, and juvenile shackling.



Supreme Court Justices

Maureen O'Connor, Chief Justice

Chief Justice [Maureen O'Connor](#) is the first woman and 10th chief justice in Ohio history. She was re-elected to her second term as the head of Ohio's judiciary in 2016. Since becoming chief justice, she has led significant reforms and improvements in the Ohio judicial system, including improving access to justice by addressing the impact that court fines, fees, and bail practices have on economically disadvantaged communities. In addition, she established a task force to maintain public trust and confidence in grand juries, created a committee to examine the administration of the death penalty, and proposed improvements to strengthen judicial elections in Ohio. Chief Justice O'Connor joined the Supreme Court of Ohio as a justice in January 2003.

Paul E. Pfeifer, Justice

Elected in 1992, Justice [Paul E. Pfeifer](#) served as 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 and as chairman of the Senate Judiciary Committee for 10 years, and he crafted the legislation creating the Ohio Tuition Trust Authority. Justice Pfeifer's time on the Court ended Jan. 1, 2017.

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 completing 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 maintained an educational blog about the Court,

justicejudy.blogspot.com, and was 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. Justice Lanzinger's tenure on the Court ended on Dec. 31, 2016.

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 in November 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 a gubernatorial appointment. She won election to her first full term on the Supreme Court in November 2014. Before serving as an appellate judge, she was chief legal counsel to Gov. Bob Taft, as well as an assistant attorney general and chief counsel to the attorney general. She argued twice 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, news 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.

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.



Supreme Court Decisions

The Supreme Court issued many opinions in 2016, addressing the state's most important and significant legal issues. Here is a sampling of the rulings that drew media interest last year.

Statewide Issues

The Court addressed questions regarding several issues of statewide interest in 2016, including the right to challenge casino gambling in Ohio, taxing e-commerce companies, and carrying out executions.

Second Execution Attempt Is Not Cruel and Unusual Punishment

An execution had not begun when an IV line failed to deliver lethal drugs into an inmate's body. This incident occurred even though a needle was inserted multiple times. Neither the U.S. nor Ohio constitution barred the state from carrying out the execution, the Court ruled on March 16.

The Court ruled that a second attempt to execute Romell Broom by lethal injection would not violate the cruel-and-unusual-punishment or the double-jeopardy clauses of the federal and state constitutions. Justice Judith Ann Lanzinger stated in the majority opinion that by law the death penalty begins with the application of lethal drugs, and since the execution team stopped after it could not keep an IV catheter functioning, Broom's punishment had not started.

[2012-0852, State v. Broom, 146 Ohio St.3d 60, 2016-Ohio-1028](#)

Citizen Has Standing to Challenge Constitutionality of Ohio Casino Gambling

A Columbiana County man has a right to challenge Ohio's law permitting casino gambling, arguing the restrictive nature of who can operate the facilities

violates his federal constitutional rights, the Court ruled March 24.

In a lead opinion, Justice Judith L. French wrote that Frederick Kinsey alleged standing to challenge the constitutionality of the 2009 voter-approved amendment to the Ohio Constitution permitting four casinos in specified locations, and the subsequent legislation that outlines how the casinos and seven “racinos” operate.

Justice French explained that while the individuals challenged the legislation and administrative rules related to gambling at both casinos and race tracks, the only issue before the Supreme Court was the existence of standing and whether the trial court appropriately dismissed the case when it ruled none of the individuals nor a business or non-profit group had the legal right to challenge the laws.

[2013-0656. State ex. Rel. Walgate v. Kasich, 147 Ohio St.3d 1, 2016-Ohio-1176](#)

Ohio Can Impose Commercial Activity Tax on Online Retailers

Ohio can impose its commercial-activity tax (CAT) on out-of-state companies that sell products and services to Ohioans and have no physical presence in the state, the Court ruled on Nov. 17.

The Court determined the U.S. Constitution’s commerce clause does not prevent a state from imposing a “privilege to do business” tax, such as the CAT, on online retailers. Writing for the Court majority, Justice William M. O’Neill wrote that while a physical presence in a state may be required to impose the obligation to collect sales taxes and use taxes on an out-of-state seller, that requirement does not apply to a business tax on an interstate company. Ohio’s threshold of \$500,000 in annual

sales meets the commerce clause requirement for the CAT to apply, the Court concluded.

[2015-0386. Crutchfield Corp. v. Testa, Slip Opinion No. 2016-Ohio-7760](#)

Sale of State Prison Constitutional

The sale of a state prison to a private corporation did not violate the Ohio Constitution, the Court ruled on Feb. 11.

The Court cleared the sale of the Lake Erie Correctional Facility in Ashtabula County that was authorized by the Ohio General Assembly in the 2011 state budget bill. Writing for the Court, Justice Judith L. French also stated that the State Employment Relations Board is authorized to determine if employees at another privatized state prison should still be considered public employees with the same benefits as those working in state-owned-and-operated prisons.

[2014-0319. State ex. Rel. Ohio Civ. Serv. Emps. Assn. v. State, 146 Ohio St.3d 315, 2016-Ohio-478](#)

Local Governments Not Protected by State Constitution’s Prohibition of Retroactive Laws

The Ohio Constitution’s protection against retroactive laws does not apply to local governments, the Court ruled in a May 4 decision rejecting a claim by Toledo, Dayton, and Cleveland public school districts claiming the state unfairly withheld school funding a decade ago based on disputed student enrollment.

A majority of the Court ruled the “retroactivity clause,” in Article II, Section 28 of the Ohio Constitution, applies to individuals and private corporations, and not to political subdivisions created to carry out the state’s governmental

functions. The opinion, authored by Justice Sharon L. Kennedy, permitted the General Assembly to retroactively adjust local school funding and recoup overpayments to school districts by making reductions in future school funding allocations.

[2014-1769. Toledo City School Dist. Bd. of Edn. v. State Bd. of Edn., 146 Ohio St.3d 356, 2016-Ohio-2806](#)

Natural Gas

The Court dealt with several cases in 2016 related to the interpretation of laws regarding natural gas and mineral rights. Hydraulic fracturing, also known as fracking, has led to numerous disputes about the ownership of oil and gas rights. The Court resolved cases regarding how to interpret the Ohio Dormant Mineral Act (ODMA).

In the lead case, *Corban v. Chesapeake Exploration L.L.C.*, the Court ruled on Sept. 15 that the 1989 version of the ODMA did not automatically allow oil, gas, and mineral rights to be deemed abandoned and vested in a surface owner, but required the surface owner to seek a judicial decree that the mineral rights were abandoned. In an opinion written by Justice Terrence O’Donnell, the Court clarified that any attempt by a surface owner to merge the surface and mineral rights after 2006 had to follow the 2006 version of the ODMA, which requires providing notice to the dormant mineral owners of the attempted merger.

Natural Gas, continued

In *Corban*, the surface property owner's family purchased the land from a coal company in 1959, and the company reversed rights to the oil and gas underneath it. No drilling or extracting activities took place until 2011. The surface owner claimed that under the 1989 version of the ODMA, the company abandoned its mineral rights and the rights automatically merged with the surface property. The Court rejected the argument, ruling the surface owner had to initiate legal action to claim the mineral rights.

[2014-0804. Corban v. Chesapeake Exploration L.L.C., Slip Opinion No. 2016-Ohio-5796](#)

Noble County Mineral Rights Owner Properly Preserved Oil and Gas Rights

In a fracking-related opinion applying the *Corban* ruling, the Court on Sept. 15 reversed an appellate decision granting Jon D. Walker Jr. the mineral rights under

Noble County land he purchased in 2009. Chief Justice Maureen O'Connor wrote the majority opinion, which found the estate of John Noon instead properly retained the mineral rights when Noon followed the procedures to preserve them under the 2006 ODMA.

Walker initially attempted to use the procedures of the 2006 ODMA when he filed an affidavit of abandonment of mineral interests in 2012 in the county recorder's office. But Noon filed an affidavit and claim to preserve the mineral interests with the county recorder and stated he had "no intention to abandon" his interests. Then Walker filed a court action claiming that the 1989 version of ODMA applied to his ownership claims and that Noon had lost his mineral rights years before the 2006 version took effect.

