



ANNUAL REPORT

THE SUPREME COURT *of* OHIO 2012



THE SUPREME COURT *of* OHIO

Annual Report 2012

Maureen O'Connor
Chief Justice

Paul E. Pfeifer
Evelyn Lundberg Stratton

Terrence O'Donnell

Judith Ann Lanzinger

Robert R. Cupp

Yvette McGee Brown
(January 1 to December 7, 2012)

Sharon L. Kennedy
(December 7 to December 31, 2012)

Justices

Steven C. Hollon
Administrative Director



Dear Ohioans

The stainless steel gavel that sits on the South Plaza of the Thomas J. Moyer Ohio Judicial Center and graces this Annual Report has become something of an icon in the years since it was installed.

This is in part because it is such a striking image that immediately invokes the important work that goes on in the building it adorns. The gavel resonates because it so aptly symbolizes the timelessness of the rule of law and the solid foundation that our legal system provides to our very society.

Looking back over the year that was 2012, one is struck by the pace of change at the Ohio Supreme Court. As the world continues to evolve, and the court keeps pace with a transforming society through advances in our own information technology, innovative rule changes, and organizational improvements, it is interesting to contrast this against the backdrop of the constant, timeless 210-year institution of the Ohio Supreme Court and everything it represents. The gavel stands guard at the Moyer Judicial Center as our sentinel of solidity, a reminder that through a world of constant change, justice is immutable.

Among the changes and advancements we witnessed in 2012:

- Three of our seven justices made preparations to leave the bench at the end of the year, and we bid a fond farewell to each of them. Justices Evelyn Lundberg Stratton, Robert R. Cupp, and Yvette McGee Brown will be missed.
- The court worked at the end of the year to make preparations for our three newest members, Justices Sharon L. Kennedy, Judith L. French, and William M. O'Neill.
- More than 1,000 new lawyers were admitted to practice law in Ohio.
- The court considered a total of more than 2,100 cases.
- We hit an historic milestone in our Civic Education Program, as we welcomed our 100,000th visitor.
- Our efforts to connect with the public we serve were given a big boost, as we launched Court News Ohio, a comprehensive news program on TV, the Web, and in print.

Through the dedicated efforts of the employees of the court and the many judges, magistrates, court administrators, lawyers, and every day citizens who contribute in ways big and small to the advancement of the Ohio judicial system, we were able to accomplish much in 2012, and the future is bright indeed.

I am grateful for the service of all, and honored to serve you.



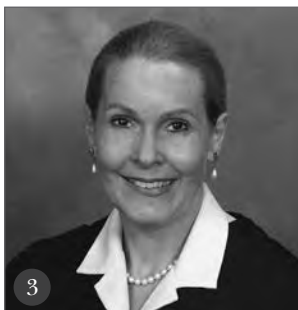
Maureen O'Connor
Chief Justice





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Justices

OF THE OHIO SUPREME COURT

The Supreme Court of Ohio is established by Article IV, Section 1, of the Ohio Constitution. Article IV, Section 2, of the Constitution sets the size of the court at seven – a chief justice and six justices – and outlines the jurisdiction of the court. Complete biographies of the justices are available at sc.ohio.gov.

1 CHIEF JUSTICE O'CONNOR

Chief Justice **Maureen O'Connor** became the 10th chief justice in Ohio history in 2011 and the first woman to lead the state's judicial branch. Her administration is devoted to strengthening the third branch of Ohio government by leading initiatives to provide sustained and consistent funding for Ohio courts, administer the death penalty in the most fair and judicious manner possible, promote diversity and access to justice, support impartial courts, and bolster collaboration among judges.

2 JUSTICE PFEIFER

Elected in 1992, Justice **Paul E. Pfeifer** is the most senior member of the Ohio Supreme Court. He grew up on his family's dairy farm near Bucyrus, and he still lives just down the road raising 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.

3 JUSTICE STRATTON

Appointed in 1996 and elected three times, Ohio Supreme Court Justice **Evelyn Lundberg Stratton** concluded her service at the close of 2012. Raised by missionary parents, she grew up in Thailand. The length of her journey to the Ohio Supreme Court is symbolic of her resolve and dedication to the U.S. justice system and led to her election as the first woman judge on the Franklin County Court of Common Pleas.

4 JUSTICE O'DONNELL

Since joining the Ohio Supreme Court in 2003, Justice **Terrence O'Donnell** has led statewide efforts to increase professionalism among lawyers and judges across the state. 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.

5 JUSTICE LANZINGER

After 26 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 Ohio Supreme Court.

6 JUSTICE CUPP

Allen County native **Robert R. Cupp** grew up on his family's farm and served one six-year term on the Ohio Supreme Court beginning in 2007. He also served as an appellate judge, Ohio senator, city prosecutor, county commissioner, and university professor. He earned his political science and law degrees from Ohio Northern University.

7 JUSTICE MCGEE BROWN

Columbus native **Yvette McGee Brown** was the first African-American woman to serve as a justice on the Ohio Supreme Court after her appointment by Gov. Ted Strickland in 2010. She completed her nearly two years on the court in 2012, when she lost her bid to retain the seat to Justice Sharon L. Kennedy. She also connected with Ohioans via social media as the first Ohio justice on Twitter.

8 JUSTICE KENNEDY

A former Butler County Domestic Relations Court Judge, **Sharon L. Kennedy** won election to the Ohio Supreme Court in November 2012, defeating Justice McGee Brown. She served on the bench in Butler County since 1999 and improved its case management system to ensure the timely resolution of cases for families and children as administrative judge.

Staff NOTES

The Ohio State Bar Foundation welcomed Reporter of Decisions **Sandra Huth Grosko** to its Fellows Class of 2012. Grosko follows in the footsteps of several “fellow” employees: **Kristina Frost** and **Mindi Wells** (class of 2011), **Richard A. Dove** (2009), **Diana Ramos-Reardon** (2007), **Milt Nuzum** (2004) and **Steven C. Hollon** (2003). Fellows are chosen because of their accomplished records as attorneys. Each class of fellows addresses an issue within the law, and applies their expertise toward a solution.

The Ohio Office of Budget & Management selected Fiscal Manager **Payal Thakur** to be part of the inaugural Ohio Fiscal Academy. The two-year program provides participants with skills and knowledge vital to fiscal office leadership and administration.

Published

Jacqueline Hagerott
Manager of Dispute Resolution
Capital University Law Review

Christine Raffaele
Specialized Dockets Counsel
American Law Reports

Christy Tull
Curriculum Development Manager
Ohio Judicial College
Future Trends in State Courts
(Published by the National Center for State Courts)



Court Welcomes New Assistant AD

In early April, **Mindi L. Wells** accepted the position of assistant administrative director. She had been assistant dean for administration and student services at the Ohio Northern University Claude W. Pettit College of Law.