The Court majority rejected the argument.

[2014-0803. Walker v. Shondrick-Nau, 149 Ohio St.3d 282, 2016-Ohio-5793](#)

Belmont County Surface Owners Not Entitled to Mineral Rights Under Their Properties

The Court applied the *Corban* decision on Sept. 15 to conclude that Nile and Katheryn Batman hold the mineral rights under separate properties in Belmont County owned by Wayne Lipperman and the estate of James Albanese. The Court consolidated the two cases into one opinion, written by Justice Sharon L. Kennedy, and decided that Lipperman and Albanese did not follow the 2006 ODMA's requirement to serve notice to the Batmans before attempting to declare their mineral rights abandoned.

Lipperman and Albanese filed their claims for the rights underneath their land in 2012, but argued the 1989 law applied because the Batmans did nothing to preserve their mineral rights since recording a copy of the will of Nile Batman's mother in 1989, which



IMAGE: THINKSTOCK

Public Records

Law Enforcement Dash-Cam Videos Are Public Records Subject to Redaction

Ohio law enforcement dash-cam recordings are public records that cannot be shielded in their entirety, but portions considered "investigatory work product" can be withheld, the Court ruled on Dec. 6. Its decision determined the Ohio State Highway Patrol should have promptly released to the Cincinnati Enquirer more than an hour of video from three dash-cam recordings of a January 2015 police chase and subsequent crash. The patrol did not release the video

until May, two months after the driver's conviction for fleeing and other crimes.

Writing for the majority, Justice Judith L. French announced the Court declined to adopt a rule that all dash-cam video can be withheld by law enforcement until a suspect is prosecuted, or that recordings in their entirety are public records subject to prompt release. A case-by-case review is necessary to determine how much of a recording must be disclosed, she wrote, explaining that the Court concluded only 90 seconds from one of the three dash-cam videos

granted them her mineral rights.

[2015-0120 and 2015-0121, Albanese v. Batman](#), 148 Ohio St.3d 85, 2016-Ohio-5814

Beck Energy Leases with 700 Landowners Valid Despite Years Without Drilling

Beck Energy Corp.'s leases with nearly 700 southern and eastern Ohio landowners require the company to commence preparations to drill wells within 10 years of signing the agreements if it wants to maintain control of the properties for oil and gas exploration, the Court ruled on Jan. 21.

Landowners who initiated a class-action lawsuit against Beck Energy complained the company went for years after signing leases without drilling for or producing oil or gas, and they believed the leases were crafted to allow Beck Energy to perpetually control the land by only paying minor fees to the property owners. Writing for the Court majority, Justice Judith L. French explained the valid leases do

require Beck Energy to commence preparations for drilling wells within the first 10 years of leasing the rights.

[2014-0423 and 2014-1933, State ex rel. Claugus Family Farm, L.P. v. Seventh Dist. Court of Appeals](#), 145 Ohio St.3d 180, 2016-Ohio-178

Natural Gas Royalty Payments Based on Lease Terms

Ohio does not follow a blanket rule for allocating the postproduction costs of preparing natural gas for sale between oil and gas producers and mineral rights owners, and judges need to examine leases between oil and gas producers and mineral rights owners to determine royalty payments, the Court ruled on Nov. 2.

The Court declined to answer a question from a U.S. federal court asking if Ohio law always permits oil and gas producers to calculate royalty payments based on the value of gas or oil when it leaves the wellhead, rather than the final sale value when it is sold in



the market. Writing for the Court majority, Justice Sharon L. Kennedy announced that the Court declined to issue a blanket rule to govern the deduction of postproduction costs in oil and gas leases, and that oil and gas leases are contracts subject to the traditional rules for interpreting contracts.

[2015-0545, Lutz v. Chesapeake Appalachia, L.L.C.](#), 148 Ohio St.3d 524, 2016-Ohio-7549

of the car chase and crash could be considered investigatory work product under the state public records law.

[2015-0390, State ex rel. Cincinnati Enquirer v. Ohio Dept. of Public Safety](#), 148 Ohio St.3d 433, 2016-Ohio-7987

Delayed Release of Body-Cam Video from Cincinnati Police Shooting Was Reasonable

The Hamilton County prosecutor acted reasonably when he publicly released a University of Cincinnati police body-cam video six business days after receiving it, the Court ruled on Dec. 20.

The Court denied six media outlets' requests for statutory damages and attorney fees. The news organizations had filed a lawsuit to force the county prosecutor to release video of a police officer's fatal shooting on July 19. The media received the video on July 29 after the prosecutor secured a grand jury indictment of the officer.

Writing for the Court majority, Justice Judith Ann Lanzinger noted Ohio's public records act, R.C. 149.43, does not set a deadline for public office responses to requests for public records, but

only requires that a copy be made available in a reasonable period of time. The Court decision does not address claims by the prosecutor's office that body-cam footage is exempt from the public records law.

[2015-1222, State ex rel. Cincinnati Enquirer v. Deters](#), 148 Ohio St.3d 595, 2016-Ohio-8195

Most Criminal Investigation Records Become Public When Trial Concludes

Most law enforcement records involving the investigation of

Public Records, continued

a suspect become public record once the suspect's trial concludes, the Court ruled on Dec. 28. The Court concluded that most of the records sought by the Ohio Innocence Project from the Columbus Division of Police since 2013 must be turned over, and that the city owed an attorney seeking the records \$1,000 in damages along with court costs and reasonable attorney fees.

The city had labeled as "specific investigatory work product" certain records from the conviction of Adam Saleh, and argued the records could be withheld until "all proceedings" were concluded, even if Saleh no longer was actively appealing his case. Writing for the Court majority, Justice Paul E. Pfeifer determined the city's position violated the Ohio public records act.

The decision addressed an interpretation of the act first adopted by the Court in a 1994 case that prevented criminal defendants from using the public records act to access information from police and prosecutors that they were not entitled to under the rules for criminal discovery at the time. Justice Pfeifer noted that a broad reform of the discovery rule in 2010 grants a defendant far greater access to the state's files, and the restrictions on public access to the material should be loosened.

[2014-1621. State ex rel. Caster v. City of Columbus, Slip Opinion No. 2016-Ohio-8394](#)

A Public Body's Prearranged Discussion by Email Violates Ohio's Open Meetings Act

A private prearranged discussion of public business by the majority of a public body's members either face-to-face or by other means, such as telephone, email,

text, or tweet, violates the Ohio Open Meetings Act, the Court ruled on May 3.

The Court found former Olentangy Local School District Board of Education member Adam White can pursue his lawsuit against the school board for violating the Open Meetings Act. White alleged the violation happened when the board president sparked an exchange of emails with other board members and school officials to respond to a newspaper editorial. The decision, authored by Justice Terrence O'Donnell, reversed the appellate decision.

[2014-1796. White v. King et al., 147 Ohio St.3d 74, 2016-Ohio-2770](#)

Springfield Schools Must Release Student Data as Public Records

Springfield City Schools must release student contact information requested by School Choice, a private non-profit organization whose mission is to inform students and parents about educational options, as long as parents have consented to making the information available, the Court ruled on July 21.

Neither federal nor state law restricts the release of Springfield student "directory information" for the 2013-2014 school year, the Court ruled. Writing for the Court majority, Justice Judith Ann Lanzinger found that Springfield must provide School Choice the records that fall within any of the nine categories of student information listed in the school district's consent form for those students whose parents had signed the form.

[2014-0749. State ex rel. School Choice Ohio, Inc. v. Cincinnati Public School District et al., 147 Ohio St.3d 256, 2016-Ohio-5026](#)

Juvenile Justice

The Court issued several rulings dealing with the federal and state constitutional protections afforded to juveniles in criminal proceedings.

Court Can't Use Juvenile Offense to Enhance Adult-Crime Prison Sentence

Using a prior juvenile adjudication to enhance the sentence of an adult offender violates the state and federal constitutions, the Court ruled on Aug. 25, reversing the appellate decision that affirmed imposition of a mandatory three-year prison term on Adrian Hand Jr. As an adult, Hand pled no contest to five felony charges, and the trial court, during sentencing, counted his prior juvenile adjudication as a prior felony for sentencing purposes.

Writing for the Court majority, Justice Judith Ann Lanzinger stated that because a juvenile adjudication does not provide the right to a jury trial, it cannot be used to increase an adult sentence.

Based on the U.S. Supreme Court's 2000 *Apprendi v. New Jersey* decision, the Court determined the enhanced sentence violated Hand's due-process rights guaranteed by the Fourteenth Amendment to the U.S. Constitution and Article I, Section 16 of the Ohio Constitution.

[2014-1814. State v. Hand, 149 Ohio St.3d 94, 2016-Ohio-5504](#)

Functional Life Sentences for Juvenile Nonhomicide Offenders Unconstitutional

A juvenile's 112-year sentence for rape, kidnapping, and multiple other felonies with eligibility for judicial release when he turns 92 is unconstitutional, the Court ruled on Dec. 22, citing

a U.S. Supreme Court's 2010 decision that life sentences of imprisonment without parole for juvenile nonhomicide offenders also prohibits "term-of-years" prison sentences that exceed the juvenile offender's life expectancy. The U.S. Supreme Court's 2010 *Graham v. Florida* declared that a life-without-parole sentence for a juvenile who did not commit homicide violated the U.S. Constitution's Eighth Amendment prohibiting cruel and unusual punishment.

In the majority opinion, Justice Paul E. Pfeifer wrote that Brandon Moore, who was 15 years old when he committed the crime, must be provided some chance earlier in his incarceration to "demonstrate maturity and rehabilitation," but the decision did not specify when that should be.

[2014-0120. State v. Moore. Slip Opinion No. 2016-Ohio-8288](#)

Mandatory Transfer of Juveniles to Adult Courts Is Unconstitutional

The Court ruled Dec. 22 that mandatory transfer of juveniles to common pleas courts violates juveniles' rights to due process as guaranteed by the Ohio Constitution.

The Court also ruled that Ohio statutes allowing the discretionary transfer of juveniles older than 14 years to common pleas courts are constitutional and satisfy due process guaranteed by the state's constitution. Writing for the majority, Justice Judith Ann Lanzinger stated: "We hold that mandatory transfer of juveniles without providing for the protection of a discretionary determination by the juvenile court judge violates juveniles' right to due process."

The ruling came in the appeal filed by Matthew I. Aalim, who faced a 2013 complaint in juvenile court that alleged he committed

an act that would be considered aggravated robbery if he were an adult. The prosecutor filed a motion to transfer the 16-year-old to the general division of common pleas court to be tried as an adult, which an Ohio statute requires in certain circumstances.

Justice Lanzinger wrote that an offender's age "should not be treated as the sole decisive factor in determining whether they are transferred for criminal prosecution," but rather all children, regardless of age, "must have individual consideration at amenability hearings before being transferred from the protections of juvenile court to adult court upon a finding of probable cause for certain offenses."

[2015-0677. State v. Aalim. Slip Opinion No. 2016-Ohio-8278](#)

Juveniles Entitled to Double-Jeopardy Protections

On June 9, the Court held that juveniles are entitled to the same constitutional double-jeopardy protections as adults, and juvenile courts must conduct the same double-jeopardy analysis in delinquency proceedings as other courts apply in adult criminal proceedings.

Justice Judith Ann Lanzinger's majority opinion reversed an appellate decision that reasoned because criminal statutes do not apply to juvenile proceedings, the juvenile court did not err in refusing to merge acts that would have merged in adult criminal court.

The convicted juvenile appealed his sentence, claiming the juvenile court failed to merge his adjudications for aggravated robbery and kidnapping as allied offenses of similar import and that this failure violated the double-jeopardy clauses of the U.S. and Ohio constitutions. The appellate court concluded that the two acts would merge into one offense

under R.C. 2941.25 if committed by an adult, but refused to apply the statute to a juvenile.

Justice Lanzinger observed that the decision follows the Court's previously stated "heightened goals of rehabilitation and treatment" of the juvenile court system.

[2014-2190. In re A.G., 148 Ohio St.3d 118, 2016-Ohio-3306](#)

Law Presuming Juvenile's Statement in Police Custody Was Voluntary Ruled Unconstitutional

In the context of interrogating juveniles in police custody, a state law that presumes the suspect's statements are voluntary if electronically recorded is unconstitutional, the Court ruled on April 28, finding R.C. 2933.81 (B) violates the due process rights of juveniles. Writing for the Court, Justice Judith L. French directed a Hamilton County Common Pleas Court to reconsider then 15-year-old Tyshawn Barker's confession to murder, robbery, and tampering with evidence charges that led to a 25-years-to-life prison sentence.

[2014-1560. State v. Barker. 149 Ohio St.3d 1, 2016-Ohio-2708](#)



APPEALING TENURES

As Justices Paul E. Pfeifer and Judith Ann Lanzinger hung up their robes at the end of their terms, they discussed the rewards of serving on the Ohio Supreme Court.

Two of Ohio's longtime justices said goodbye to the Supreme Court at the end of 2016. The distinguished tenures of Justices Paul E. Pfeifer and Judith Ann Lanzinger came to a close because of age restrictions in the Ohio Constitution, which prohibit people older than 70 from running for judge. Justice Pfeifer, who was on the Court for 24 years, and Justice Lanzinger, who served for 12, seemed to take it in stride.

"I am someone with very mixed emotions right now," Justice Lanzinger said. "But the Constitution

says it's time for me to move on, and that's what I'm going to do. I'm a bit excited, but nervous – probably the way just about anybody is when they make a transition in their career."

"It's a dynamic job, but a quarter of a century is probably enough for any human being," Justice Pfeifer added. "To want more would be a little bit of a hog at the trough."

Each shared warm reflections about the many facets of working at the state's highest court for so many years.

Court's Work

The justices highlighted some of the most significant case rulings they authored – school funding, charter schools, criminal sentencing, and cell-phone search warrants. But they expressed a deeper enjoyment of the deliberative process that leads to the ultimate decisions of the Court – starting, believe it or not, with the case files.

“I just look forward to opening the bankers’ boxes that were handed [out] every two weeks because there is always going to be something new – something interesting, something frequently that’s never before been decided by a supreme court,” Justice Pfeifer explained.

After researching, reading, and thinking about the issues in a case, the justices attend oral argument followed by conference with their colleagues – parts of the process both have savored.

“Being able to hear attorneys who are just at the top of their game arguing in front of the Court is amazing,” Justice Lanzinger noted.

“It’s electric as far as I’m concerned,” Justice Pfeifer said. “When I was first here, lawyers used to ask and think that oral argument was not important to the Court. It couldn’t be further from the truth. It really helps us flesh out the issues to understand in detail what’s important in the case.”

“Then, being in deliberations and having an argument that was dissected by six other people who saw the same thing I saw and, yet, have a different take on it, talking it over again and again, and coming to a conclusion,” Justice Lanzinger said. “That’s an exciting moment – very professionally rewarding.”

Experience²

Both justices compiled decades of rich and varied legal experience on their paths to the pinnacle of state courts.

Justice Lanzinger graduated as valedictorian of her class from the University of Toledo College of Law in 1977. After several years practicing as an attorney, she was elected to the Toledo Municipal Court. Voters then chose her to serve on the Lucas County Common Pleas Court for 14 years and on the Sixth District Court of Appeals before she ran and won a seat on the Ohio Supreme Court in 2004. She was re-elected as justice in 2010, and ultimately completed 31 years as a judge, serving at all levels of the state’s judiciary. Justice Lanzinger is in a group of six who tie as the 36th longest-serving justices on the Court.

Justice Pfeifer began his legal career after graduating from Ohio State University’s law school in 1966. Along with stretches as a private attorney, an assistant attorney general for the state, and a prosecuting attorney in Crawford County, he was elected to the Ohio House of Representatives for one term and the Ohio Senate four

times, which included 10 years as chair of the influential Judiciary Committee. Following a successful campaign to join the Court in 1992, voters re-elected Justice Pfeifer three times, and he holds sixth place among all justices in time served on the Court.