Wells assists the administrative director with special initiatives, developing administrative policies and in providing oversight and executive level support to divisions, offices, and sections of the court.

She brought 14 years of experience working in legal education and administration and had served as assistant dean since 2004. In that role, she was responsible for managing day-to-day operations of the law school and for improving the performance of its administrative processes, including managing its finances, facilities, personnel, communications and marketing, continuing legal education program, and student organizations. Wells earned her law degree from ONU and is licensed to practice law in Ohio and Florida and before the U.S. Supreme Court. She also holds the Professional in Human Resources certification.

Prior to serving as assistant dean, Wells helped create the personnel services (human resources) department at ONU and served as the leader of that department for nearly six years, first as personnel manager and later as director of personnel services.

Shimeall Hired as Director of Legal Resources



Kent M. Shimeall joined the Supreme Court in December as director of the Legal Resources Division. He oversees the Office of Legal Resources, the Office of the Reporter, and the Law Library.

Shimeall previously served as section chief of the Ohio Attorney General’s Constitutional Office Section, which provides legal counsel to all statewide elected officeholders. In addition, he served as ethics counsel for nearly 14 years. He also worked as a manager and litigator in four other areas within the Attorney General’s Office.

The Legal Resources Division assists the court with researching legal issues presented to justices in matters pending before the court, including the final editing of opinions.

Shimeall earned his bachelor’s degree from the College of Wooster and his law degree from the University of Toledo College of Law.



Honoring Employee Excellence

The court honored four employees for their professionalism and outstanding service on February 9 at the eighth annual Professional Excellence Awards ceremony.

Each year the court honors exemplary employees who distinguished themselves by demonstrating superior achievement in the completion of a special project or assignment, consistently displaying professional excellence in the performance of their regularly assigned duties, or displaying a positive attitude toward one's work, fellow employees, and the community of the Supreme Court.

The court also paid tribute to 36 long-time employees by noting their service of 5, 10, 15, 20 or 25 years. Among those recognized were **Phillip Farmer** of the Office of Public Information and **Tony Mohorovich** of the Office of Fiscal Management & Resources, for their more than 25 years of service to the court.

Justice Pfeifer spoke on behalf of the court and said the justices know they work with a great and diligent staff.

"While we may not know everything that each of you does, we know we are served by a great staff who works hard and who appreciates the fact that we all share this enterprise with very competent, high-minded, and talented people," Justice Pfeifer said.

PICTURED (from left): 2011 Professional Excellence Award recipients: Kelly Terry (Public Information), Amy Stone (Disciplinary Counsel), Anthony Joyce (Maintenance), and Lei Moore (Attorney Services).

Green Marbley Lauded for Contributions to African-American Community

Janet L. Green Marbley, administrator of the Clients' Security Fund of Ohio and Capital University Law School alumnus, received the 2012 David D. White Award in March for her significant contributions to the African-American community. Green Marbley received the annual award from the law school and the African-American Law Alumni Association.

Green Marbley recently joined the Advisory Board of the Miller-Becker Institute for Professional Responsibility at the University of Akron School of Law. The institute develops initiatives and activities to enhance ethical awareness among those who practice, adjudicate, teach, and study the law.

Green Marbley has become a national advocate for law-client protection and completed a two-year term as president of the National Client Protection Organization. She is chair of the American Bar Association's Standing Committee on Client Protection and a former chair of the ABA Advisory Commission on Client Protection. She also serves as a member of the ABA House of Delegates, the policy-making body of the association.

Retirees

Betty A. Barringer
Court Security Officer
Office of Court Security

Sue A. Bowery
Executive Assistant
to Justice Stratton

Lori J. Brown
Chief Assistant
Disciplinary Counsel
Office of Disciplinary Counsel

John I. Crossman
Programmer/Analyst
Office of Information Technology

Patricia A. Hagen
Administrative Assistant
Office of Legal Resources

Arthur J. Marziale Jr.
Director of Legal Resources
Office of Legal Resources

Maureen A. Penman
Master Commissioner
Office of Legal Resources

Christopher E. Pon
Master Commissioner
Office of Legal Resources

Thomas L. Wang
Case Mediator, Office of
Judicial & Court Services





A Change on the Bench

As 2012 wound down, it was clear the Ohio Supreme Court was undergoing a period of transition. Employees said farewell to three justices and geared up to welcome three new ones.

Butler County Domestic Relations Court Judge Sharon L. Kennedy, who defeated Justice Yvette McGee Brown in the November election, was sworn in to office on December 7. Gov. John Kasich appointed Tenth District Court of Appeals Judge Judith L. French on December 20 to the seat being vacated by retiring Justice Evelyn Lundberg Stratton. Former Eleventh District Court of Appeals Judge William M. O'Neill, who defeated Justice Robert R. Cupp in November, took the oath of office on December 27.

The third incumbent justice on the ballot, Terrence O'Donnell, was re-elected to a second six-year term by defeating state Sen. Michael J. Skindell.



As the second longest serving member of the court, Justice Stratton was appointed by then-Gov. George Voinovich in 1996. Ohio voters elected her to three six-year terms on the court, the most recent in 2008. Her current term was to expire on January 1, 2015.

She heard her last case at the Thomas J. Moyer Ohio Judicial Center on December 4.

“There was sort of this ‘gulp’ you know. There is really the end of the arguments. I’m not going to be sitting up here anymore. But there was also a sense of relief,” Justice Stratton said.

Justice Stratton began her legal career as a trial lawyer in the courtrooms of central Ohio. In 1989, she was the first woman to be elected judge of the Franklin County Court of Common Pleas, where she became known as “The Velvet Hammer” for her approach to sentencing in serious felony cases.

Her side job became her true passion during the past decade on the court. Justice Stratton made it her mission to focus on veterans’ courts and other court reforms, including mental health and criminal and juvenile justice.

“Those were becoming an increasingly larger part of my life, and a lot more important,” Justice Stratton said. “My job gave me a lot of ability to get involved in those reforms, but I had gotten to the point on a national level where I think I had enough experience that I could continue without the actual job and all of its restrictions.”

With those restrictions, Justice Stratton decided to hang up her robe so she could focus on advocating and fundraising for court reforms.

“There was sort of this ‘GULP’ you know. There is really the end of the arguments. I’m not going to be sitting up here anymore, but there was also a sense of relief. — Justice Stratton”

Justice Cupp was elected to the Supreme Court in 2006. Before that, he served on the Third District Court of Appeals.

Much of his 30-year legal career thus far was committed to effective public service. Before becoming a judge, Justice Cupp served 16 years as a member of the Ohio Senate, beginning in 1985 and ending in 2000 with the advent of Ohio’s legislative term limits. Before his election to the General Assembly, Justice Cupp served as a Lima city prosecutor and assistant director of law from 1976 to 1980 and twice was elected Allen County commissioner, serving from 1981 through 1984 and 2001 through 2002.