“It’s turned out to be fascinating,” he noted. “It’s turned out to be the intellectual feast that the justices that were on the Court when I came here assured me I would find it to be.”

Justice Lanzinger agreed. “I think that’s what this court is for anyone who is wanting to be immersed in the law,” she said. “You get an intellectual feast of the laws in your state, and it’s fantastic.”

They each carry a vivid awareness of the significance of the Court’s decisions to the justice system and for the people of the state. Justice Lanzinger discussed the importance of staying neutral and open-minded, and of considering all sides before interpreting the law and ruling in a case.

“All other state court judges must follow our lead,” she noted. “I always felt that everyone [at the Court] really understood how important it was that we realize the consequences to ordinary people that our decisions would have.”

Justice Pfeifer described the duty as “constantly sobering,” expressing his aspiration that the Court be clear in its opinions about the precise reasons for a ruling.

“Hopefully the things that we decide are a benefit to citizens, who have no idea the case we just decided might someday be important in their own lives,” he said. “It’s an opportunity to do something important.”

Lasting Contributions

With 36 years of combined service to the state’s court of last resort, Justices Pfeifer and Lanzinger hope their diverse skills and distinct styles have left a positive impact – at the Court and for the future.



I always felt that everyone [at the Court] really understood how important it was that we realize the consequences to ordinary people that our decisions would have.

- Justice Judith Ann Lanzinger

“

Hopefully the things that we decide are a benefit to citizens, who have no idea the case we just decided might someday be important in their own lives. It’s an opportunity to do something important.

- Justice Paul E. Pfeifer

Justice Pfeifer mentioned the lively, sometimes biting, style of his opinions, often in dissent. He believes the approach helped make the law – even if it was to be found in the other side’s opinion – more memorable.

“Anything we write goes in the books, and it’s there forever,” he pointed out. “I think without a doubt lawyers and judges will tell you I’ve written some colorful things that will not soon be forgotten.”

For Justice Lanzinger, who began her career as a teacher and also has taught many judicial and legal education classes, precision in the Court’s writing has been paramount.

“One of the things that I worked on was the [Court’s] writing manual, and I think that sometimes I was called ‘the grammar lady.’ The other justices would tease me about that,” she said. “I hope that I made a difference in writing at the Court.”

Beyond the Court

Enjoying time with family will be central to both justices after they leave the Court. Justice Pfeifer and his wife, Julia, have three children and five grandchildren.

Justice Lanzinger and her husband, Robert, who will celebrate their 50th wedding anniversary in 2017, have two children and three grandchildren.

The seasoned justices offered a few parting thoughts for the two newcomers who joined the Court upon their departure.

“Take a deep breath, go on long walks, be willing to respectfully consider the views of your six colleagues, and, in the end, always be true to your core values in deciding on a fair and just outcome for each decision you make,” Justice Pfeifer recommended.

“Because people can only respect and have faith in a judiciary that they first understand, I believe that justices must make principled decisions based on clearly-expressed reasoning,” Justice Lanzinger added. “So I would ask them to write well, but I’d also urge them to enjoy the best judicial jobs in the state.”

She noted that the constitutional provision that barred her and Justice Pfeifer from running for another



term in the positions they’ve both treasured actually made it possible for her son — Joshua Lanzinger — to become a judge on the Toledo Municipal Court.

“So by moving aside those of us who have had long careers [as judges], such as mine of 31 years, gives somebody else a chance to begin their own career,” she said. “But it certainly doesn’t mean that anybody who’s leaving the Court is going to just fade away. We still have a lot of life in us.”

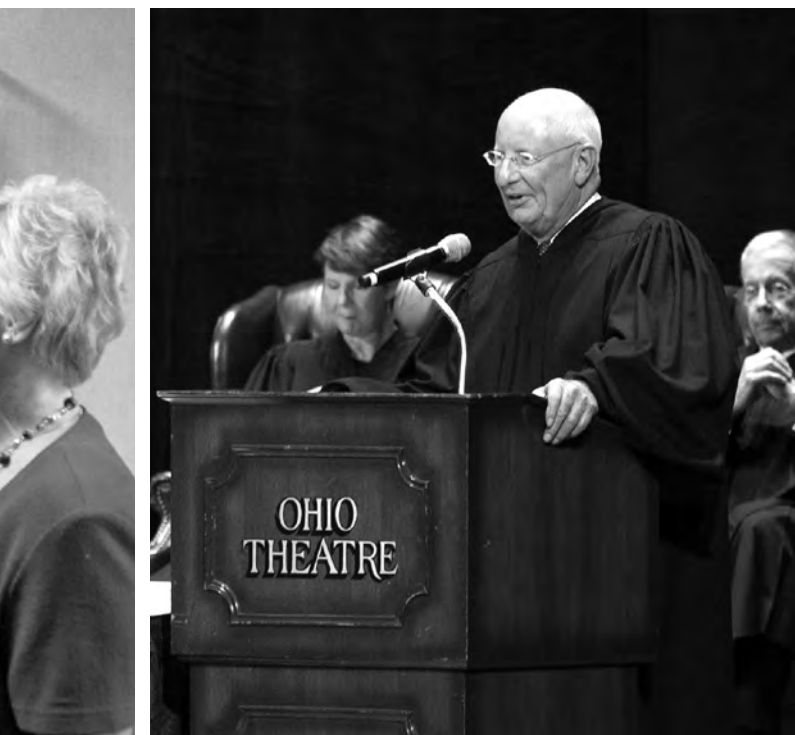


Ohio Judicial Conference Named Justice Pfeifer as Executive Director

In December 2016, retiring Justice Paul E. Pfeifer announced he would be joining the Ohio Judicial Conference as its new executive director in 2017.

“I think I’m bringing a unique perspective to this position,” Justice Pfeifer said. “I’ll be able to draw on my experience in both the judiciary and the General Assembly, and I will be working with our judges to help members of the General Assembly better understand the impact that legislative proposals can create at the courthouse.”

Conference Chair and Clermont County Juvenile/Probate Court Judge James A. Shriver said that “the Ohio Judicial Conference is honored to be led by a great icon of the Ohio judiciary. His vast judicial experience and knowledge and his robust energy and ideas will serve both the judiciary and the citizens of Ohio quite well.”



Justice Lanzinger Honored with 2016 OCLRE Founders’ Award



Justice Judith Ann Lanzinger received the Ohio Center for Law-Related Education (OCLRE) Founders’ Award in September 2016 for her significant contributions to the ideals and development of law-related education.

Created in 2002, the Founders’ Award is OCLRE’s highest honor.

“It’s my great honor to accept this recognition,” Justice Lanzinger said. “As a former teacher, I know it can be difficult to motivate students to learn about their government. OCLRE provides excellent support and resources to the teachers of civic and law-related classes as well as to the general public.”

The organization noted that Justice Lanzinger has been particularly supportive of civic education, and in 2010 she launched her “Justice Judy” blog in order to engage an increasingly tech-savvy population of young people in understanding the purpose and function of Ohio laws and courts.

PICTURED (Clockwise from top): Chief Justice Maureen O’Connor (right) thanks Justices Pfeifer and Lanzinger for their service on Aug. 31 as they hear oral arguments for the final time. Justice Pfeifer delivers remarks to new attorneys at the November 2016 Bar Admissions Ceremony at the Ohio Theatre. Justice Lanzinger speaks with the 2012 Buckeye Girls State participants following a Q&A session.

Initiatives

The Court spent considerable resources on several initiatives in 2016 dealing with intractable problems facing many Ohioans.



Debtors' Prisons

Chief Justice Maureen O'Connor was named co-chair of the National Task Force on Fines, Fees and Bail Practices, created by the Conference of Chief Justices and the Conference of State Court Administrators, to address the ongoing impact that court fines, fees, and bail practices have on economically disadvantaged communities across the United States. As part of a coordinated, statewide effort to raise awareness of these practices, the Supreme Court created and disseminated multiple bench cards to better educate judges and court personnel about appropriate financial sanctions and obligations that can be levied in court. Late in the year, Chief Justice O'Connor appeared on Tavis Smiley's "Courting Justice" Cleveland episodes, which focused on the issue and aired on PBS. Former Justice Yvette McGee Brown, Cleveland Municipal Court Judge Ronald Adrine, and Lakewood Municipal Court Judge Pat Carroll also served as panelists.



Opioids

The Supreme Court hosted delegations from nine states across the region and many national partners over three days in Cincinnati at the opening summit of the Regional Judicial Opioid Initiative. The delegations engaged on a regional level about ways to combat the opioid epidemic and created state and regional action plans to more effectively rehabilitate offenders entering the criminal justice system because of an opioid-use disorder. Opioids are impacting delinquency proceedings in juvenile courts, allocation of parental rights in domestic relations courts, and traffic issues in municipal courts, just to name a few. By starting with the opioid summit, it is hoped that the nine-state region will supply a blueprint for policy and practice for others to follow. The initiative is the first in the nation to bring together state judicial leaders, treatment providers, and medical experts to explore regional solutions to a problem that knows no borders. The opening summit began a year-long program of regional policy planning and development across state criminal justice, public health, family support, and child protection systems.



Grand Juries

Chief Justice O'Connor named an 18-member Task Force to Examine Improvements to the Ohio Grand Jury System in an effort to maintain the public's trust and confidence in grand juries. The group's 11 recommendations included those to:

- Grant the Ohio Attorney General's Office exclusive authority to investigate and, if necessary, prosecute police lethal use of force cases
- Establish a process for the release of the grand jury record under limited circumstances
- Create education and outreach programs
- Strengthen grand jury independence.

Rule Changes

The Court adopted several 2016 rule amendments, including those that dealt with medical marijuana, same-sex marriage, and juvenile shackling.



An amendment to the Ohio Rules of Professional Conduct clarified the ethical responsibilities of lawyers under the state's new medical marijuana law. Effective Sept. 20, the amendment addressed counseling or assisting a client regarding conduct expressly permitted under the new law.



Gender-neutral terms within Ohio Supreme Court rules and forms took effect March 15 via amendments. The changes were necessary in light of the June 26, 2015, decision of the U.S. Supreme Court in *Obergefell v. Hodges*, Case No. 14-556.



An amendment to the Rules of Superintendence for the Courts of Ohio mandated that local courts adopt rules to regulate the shackling of children appearing in court proceedings with a presumption against shackling. The amendment took effect on July 1.

Other 2016 rule amendments increased **access to justice** for Ohioans.

Emeritus Pro Bono Status

A new emeritus pro bono status took effect on Sept. 15 for attorneys associated with a law school clinic, legal aid, public defender, or other recognized legal service organization to perform limited legal services only in association with and under the supervision of the organization.

Registration Add-On Fees

Effective July 1, amendments to the Rules for the Government of the Bar of Ohio increased attorney fees to help fund legal aid services. Pro hac vice registration fees, which out-of-state attorneys pay if they want to appear in an Ohio court proceeding, increased from \$150 to \$300. In addition, the amendments called for a \$50 voluntary "add on" fee to the biennial attorney registration.

Other Amendments

Still other rule amendments concerned the expansion of court interpreter services, as well as practice and procedure rules, and forms for probate courts.

2016 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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Theresa M. Dean
Amy J. Ervin
Pierce J. Reed
Sarah R. Stafford
Sharon L. Wells
Jill S. Winn

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Robert L. Burpee
Kevin Diehl
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Ann M. Schlatter
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Gerri L. Allen
Lora D. Peters
Rebecca A. Rabb
Sandy K. Ringer
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Caitlin Schultz
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Evan F. Ward
Mindi L. Wells
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W. Jeffrey Campbell
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J Espinosa-Smith
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Randall J. Garrabrant
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Arleathia Radcliffe
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Kent M. Shimeall
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Joseph M. Caligiuri
Jennifer A. Dennis
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Scott J. Drexel
Sara J. Early
Orsolya Hamar-Hilt
Cassandra Kilgore
Miriah Lee
Karen S. Loy
Christine McKrimmon
Lia Meehan
Karen H. Osmond
Elizabeth Reynolds
Hartland E. Ruben
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Kevin Williams

Board of Professional Conduct

D. Allan Asbury
Heidi W. Dorn
Richard A. Dove
Faith Long
Michele L. Pennington

Lawyers' Fund for Client Protection

Meletha Dawson
Rikkhyia R. Harper
Janet Green Marbley
Abigail L. Minnix-Wilson

Ohio Criminal Sentencing Commission

Sara D. Andrews
Jo Ellen Cline

2016 Staff Notes



Hess Named Supreme Court Deputy Administrative Director

Stephanie Hess, director of court services, was promoted on Oct. 14 to deputy administrative director, following a unanimous vote by the justices on Oct. 11.

Hess brings more than 20 years of experience working in the Ohio court system, including the last 12 years at the Ohio Supreme Court.

Hess will work with Administrative Director Michael L. Buenger and the chief justice, justices, Ohio Judicial Conference, and judges to develop and communicate the long-term vision, values, and direction of the Supreme Court and the judicial branch.

In addition to her national leadership role as president of the National Association for Court Management, Hess also serves on the board of directors for the National Center for State Courts.



Miller Selected to Head Public Information Office

Edward K. Miller joined the Supreme Court in June 2016 as director of public information. In this role, Miller leads the staff that supports the public understanding of the Supreme Court and the

Ohio court system, and informs the legal and judicial communities of court news and information.

Miller worked for nearly 12 years at Honda, as the senior manager in charge of external and internal communications at Honda of America in Marysville and later as head of corporate news relations at Honda North America in Detroit. He joined Honda from Ford Motor Company, where for a decade he was a public affairs manager for product launches, financial services, human resources, corporate news, and the board of directors.

Prior to his public relations roles, Miller was a journalist, serving as a national editor and automotive writer at Associated Press, an auto and labor writer with the Detroit News, and editor-in-chief of the trade journal Ward's Auto World. Miller holds a bachelor's degree in journalism from Ohio University and a masters in communications management from Syracuse University.

Two Supreme Court Employees Complete Executive Training Program

Ronda Carver and Tasha Ruth were among 30 Ohioans who earned national credentials as certified court managers on Nov. 18. Carver is director of fiscal resources at the Court and Tasha Ruth is the manager of the Court's Case Management Section. A graduation ceremony was held for the Class of 2016 at the Thomas J. Moyer Ohio Judicial Center.

Each court professional attained the credential by completing a three-year program of courses, including the purposes and responsibilities of courts, caseload management, and court performance standards.



Carver



Ruth

Judicial College Employee Honored with National Award



Kristopher Steele, a 13-year Judicial College employee, received a national award on July 14 recognizing his vital behind-the-scenes contributions. Steele, who serves as an education program manager dedicated to court personnel instruction, was honored with the 2016 Perkins Award from the National

Association for Court Management (NACM) at the group's annual meeting in Pittsburgh.

Established in 2013, the award is presented annually "to an individual who consistently goes above and beyond the call of duty to make behind-the-scenes contributions to the field of court administration, the court in which he or she works, and ultimately the public."

Several nominating letters cited Steele's professionalism, collegiality, and attention to detail. Specific references lauded his leadership in developing the Ohio Probation Officer Training Program, which launched in January 2014. Steele worked with the Ohio Department of Rehabilitation and Correction and the Ohio Chief Probation Officers Association to meet requirements of a new state law to standardize training, reduce recidivism, and increase public safety. More than 1,000 probation officers have completed the program.

Lead Ohio: Inspirational Leaders



Stephanie Graubner Nelson, Court Services Division, and Scott Schaller, Office of Fiscal Resources, completed the “Lead Ohio: Inspirational Leaders” program. Spanning three months and requiring 20 hours of training, the program’s goal “is to develop the diverse talent, experience, and perspectives needed for the future.” Courses included “Building Better Teams,” “Overcoming Conflict through Conversation,” and “Resistance to Change in Organizations.”