Justice Cupp said he made the switch from making laws to interpreting them because he said judges were misunderstanding the statutes that were passed.

“I get asked a lot what I like better, serving in the legislature or serving as a judge or a justice, and quite frankly they are very different roles, and I have liked them both enormously,” he said. “Of course, I liked making law and developing public policy and representing my constituents, but just as important are the cases that come in attempting to resolve disputes about what the law means and how the law applies to particular facts and circumstances.”



Justice McGee Brown was appointed to Chief Justice Maureen O'Connor's former seat on the Supreme Court by then-Gov. Ted Strickland in December 2010. She became the first African-American woman to serve as a justice on the state's highest court.

A series of other firsts defines her life and career. A first-generation college graduate, Justice McGee Brown was the first African-American woman elected to the Franklin County Court of Common Pleas, where she served for 10 years. When she left the common pleas bench, she founded a nationally recognized organization that redefines how hospitals, law enforcement, and social welfare groups respond to children and families caught in the cycle of abuse.

"It's been an amazing two years. I don't regret it at all. Having a chance to, one, be one of the justices of the Ohio Supreme Court, I'm only the 153rd justice in 208 years, so the ability to be a part of Ohio's history is very humbling to me. I'll always remember it, but I think probably the most wonderful thing has been the personal relationships that I have and that I'll always keep. I found unexpected friendships and I'm going to miss them the most," Justice McGee Brown said.

Justice Kennedy brought 14 years of experience on the bench after serving in Butler County. From 2005 until December of 2012 she served as the court's administrative judge.

During her swearing-in ceremony, Justice Kennedy spoke of the many changes in the law since she became a judge and one constant: the constitutional protection of individual freedom. "And as a judge, my role is limited. I am required to faithfully, fairly, and impartially uphold the law as written and to honor the separation of powers as carefully crafted by our Founders in the Constitution."

Justice Kennedy will need to run for election in 2014 if she wishes to serve a full six-year term on the Supreme Court.



Justice O'Neill was elected in 1996 to the Eleventh District Court of Appeals and re-elected in 2002. He served two terms as presiding judge for the appellate court for Ashtabula, Geauga, Lake, Portage, and Trumbull counties.

As an appeals court judge, Justice O'Neill said he heard more than 3,000 cases. He also brings unusual non-judicial experience as a registered nurse.

At the press conference announcing her appointment to the Supreme Court, Justice French outlined her judicial philosophy.

"As the newest justice, I plan to continue to serve the standard I set for myself as an appeals court judge, and that is to rule justly and fairly, to interpret Ohio law strictly, to always remember that my role as a judge is limited and to serve all of Ohio and to give it my very best," she said.

Justice French was appointed to the appeals court, which serves Franklin County, in 2004 and won election to a full six-year term later that year. She was re-elected to the seat in 2010. Justice French will need to run for election in 2014 if she wishes to serve a full six-year term on the Supreme Court.



CNO

COURT NEWS OHIO

As part of the Supreme Court's efforts to increase transparency and understanding of the judicial branch, the court in July launched a new far-reaching news program. Court News Ohio is a comprehensive, multimedia, multiplatform program covering news about the Ohio judicial system. Its target audiences are members of the judiciary and the legal community, as well as the general public. Court News Ohio has four major components:

courtnewsohio.gov. The website has links to videos and slideshows and has news coverage in four areas. Each news category is available for subscription as an RSS feed and is distributed to several thousand subscribers by e-mail.

- **On the Bench.** News about Ohio justices and judges.
- **Cases.** Coverage of Supreme Court, district appellate courts, and Court of Claims arguments and decisions.
- **Happening Now.** Original content about administrative and programmatic news in the Ohio judicial branch and the legal system generally.
- **Headlines.** Aggregated links to Ohio newspaper articles about the Ohio judicial system.

COURT NEWS OHIO TV. Premiering twice per month on the Ohio Channel's broadcast and cable outlets, this weekly news package is produced from videos posted to the website during the previous week. It also is available as a free podcast through Apple iTunes, and an online archive.

SOCIAL MEDIA. CNO maintains a Twitter feed and Facebook page, both of which serve as alternative platforms for delivering the site's main headlines with links to the source stories.

CNO REVIEW. A monthly publication available online and in print to subscribers that provides a recap of select stories from the website along with original stories.

By the end of 2012, the CNO website averaged more than 500 hits per day, and CNO videos on the Ohio Channel website were being viewed by thousands of users online.

"By reaching out to audiences through multiple methods, Court News Ohio has greatly enhanced our ability to tell the story of Ohio's judicial system and help citizens understand the third branch of government," said Administrative Director Steven C. Hollon.



Court Approved Numerous Rule Changes in 2012

Among the rule changes that were adopted by the Supreme Court or became effective in 2012 were those mandating that juveniles consult with legal counsel before waiving their right to an attorney, those that established tie-breaker specifications for who serves as a court's presiding/administrative judge, and those that discontinued the publication of bound volumes of Ohio appeals court and trial court decisions.

Other rule changes include:

- Amendments to the disciplinary rules to refine the existing default judgment process when a lawyer fails to comply with his professional duty to respond to disciplinary charges
- New Rule 10.06 of the Rules of Superintendence for the Courts of Ohio to advise courts on how to minimize issuing dueling protection orders or conflicts between protection orders and custody or visitation orders
- Creation of a new Commission on Commercial Dockets to oversee a permanent program for courts operating specialized dockets to resolve business-to-business disputes
- Changes to the rules of evidence, appellate procedure, civil procedure, criminal procedure, and juvenile procedure
- Adopting seven new probate forms.

Full text of rule changes is available at: www.supremecourt.ohio.gov/RuleAmendments/Archive.aspx.

JANUARY 5. The Supreme Court creates a new Commission on Dispute Resolution by combining two programs previously operated by the disbanded Ohio Commission on Dispute Resolution and Conflict Management.



JANUARY 12. More than 20 Ohio law students begin externships at the court, assisting with work in justices' chambers and administrative offices (*pictured above*).

JANUARY 18. The Task Force on Commercial Dockets recommends certain courts create separate dockets to resolve business-to-business disputes.

JANUARY 25. In the first of three mentor orientations, about 20 attorney-mentors attend an orientation in Columbus for the court's Lawyer to Lawyer mentoring program, which pairs new lawyers with experienced attorneys.

FEBRUARY 1. The Law Library opens a display in honor of Black History Month featuring books that document the history of Ohio's "Black Laws," passed by the state legislature in the early 1800s.

FEBRUARY 16. The Board of Commissioners on Grievances & Discipline reports a record 126 new cases were filed or referred in 2011, including 115 formal complaints certified to the board.