LeanOhio Green Belt



Colleen Rosshirt (*pictured above, right*) earned her Green Belt from LeanOhio in 2016. For her final project, Colleen and her Case Management Section co-workers facilitated a day-long caseload review session with the Hancock County Probate and Juvenile Court. The court learned how to use LeanOhio tools to assess the efficiency of case processing through process mapping. The project led to a reduction in the number of steps required to initiate new cases, and an improved communication system among the court’s departments.



Honoring Employee Excellence

Numerous Supreme Court employees were recognized for their professionalism and service on March 8 during a ceremony in the Courtroom.

The 12th annual employee recognition ceremony included a presentation of the Professional Excellence Awards, the highest honors given to Supreme Court staff, to three employees (*pictured, from left*): Ryan Fahle, security services coordinator in the Office of Court Security; Melissa Pierre-Louis, human resources coordinator in the Office of Human Resources; and Joel Kent, administrative officer in the Office of Disciplinary Counsel.

Also at the ceremony, 29 employees were recognized for 5, 10, 15, 20, 25, and 30 years of service to the Court.

2016 Retirees

Kathleen A. Casper
Judicial Services
Program Assistant

Anthony J. Kenzie
IT Program Manager

Kent M. Shimeall
Director of Legal
Resources

Susan B. Christoff
Director of Attorney
Services

Jodie M. Marmon
CLE Specialist

Dusty R. Smeller
Library Specialist

Kevin Diehl
Administrative Aide
to Justice Pfeifer

Catherine Merrill
Fiscal Officer

Sandra Wearly-
Messer

Elise W. Porter
Master Commissioner

Executive Assistant
to Justice Pfeifer

Sara J. Early
Administrative
Secretary

Doris L. Roche
Assistant Deputy Clerk

Barbara J. White
Attorney Services Specialist

Linda Hardesty-Fish
Legal Research Analyst

Philip J. Schopick
Education Program
Manager

Jay Wuebbold
Civic Education Manager

Joel Kent
Administrative Officer

Lisa A. Sharron
Executive Assistant
to Justice O’Neill

2016

Year in Review



3

The Task Force on the History of Ohio Courts holds its first meeting.

3

The National Task Force on Fines, Fees and Bail Practices, a joint effort of the Conference of Chief Justices and the Conference of State Court Administrators, names Chief Justice O'Connor as its co-chair.

8

The Court recognizes three employees who work in court security, human resources, and the disciplinary counsel's office with its annual Professional Excellence awards.

JANUARY

27 Chief Justice O'Connor appoints 18 Ohioans to the new Task Force to Examine Improvements to the Ohio Grand Jury System.

FEBRUARY

18



Former Columbus Mayor Michael Coleman addresses a Courtroom crowd during the Court's annual Black History Month celebration.

22

The Judicial Votes Count website presents profiles on primary candidates for seats on the county, common pleas, appellate, and supreme courts.

23

More than 400 aspiring attorneys take the three-day Ohio bar exam.

MARCH

17

About 40 new magistrates attend the Judicial College's three-day orientation course.

The Ohio Criminal Sentencing Commission releases its first annual report.

28

The Court approves the new emeritus registration status for Ohio attorneys.



21 The Court holds oral arguments in Pomeroy (Meigs County) as part of its Off-Site Court program.



2 The Court welcomes more than 200 new attorneys to the Ohio bar during a ceremony at the Palace Theater in Columbus.

Chief Justice O'Connor tells attendees of the state's seventh annual opiate conference that the medication-assisted approach used by drug courts in 15 counties is showing promising results.

13 U.S. Chief Justice John G. Roberts Jr. appoints Justice Judith L. French to the Judicial Conference Advisory Committee on Appellate Rules.

15 The Court releases a bench card on costs, fees, fines, and restitution in juvenile court.

APRIL

22 The Court announces that 271 applicants (57 percent) passed the February Ohio bar exam.

MAY

9 The Court approves new rules to improve access to the judicial system for Ohioans who need foreign or sign language interpretation.

19 Twelve summer externs, all law school students, begin work in six Court offices.

20 The Court awards nearly \$2.5 million in technology grants to 69 local courts for projects to improve security, upgrade websites, and create self-service kiosks.

23 A new case activity notification application launches with expanded search and subscription capabilities.

JUNE

23 The Court announces that nearly 11,000 adult guardians took its required fundamentals course during the first year after the new requirement went into effect.

30 The Judicial College and the Ohio Peace Officers Training Academy train more than a dozen local court security officers in a pilot program on court security.

1 The Ohio Courts Network completes the connection of all remaining local courts with the required technology, enabling courts and justice system partners to share information such as criminal history reviews and protection order searches.

7 The Court and the Ohio Legal Assistance Foundation report that more than 4,300 Ohio attorneys donated about 76,000 hours of volunteer legal services in 2015 to Ohioans who couldn't afford an attorney.

13 The Task Force to Examine Improvements to the Ohio Grand Jury System issues its final report, which includes recommendations intended to improve the public's trust and confidence in the grand-jury system.



15 Chief Justice O'Connor discusses the state's opioid epidemic during her State of the Judiciary address.

19 Seven law-school students join the Court's fall extern program, with six assigned to the chief justice's office and one to the dispute resolution section.

JULY

AUGUST

SEPTEMBER

26 A total of 995 law-school graduates sit for the three-day Ohio bar exam.



The Ohio Judicial College celebrates 40 years since the Court first mandated education for judges.

24 Chief Justice O'Connor welcomes justices, judges, and other legal and public health professionals to Cincinnati for the three-day Regional Judicial Opioid Initiative Opening Summit, a nine-state effort to combat the region's opioid epidemic.

19 Justice Lanzinger receives the Ohio Center for Law-Related Education Founders' Award for significant contributions to law-related education.

31 Justices Pfeifer and Lanzinger sit for oral arguments for the last time before their retirements from the Court.

3 A new educational video by the Ohio Attorney General's office features Justice French and her insight into the 1851 revisions to the Ohio Constitution and their impact on the state judiciary.

6 The Court releases a reference guide on sealing criminal records and the proper steps to take to waive fees for those who can't afford to pay them.

10 Nearly 30 young members of employees' families participate in the Court's annual Take Your Child to Work Day program.

1 The Office of Attorney Services releases its 2016 fiscal year report, which shows nearly \$9 million in fees were collected from Ohio lawyers.



7 About 600 successful bar admission applicants participate in the bar admissions ceremonies at The Ohio Theatre in Columbus.

2 Justice Sharon L. Kennedy receives the Leadership Award from Leadership Ohio.

OCTOBER

NOVEMBER

DECEMBER

11 U.S. Chief Justice Roberts appoints Chief Justice Maureen O'Connor to the Committee on Federal-State Jurisdiction, an entity of the Judicial Conference of the United States.

14 The Court names former Court Services Director Stephanie E. Hess to serve as its new deputy administrative director.



Noted civil rights attorney Avery Friedman addresses an audience of legal professionals in the Courtroom as part of the Forum on the Law lecture series.



8 Ohio voters elect Patrick F. Fischer (left) and R. Patrick DeWine to two open seats on the Ohio Supreme Court.

10 The Lawyers' Fund for Client Protection annual report shows 150 former clients of 48 dishonest attorneys were reimbursed more than \$782,000 during fiscal year 2016.

7 The Ohio Judicial Conference names retiring Justice Paul E. Pfeifer as its next executive director.

22 The Court's Commission on Continuing Legal Education issues sanctions for 185 attorneys who failed to comply with their CLE requirements.

Administrative Operations

Complete descriptions of the Supreme Court administrative offices are available at sc.ohio.gov/AdminOffices.

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 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. The division includes the Office of the Reporter, which publishes Supreme Court, trial, and appellate court opinions.

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 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 & Education Services Division

The Judicial Services Division, which includes the Ohio Judicial College, supports all Ohio appellate and local 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.

Court Services Division

The Office of Court Services supports trial and appellate courts in the administration of justice. Its staff, through four sections and two additional programs, oversees and provides traditional and innovative services in response to and with respect for the needs of the courts and the public.

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. The division includes the Office of Court Security.

Information Technology Division

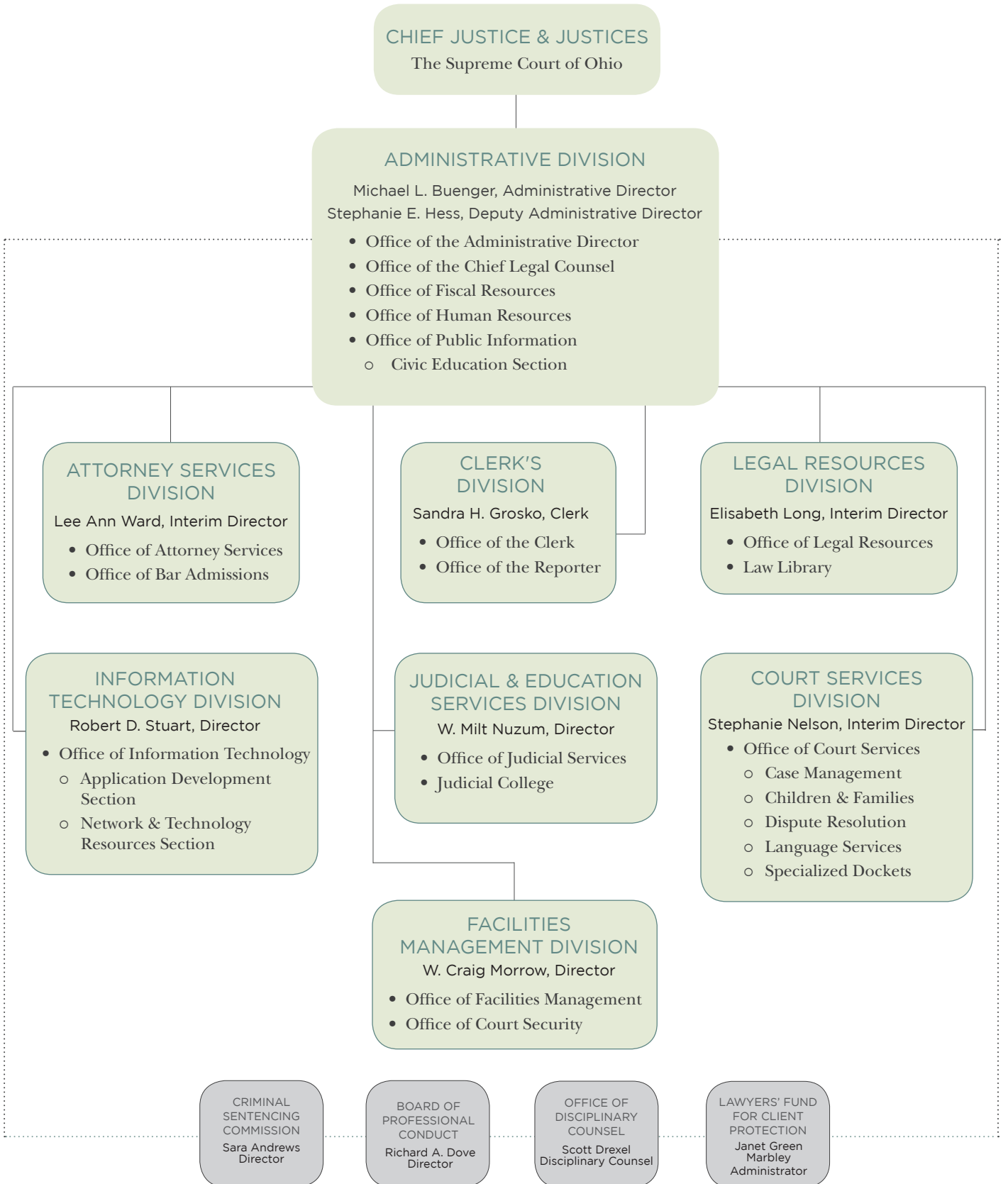
The Information Technology Division operates the Court's information technology systems and processes. The division also develops and implements the Ohio Courts Network, provides guidance to Ohio courts on technology-related matters, and facilitates the development of statewide information-technology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

Affiliated Offices

In addition to its eight 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. Complete descriptions of these offices are available at sc.ohio.gov/AdminOffices.

THE SUPREME COURT of OHIO

2016 ADMINISTRATIVE STRUCTURE





Case Statistics

In 2016, 1,914 new cases were filed, a 9 percent decrease from the 2,107 cases filed in 2015.

Caseload Activity Summary

936 Cases Pending Jan. 1, 2016

1,914 Cases Filed

1,382 Jurisdictional Appeals

425 Merit Cases

107 Practice of Law Cases

2,019 Cases Disposed

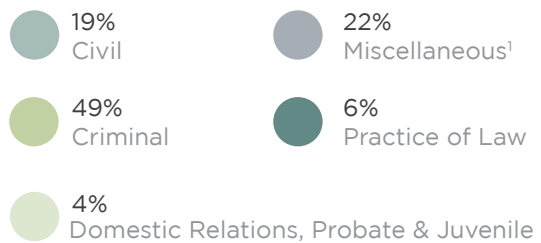
1,297 Jurisdictional Appeals

584 Merit Cases

138 Practice of Law Cases

831 Cases Pending Dec. 31, 2016

105% Clearance Rate



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

Cases Filed in 2016

1,382 Jurisdictional Appeals

1,282	Jurisdictional Appeals
12	Death Penalty Postconviction Appeals
11	Appeals Involving Termination of Parental Rights/Adoption
77	Appeals from App.R. 26(B) Applications

425 Merit Cases

191	Original Actions
47	Habeas Corpus Cases
85	Direct Appeals (Cases Originating in Court of Appeals)
15	Certified Conflicts
0	Certified Conflicts Involving Termination of Parental Rights/Adoption
69	Appeals from Board of Tax Appeals
4	Appeals from Public Utilities Commission
0	Appeals from Power Siting Board
4	Death Penalty Cases
0	Appeals from App.R. 26(B) Application in Death Penalty Case
3	Certified Questions of State Law
0	Appeals of Contest of Election under R.C. 3515.15
1	Petition Challenges pursuant to Article II, Section 1g of the Ohio Constitution
0	Contests of an Election pursuant to R.C. 3515.08
6	Cases Purporting to Invoke Unspecified Original Jurisdiction

107 Practice of Law Cases

101	Disciplinary Cases
2	Bar Admission Cases
3	Unauthorized Practice of Law Cases
1	Other Matters Relating to Practice of Law

1,914 Total Cases Filed

2016 Final Dispositions

1,297 Jurisdictional Appeals²

1,203	Jurisdictional Appeals
6	Death Penalty Postconviction Appeals
5	Appeals Involving Termination of Parental Rights/Adoption
83	Appeals from App.R. 26(B) Applications

584 Merit Cases

210	Original Actions
46	Habeas Corpus Cases
98	Direct Appeals (Cases Originating in Court of Appeals)
33	Certified Conflicts
0	Certified Conflicts Involving Termination of Parental Rights/Adoption
82	Appeals from Board of Tax Appeals
8	Appeals from Public Utilities Commission
3	Appeals from Power Siting Board
9	Death Penalty Cases
1	Appeal from App.R. 26(B) Application in Death Penalty Case
10	Certified Questions of State Law
0	Appeals of Contest of Election under R.C. 3515.15
1	Petition Challenges pursuant to Article II, Section 1g of the Ohio Constitution
8	Other Merit Cases
75	Jurisdictional Appeals Accepted for Merit Review

138 Practice of Law Cases

125	Disciplinary Cases
8	Bar Admission Cases
4	Unauthorized Practice of Law Cases
1	Other Matters Relating to Practice of Law

2,019 Total Final Dispositions

² 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, 2016

502 Jurisdictional Appeals

- 473 Jurisdictional Appeals
- 17 Death Penalty Postconviction Appeals
- 4 Appeals Involving Termination of Parental Rights/Adoption
- 8 Appeals from App.R. 26(B) Applications

289 Merit Cases

- 47 Original Actions
- 13 Habeas Corpus Cases
- 67 Direct Appeals (Cases Originating in Court of Appeals)
- 7 Certified Conflicts
- 103 Appeals from Board of Tax Appeals
- 9 Appeals from Public Utilities Commission
- 1 Appeals from Power Siting Board
- 12 Death Penalty Cases
- 2 Certified Questions of State Law
- 0 Appeals from App.R. 26(B) Application in a Death Penalty Case
- 1 Other Merit Cases
- 27 Jurisdictional Appeals Accepted for Review

40 Practice of Law Cases

- 37 Disciplinary Cases
- 2 Bar Admission Cases
- 1 Unauthorized Practice of Law Cases
- 0 Other Matters Relating to Practice of Law

831 Total Cases Pending

Judiciary/Supreme Court Operating Expenditures

The Supreme Court of Ohio/Judiciary GRF budget accounts for more than \$156 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 district courts of appeals staff.