FEBRUARY 17. Chief Justice O'Connor names 28 members to the new Task Force on the Funding of Ohio Courts, a group charged with examining long-term solutions to strengthen the financial state of Ohio courts.



FEBRUARY 22. Central Ohio artist Ron Anderson speaks to justices and staff about the inspiration for his "The History of the Rule of Law" oil painting series that resides as part of the permanent art collection at the Moyer Judicial Center.

FEBRUARY 28. Nearly 400 prospective lawyers take the three-day Ohio bar exam.

2012 Year in Review

APRIL 4. The Ohio Judicial College offers its first online course specifically for the Guardian ad Litem (GAL) Education Program. The self-study course explores four areas of a GAL's role in interviewing and communicating with children.



APRIL 5. Judge Jeffrey S. Sutton (*pictured left*) of the U.S. Sixth Circuit Court of Appeals advocates more emphasis on state constitutional law to an audience of about 200 guests during a Forum on the Law lecture at the Moyer Judicial Center.

APRIL 17. The Judicial College partners with the Ohio Department of Rehabilitation and Correction to offer a webinar informing judges and chief probation officers about new adult probation officer education standards.

APRIL 25. The justices meet with 65 Marion County high school students as part of the court's semiannual Off-Site Court Program. The visit to the Marion County Court of Common Pleas marks the 25th anniversary of the program allowing students to observe court proceedings in person, and interact with justices, attorneys, and other court staff.

APRIL 30. The Moyer Judicial Center reaches a milestone 100,000 visitors when students from Valley Elementary School tour the building.

MAY 3

Chief Justice O'Connor speaks at the Ohio State Bar Association Annual Convention, telling members that properly funding Ohio courts not only keeps courthouse doors open, but serves a far greater purpose: ensuring access to justice for the state's citizens.



MAY 8. Ohio State civil engineering student Michael Ridge (*pictured above, second from right*) visits the Moyer Judicial Center to see where his grandfather, William Free Stephenson, died. Stephenson was 47 years-old when he worked as a carpenter during the construction of what was then the Ohio State Office Building. On April 14, 1932, an explosion ripped through the southwest side of the building. Stephenson died several hours later with severe head trauma. Facilities Management Director Craig Morrow (*left*) showed Ridge and his classmates the architectural drawings and historical blast photos while touring the building.



MAY 14. Nearly 200 new attorneys who passed the February bar exam and met all other requirements for admission take the oath of office during a ceremony at the Ohio Theatre.

MAY 24. Chief Justice O'Connor thanks the Cleveland-Marshall Law Alumni Association for naming her one of two 2012 Alumni of the Year. The Chief Justice (a 1980 law school graduate) says, "The law degree I earned at Cleveland-Marshall laid a foundation, set me up for success, and sent me on my way."



JUNE 15. The four women justices participate in a question-and-answer session with about 125 high school students at Buckeye Girls State at the University of Mount Union in Alliance. Chief Justice O'Connor and Justices Stratton, Lanzinger (*pictured above with students*), and McGee Brown talk about the judicial system, how they ended up on the Supreme Court, and how they balance their lives.

JULY 1. The Office of the Reporter discontinues the publication of bound volumes of Ohio appeals court and trial court decisions due to the declining demand for print volumes because of the availability of opinions online. Ohio Supreme Court opinions are not affected and continue to appear in the Ohio State 3d bound volumes, as well as on the court's website. Appeals court opinions also are on the Supreme Court's website.

JULY 2. Facilities Management staff negotiate new equipment leases for the mailroom, which will save more than \$11,700 over four years.

JULY 16. The Office of Human Resources hosts a Cultural Exchange Luncheon featuring Interpreter Services Program Manager Bruno Romero, who talks about how culture is interpreted and why people immigrate to Ohio.

JULY 24. More than 1,000 prospective lawyers take the July Ohio bar exam.

AUGUST 13. The Visitor Education Center opens a redesigned display featuring a cast figure of a benched football player, representative of the benching of Kentucky high school students who asserted a constitutional right to play high school sports in Ohio when the First District court of Appeals rejected their claim.

SEPTEMBER 6. Dr. William Meinecke, a historian with the United States Holocaust Memorial Museum, reprises his 2010 speech about the courts' role in Nazi Germany at a special Forum on the Law lecture in Cleveland. The event was hosted by the Jewish Federation of Cleveland in collaboration with the Ohio Supreme Court.

SEPTEMBER 11. For the second year, the Civic Education Section staff accepts \$20,000 from the Thomas J. Moyer Ohio Judicial Center Foundation to provide grants to Ohio schools to help defray transportation costs associated with visiting the Visitor Education Center. The funds are expected to help about 60 schools whose students will visit during the 2012-2013 school year.

SEPTEMBER 25. The justices convene in Cleveland for the Off-Site Court program. They hear oral arguments at Case Western Reserve University Law School and later participate in a question-and-answer session with law students.

SEPTEMBER 26. The justices hear arguments at the Cuyahoga County Courthouse to help commemorate the 100th anniversary of the courthouse, marking the first time the court holds off-site sessions back-to-back.

SEPTEMBER 27. Cuyahoga County Common Pleas Court Judge Michael P. Donnelly speaks at the 20th anniversary luncheon of the Supreme Court of Ohio Commission on Professionalism. Judge Donnelly, who also serves as commission chair, reviews the commission's accomplishments over its two decades.

OCTOBER 23. The Children, Families & the Courts Section publishes "Planning for Parenting Time," a guide to help families reduce conflict and plan parenting time when sharing custodial parenting duties.

OCTOBER 26. The court announces that nearly 980 applicants passed the July bar exam, a passing rate equal to about 81 percent.

OCTOBER 31. The Office of Attorney Services reports that the 60 percent of expenditures from the Ohio Supreme Court's Attorney Services Fund supported the attorney discipline process during fiscal year 2012. The Attorney Registration Fund Annual Report shows nearly \$5 million of the \$8.6 million expended went for disciplinary-related expenses.

NOVEMBER 5. Nearly 900 new lawyers take the oath of office during the bar admissions ceremony at the Ohio Theatre. Chief Justice O'Connor gives the keynote speech, saying, "You are now members of one of the greatest professions in the world."

NOVEMBER 8. The Clients' Security Fund of Ohio awards nearly \$930,000 for 175 claims of attorney theft during fiscal year 2012. The claims reimbursements involved 60 Ohio attorneys.

NOVEMBER 13. The Supreme Court Commission on Continuing Legal Education issues sanctions for 321 attorneys who failed to comply with their CLE requirements, including 74 who are suspended from the practice of law.

NOVEMBER 16. The Supreme Court of Ohio Commission on Professionalism releases the first of a series of best practices publications, "Professionalism Dos and Don'ts." The first publication outlines the Dos and Don'ts of depositions, which recommends guidelines for scheduling, conducting, and attending depositions.



NOVEMBER 16. Six Serbian delegates, including a chief police inspector, visit the court to discuss asset forfeiture and corruption in the United States. The meeting is part of the weeklong Open World Program hosted by the Columbus International Program.

DECEMBER 17. Chief Justice O'Connor administers the oath to the 18 members of the 53rd Electoral College of Ohio before they cast their votes for president and vice president.

2012
Year in Review

Administrative Operations

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 Director's Office includes administrative counsel, legislative counsel, and policy & research counsel.

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.

JUDICIAL & COURT SERVICES DIVISION

The Judicial & Court 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.

FISCAL & MANAGEMENT RESOURCES

The Fiscal & Management Resources Division provides support to the Supreme Court and Ohio judiciary in the areas of fiscal, human resources, and records management.

FACILITIES MANAGEMENT DIVISION

The Facilities Management Division ensures the secure and efficient operation of the Moyer 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.

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 sources open to the public.

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 Commissioners on Grievances & Discipline, the Clients' Security Fund and the Ohio Criminal Sentencing Commission.

Complete descriptions of the Supreme Court administrative offices are available at sc.ohio.gov/AdminOffices/default.asp. The work of the court's affiliated offices is explained at sc.ohio.gov/AdminOffices/default.asp#affiliated.

THE SUPREME COURT of OHIO

2012 ADMINISTRATIVE STRUCTURE

CHIEF JUSTICE & JUSTICES

The Supreme Court of Ohio



ADMINISTRATIVE DIVISION

Steven C. Hollon, Administrative Director

Mindi Wells, Assistant Administrative Director

Office of the Administrative Director

Office of Public Information

Civic Education Section



CLERK'S DIVISION

Kristina D. Frost, Clerk of Court

Office of the Clerk

LEGAL RESOURCES DIVISION

Arthur J. Marziale Jr., Director (January - November)

Kent M. Shimeall, Director (December)

Office of Legal Resources

Office of the Reporter

Law Library

ATTORNEY SERVICES DIVISION

Susan B. Christoff, Director

Office of Attorney Services

Office of Bar Admissions

JUDICIAL & COURT SERVICES DIVISION

W. Milton Nuzum III, Acting Director

Office of Judicial & Court Services

Judicial College

Case Management Section

Children, Families & the Courts Section

Dispute Resolution Section

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Office of Information Technology

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CASES PENDING JANUARY 1, 2012	757 ¹
<hr/>	
CASES FILED	2,187
Jurisdictional Appeals	1,629
Merit Cases	424
Practice of Law Cases	134
<hr/>	
CASE DISPOSITIONS	2,171
Jurisdictional Appeals	1,512
Merit Cases	506
Practice of Law Cases	153
<hr/>	
CASES PENDING DECEMBER 31, 2012	773
<hr/>	
CLEARANCE RATE	99%

Case Statistics

SUPREME COURT OF OHIO 2012

In 2012, 2,187 new cases were filed, a 1 percent decrease in new case filings from the 2,207 cases filed in 2011. It is the fourth consecutive year for a decline in new cases filed. The court disposed of 2,171 cases in 2012, a decrease of 92 cases from the 2,263 cases disposed of in 2011. The number of cases pending on December 31, 2012, was 773. The court's case clearance rate was 99 percent in 2012.

CASES FILED IN 2012

Jurisdictional Appeals	1,629
Claimed Appeals of Right	25
Discretionary Appeals (Non-felony) ²	759
Discretionary Appeals (Felony)	747
Death Penalty Postconviction Appeals	8
Appeals Involving Termination of Parental Rights/Adoption	12
Appeals from App.R. 26(B) Applications (<i>Murnahan</i> Appeals)	78
Merit Cases	424
Original Actions	180
Habeas Corpus Cases	38
Direct Appeals (Cases Originating in Court of Appeals)	107
Certified Conflicts	28
Appeals from Board of Tax Appeals	42
Appeals from Public Utilities Commission	11
Appeals from Power Siting Board	1
Death Penalty Cases	6
Appeals from App.R. 26(B) Application in Death Penalty Case	1
Certified Questions of State Law	0
Appeals of Contest of Election under R.C. 3515.15	2
Petition Challenges pursuant to Article II, Section 1g	2
Contest of an Election pursuant to R.C. 3515.08	1
Apportionment Cases pursuant to Article IX, Section 13	1
Cases Purporting to Invoke Unspecified Original Jurisdiction	4
Practice of Law Cases ³	134
Disciplinary Cases	125
Bar Admissions Cases	7
Unauthorized Practice of Law Cases	2
TOTAL CASES FILED	2,187