	Expenditures FY 2016*	Percent of Total	Budgeted FY 2017**	Percent of Total
JUDICIARY				
Courts of Appeals Judges	\$12,156,805	7.8	\$12,878,998	7.5
Trial Court Judges	\$75,284,383	48.0	\$79,934,428	46.6
TOTAL OHIO JUDICIARY	\$87,441,188	55.8	\$92,813,426	54.1
COURTS OF APPEALS STAFF	\$26,488,660	16.9	\$30,006,206	17.5
SUPREME COURT				
Supreme Court of Ohio Operations	\$39,325,048	25.1	\$44,839,023	26.1
Ohio Center for Law-Related Education	\$166,172	.1	\$166,172	.1
Ohio Courts Network Initiative	\$3,279,128	2.1	\$3,350,000	2.0
Civil Justice Program Fund	\$0	0	\$350,000	.2
SUPREME COURT TOTAL	\$42,770,348	27.3	\$48,705,195	28.4
OHIO JUDICIARY & SUPREME COURT TOTAL	\$156,700,196	100.0	\$171,524,827	100.0

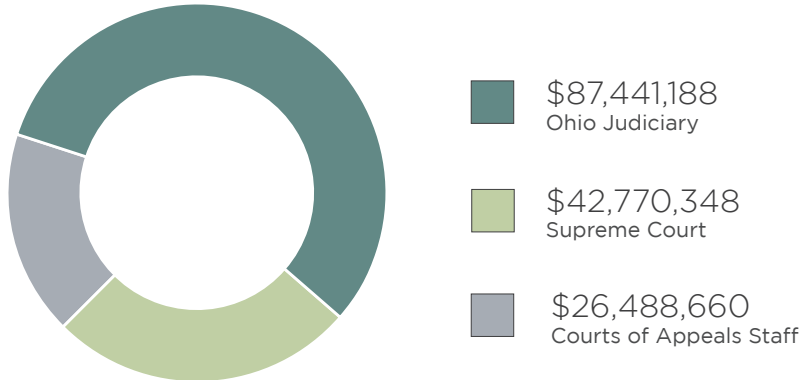
* Includes encumbrances and all fund sources.

** Budget is as of January fiscal year 2017.

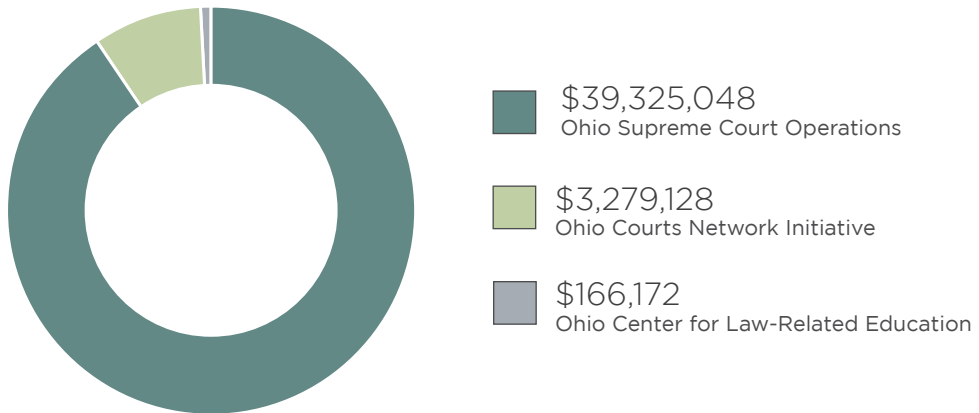
NOTE: Numbers may be rounded up to the nearest dollar.

SOURCE: State of Ohio OAKS Fin System

Ohio Judiciary/Supreme Court Fiscal Year 2016 Total Expenditures



Supreme Court Of Ohio Fiscal Year 2016 Total Expenditures



Boards, Commissions, Advisory Committees, and Task Forces

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. To learn more about these bodies and the nature of their work, refer to supremecourt.ohio.gov.

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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 2016.



HON. BETSY LUPER SCHUSTER

Tenth District

Ratonel v. Roetzel & Address

Case No. 2015-0724

February 23

continued

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HON. WILLIAM A. KLATT
Tenth District
Nathaniel Jackson v. State of Ohio
Case No. 2012-1644
April 19

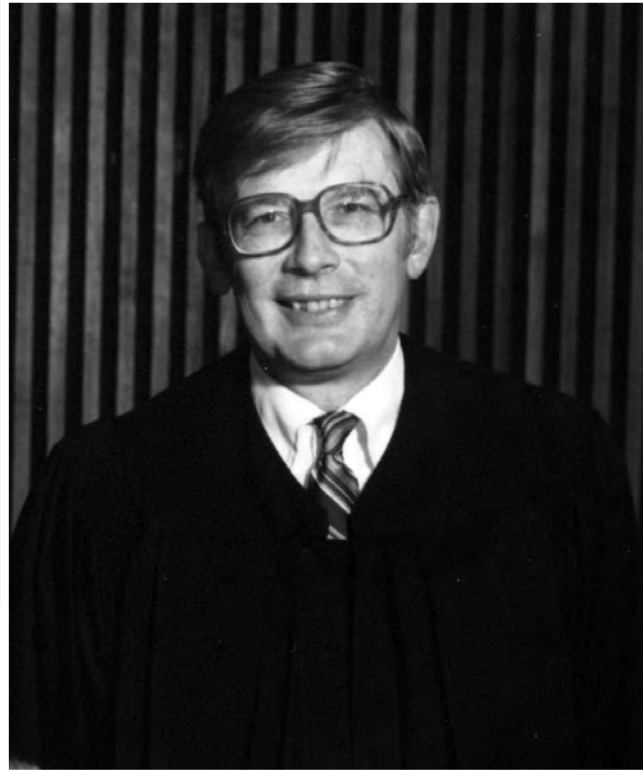


HON. JAMES D. JENSEN
Sixth District
Jessica Jacobson v. Ellen Kaforey et al.
Case No. 2015-1340
April 19



HON. CARLA D. MOORE
Ninth District
State v. Noling
Case No. 2014-1377
May 31

IN MEMORIAM



HON. DAVID D. DOWD JR.

135TH JUSTICE OF THE SUPREME COURT

January 31, 1929 — April 4, 2016

Former Justice David D. Dowd Jr., who briefly served on the Ohio Supreme Court in 1980, died April 4, 2016, at the age of 87.

Dowd served for five months, beginning July 31, 1980, after his appointment by Gov. James Rhodes to replace Justice Thomas M. Herbert, who had resigned. Dowd lost the 1980 general election to serve a full term on the Court to Clifford F. Brown. It was a close vote: Dowd lost by 35,594 votes out of more than 3 million cast.

After completing his term on the Court on Jan. 1, 1981, Dowd returned to private practice until his appointment by President Ronald Reagan to the U.S. District Court for the Northern District of Ohio in 1982. He served on the federal bench for 32 years.

Born Jan. 31, 1929, Dowd held a bachelor's degree from the College of Wooster and a law degree from the University of Michigan Law School. He was no stranger to public office, having served as a Fifth District Court of Appeals judge, Stark County prosecutor, and Massillon city councilman. He and his wife, Joyce, raised four children: Cindy, David, Doug, and Mark.



THE SUPREME COURT *of* OHIO

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