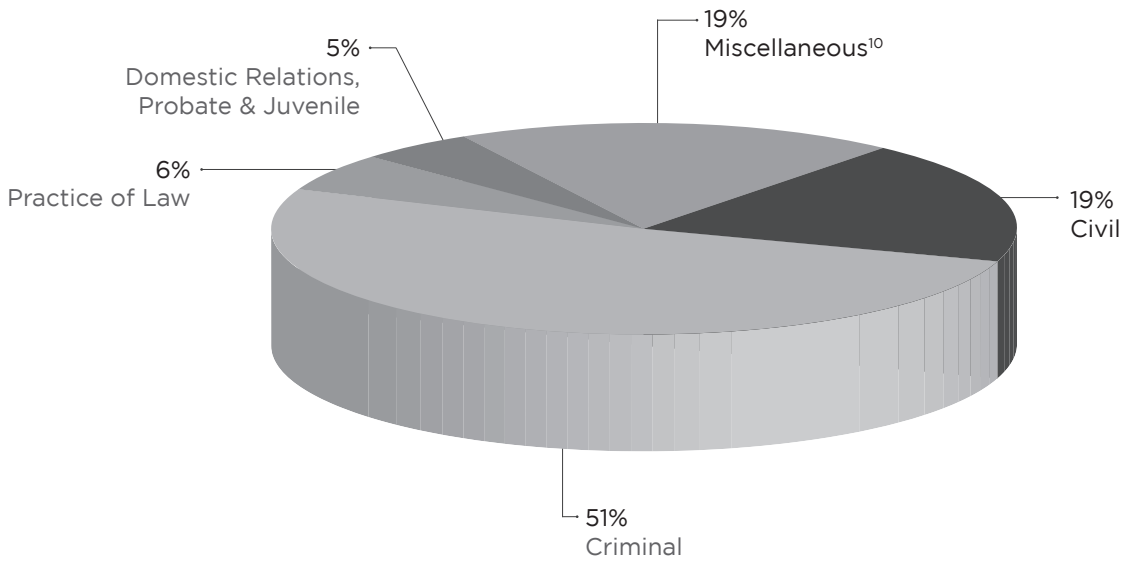
FINAL DISPOSITIONS

JURISDICTIONAL APPEALS ⁴	1,512
Claimed Appeals of Right	20
Discretionary Appeals (Non-felony) ⁵	695
Discretionary Appeals (Felony)	701
Death Penalty Postconviction Appeals	3
Appeals Involving Termination of Parental Rights/Adoption	10
Appeals from App.R. 26(B) Applications (<i>Murnahan</i> Appeals)	83
MERIT CASES	506
Original Actions	164
Habeas Corpus Cases	32
Direct Appeals (Cases Originating in Court of Appeals)	116
Certified Conflicts	36
Certified Conflicts Involving Termination of Parental Rights/Adoption	1
Appeals from Board of Tax Appeals	31
Appeals from Public Utilities Commission	8
Appeals from Power Siting Board	1
Death Penalty Cases	5
Certified Questions of State Law	4
Appeals of Contest of Election under R.C. 3515.15	2
Petition Challenges Pursuant to Article II, Section 1g	2
Other Merit Cases	5
Jurisdictional Appeals Accepted for Merit Review	99 ⁶
PRACTICE OF LAW CASES ⁷	153
Disciplinary Cases	142
Bar Admissions Cases	7
Unauthorized Practice of Law Cases	2
Other Matters Related to Practice of Law	2
TOTAL FINAL DISPOSITIONS	2,171

CASES PENDING DECEMBER 31, 2012

JURISDICTIONAL APPEALS _____	450
Claimed Appeals of Right	10
Discretionary Appeals (Non-felony) ⁸	208
Discretionary Appeals (Felony)	203
Death Penalty Postconviction Appeals	14
Appeals Involving Termination of Parental Rights/Adoption	3
Appeals from App.R. 26(B) Applications (<i>Murnahan</i> Appeals)	12
MERIT CASES _____	273
Original Actions	59
Habeas Corpus Cases	12
Direct Appeals (Cases Originating in Court of Appeals)	71
Certified Conflicts	17
Appeals from Board of Tax Appeals	32
Appeals from Public Utilities Commission	11
Appeals from Power Siting Board	1
Death Penalty Cases ⁹	23
Certified Questions of State Law	2
Appeals from App.R. 26(B) Application in a Death Penalty Case	1
Other Merit Cases	2
Jurisdictional Appeals Accepted for Review	42
PRACTICE OF LAW CASES _____	50
Disciplinary Cases	46
Bar Admission Cases	4
Unauthorized Practice of Law Cases	0
<hr/> TOTAL CASES PENDING	<hr/> 773

CASES FILED BY CATEGORY 2012



When analyzing the categories, little change in the percentage of cases filed in each category is noted. For example, criminal cases routinely make up approximately 50 percent of the court's caseload. In 2010, criminal cases comprised 48 percent, in 2011, 50 percent, and in 2012, 51 percent of the filed cases. Practice of law cases remained constant at 6 percent of the cases filed in each of the past 3 years. Cases filed in the civil category varied little, from 23 percent in 2010, to 22 percent in 2011, and 19 percent in 2012.

PRACTICE OF LAW CASES: CASES FILED

DISCIPLINARY CASES	125
Cases on Report of Board	68
Consent to Discipline Cases	10
Cases under Gov.Bar R. V(7)/Mental Illness	0
Attorney Resignation Cases	17
Reciprocal Discipline Cases	13
Cases upon Felony Conviction	8
Cases on Motion for Interim Remedial Suspension	0
Disciplinary Default Judgment Cases pursuant to Gov.Bar R. V (6a)	1
Judge Disciplinary Cases under Gov.Bar R. V	1
Judge Disciplinary Cases under Gov.Jud.R. II (5) ¹¹	6
Judge Disciplinary Cases under Gov.Jud.R. II (6) ¹²	1
BAR ADMISSIONS CASES	7
Character and Fitness Cases	7
UNAUTHORIZED PRACTICE OF LAW CASES	0
OTHER MATTERS RELATING TO PRACTICE OF LAW	2
TOTAL PRACTICE OF LAW CASES FILED	134

PRACTICE OF LAW CASES: FINAL DISPOSITIONS

DISCIPLINARY CASES

On Report of Board	
Public reprimand	6
Definite suspension	50
Indefinite suspension	16
Disbarment	11
Dismissed	2 ¹³
Consent to Discipline Cases	
Public reprimand	3
Definite suspension	7 ¹⁴
Indefinite suspension	1
Consent to Discipline Cases on Remand	
Definite suspension	1
Attorney Resignation Cases	
Resignation accepted — disciplinary action pending	20
Reciprocal Discipline Cases	
Public reprimand	1
Definite suspension	6
Indefinite suspension	1
Disbarment	2
Cases Upon Felony Conviction	
Interim suspension	8
Judge Disciplinary Cases under Gov.Bar R. V	
Definite suspension	1 ¹⁵
Judge Disciplinary Cases under Gov.Jud.R. II	6
TOTAL DISCIPLINARY CASES DISPOSED	142

PRACTICE OF LAW CASES: FINAL DISPOSITIONS

BAR ADMISSIONS CASES	7
Character and Fitness Cases	
Applicant disapproved, may reapply	6
Applicant denied, precluded from reapplying	1
UNAUTHORIZED PRACTICE OF LAW CASES	2
On Report of the Board	
Respondent enjoined from actions constituting the unauthorized practice of law and civil penalty imposed	1
Cases on Consent Decree	
Respondent enjoined from actions constituting the unauthorized practice of law	1
OTHER MATTERS RELATED TO PRACTICE OF LAW	2
Respondent found in contempt and suspended pending compliance	1
Respondent found in contempt for engaging in unauthorized practice of law; fine imposed	1
TOTAL PRACTICE OF LAW DISPOSITIONS	153
CASES PENDING DECEMBER 31, 2012	50
<hr/> PRACTICE OF LAW CLEARANCE RATE	114%

TIME TO DISPOSITION

The case processing time to disposition reports analyze cases from the date of filing to the date of disposition and reveal the mean and median number of days taken to dispose of cases. The median is the middle of the distribution of days where half the days are above the median number and half

ALL CASES

From Filing to Final Disposition

In 2012, the court disposed of 2,171 cases. The mean or average number of days a case was pending before the court decreased by 4 days in 2012, from 134 days in 2011 to 130 days in 2012.

2008 — 2,540 Cases

135-day mean
106-day median

2009 — 2,485 Cases

131-day mean
98-day median

2010 — 2,245 Cases

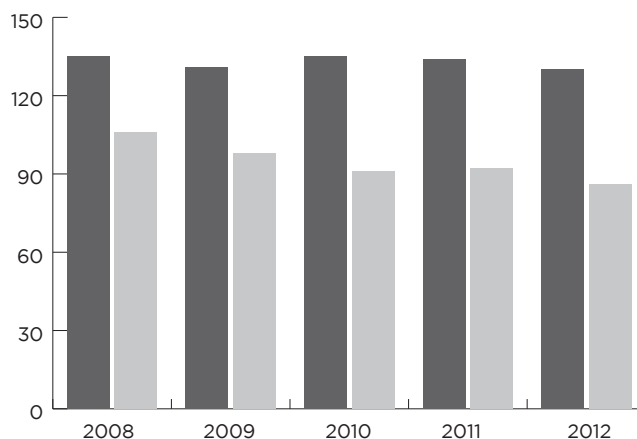
135-day mean
91-day median

2011 — 2,267 Cases¹⁶

134-day mean
92-day median

2012 — 2,171 Cases

130-day mean
86-day median



JURISDICTIONAL APPEALS ACCEPTED FOR MERIT REVIEW¹⁷

From Filing of Notice of Appeal to Final Disposition

For cases in which the court conducted a full merit review, the time to disposition averaged 474 days.

2008 — 156 Cases

403-day mean
423-day median

2009 — 128¹⁸ Cases

435-day mean
419-day median

2010 — 101 Cases

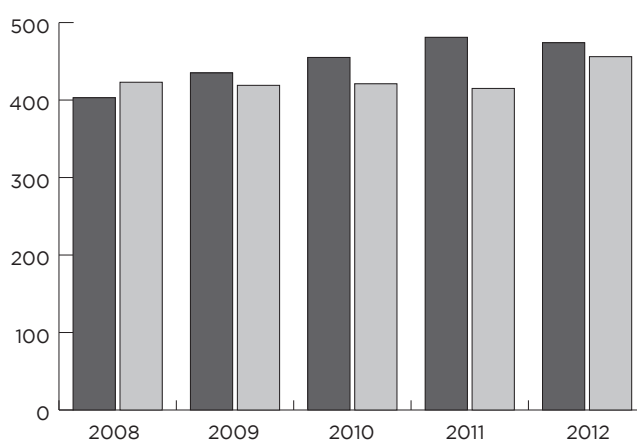
455-day mean
421-day median

2011 — 54 Cases

481-day mean
415-day median

2012 — 82 Cases¹⁹

474-day mean
456-day median

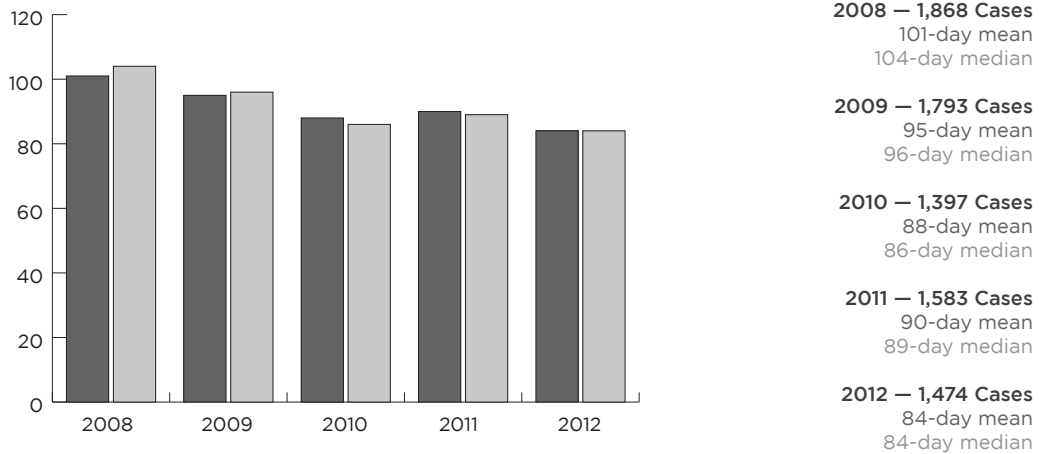


TIME TO DISPOSITION

JURISDICTIONAL APPEALS NOT ACCEPTED FOR MERIT REVIEW²⁰

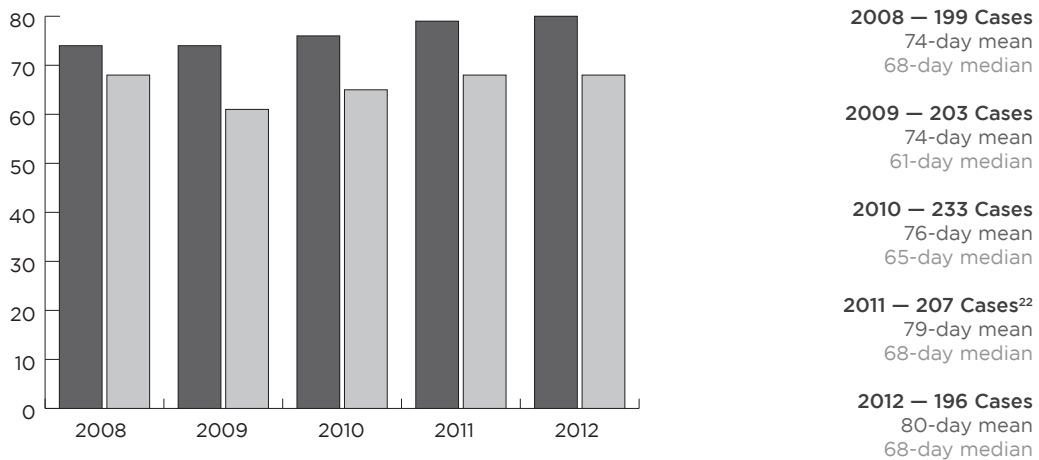
From Filing of Notice of Appeal to Final Disposition

The number of days taken by the court to consider and dispose of a jurisdictional appeal not accepted decreased by 6 days, from 90 days in 2011 to 84 days in 2012.



ORIGINAL ACTIONS²¹

During 2012, 196 original actions were disposed of in an average of 80 days.



TIME TO DISPOSITION

CASES DECIDED WITH AN OPINION

From Submission to Court Until Issuance of Opinion

Traditionally, the court has the same seven-member panel hear a case, vote on the outcome, and write the opinion. Because the composition of the 2012 court was to change in 2013, resulting from the retirement of one justice and the election of two new justices, the court released decisions in all cases considered by that court. The increase in the average number of days to issue an opinion was caused in part by three disciplinary cases that were referred back to the Board of Commissioners on Grievances & Discipline for further consideration and one direct appeal of right that took more than 350 days to decide because it was held for the decision in Case No. 2011-0107, *In re: J.V.*

2008 — 340 Cases

104-day mean
100-day median

2009 — 346 Cases

95-day mean
85-day median

2010 — 333 Cases

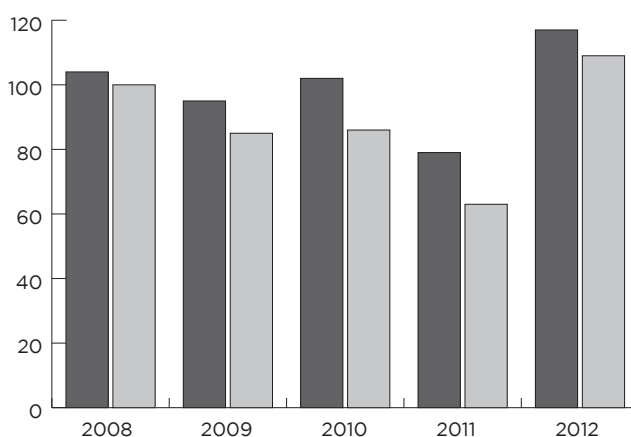
102-day mean
86-day median

2011 — 265 Cases²³

79-day mean
63-day median

2012 — 338 Cases

117-day mean
109-day median



CASE STATISTICS NOTES

1. The number of pending cases listed in the Supreme Court's 2011 annual report is 761, but should have been 757. The errors in the 2011 statistics occurred because of an anomaly with the Case Management System that was discovered this year.
2. This category includes cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right. A claimed appeal of right is an appeal claiming a substantial constitutional question, including an appeal from the decision of a court of appeals under App.R. 26(B) in a noncapital case. A discretionary appeal is an appeal involving a felony or a question of public or great general interest and invokes the discretionary jurisdiction of the Supreme Court.
3. See page 23, for a breakdown of cases relating to the practice of law filed in 2012.
4. This category includes dispositions in which the court's jurisdiction was declined, leave to appeal was denied, or the appeal was dismissed.
5. See Note 2.
6. This number includes cases accepted and held for a decision in another case.

7. See pages 24-25, for the types of final dispositions entered in cases relating to the practice of law.
8. This category includes cases in which the appellant sought jurisdiction as both a discretionary appeal and a claimed appeal of right.
9. Included in this category are two cases involving appeals from the courts of appeals in which the death penalty was imposed for an offense committed prior to January 1, 1995.
10. Miscellaneous cases include certified conflict cases, certified questions of state law, direct appeals, original actions, and administrative appeals.
11. Six judicial campaign complaint cases were filed pursuant to Gov.Jud. R. II(5) and a five-judge commission was appointed by the court to decide the matters.
12. One judicial campaign complaint case involving a Supreme Court candidate was filed pursuant to Gov.Jud.R. II(6). This matter was considered by an adjudicatory panel of 13 appellate judges pursuant to Gov.Jud.R. II(6) (D).
13. Case Nos. 2012-1330 and 2012-1332 were dismissed upon the filing of applications for dismissal.
14. Case No. 2011-0284 was consolidated with Case No. 2011-1755. Also, Case No. 2011-0309 was consolidated with Case No. 2011-1759.
15. Five cases were considered and decided, pursuant to Gov.Jud. R. II(5), by a five-judge commission appointed by the court. The court affirmed the decision of the five-judge commission in Case No. 2012-1186. Case No. 2012-0418 was considered and dismissed by an adjudicatory panel of 13 appellate judges, pursuant to Gov.Jud. R. II(6).
16. The 2011 annual report shows 2,263 dispositions, but should be 2,267, due to 4 cases not being properly closed. See Note 1.
17. The calculation for the median time includes 29 days that transpire prior to the court's consideration of whether to accept jurisdiction, because the court must await the filing of a memorandum in response to jurisdiction or a waiver of the memorandum in response.
18. In years 2008 and 2009, the numbers included cases accepted and held for other decisions and cases accepted and summarily disposed without briefing based on the decision in another case. From 2010 to 2012, the number of cases, as well as the mean and median, do not include cases accepted, held, and never briefed, or cases that were accepted, summarily disposed, and never briefed.
19. The 82 cases do not include the 17 jurisdictional appeals that were accepted for merit review and held for a decision in another case.
20. This time includes the 29 days before which the court may consider whether or not to accept jurisdiction, because the court must await the filing of a memorandum in response to jurisdiction or a waiver of the memorandum in response.
21. This category includes habeas corpus cases. In 2012, 32 of the 196 original actions were habeas corpus cases.
22. The 2011 annual report shows 206 cases, but it should be 207 due to 1 case not being properly closed. See Note 1.
23. The 2011 annual report shows 62 cases, but it should be 63 due to 1 case not being properly closed. See Note 1.
24. In the 2011 annual report, the number of cases decided with opinion in 2011 was listed as 264. As a result of correcting a disposition date, the number increased to 265.

Expenditures

JUDICIARY/SUPREME COURT

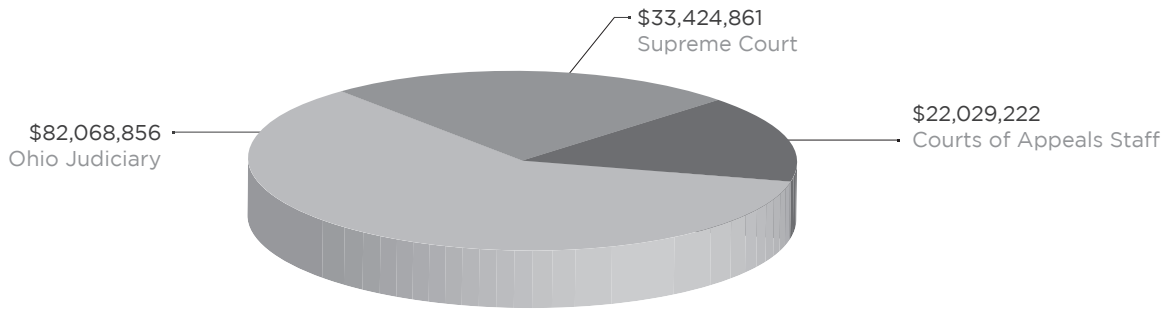
The Office of Fiscal & Management Resources manages the Supreme Court of Ohio/ Judiciary budget of more than \$137 million, which is used to support the operation of the Moyer Judicial Center, home to the Supreme Court, as well as the payment of the salaries of Ohio judges and courts of appeals staff.

	Expenditures FY 2012*	Percent of Total	Budgeted FY 2013**	Percent of Total
OHIO JUDICIARY				
Courts of Appeals Judges	\$ 11,584,621	8.4	\$12,290,902	8.5
Trial Court Judges	70,484,235	51.3	71,799,471	49.9
TOTAL OHIO JUDICIARY	\$82,068,856	59.7	\$84,090,373	58.5
COURTS OF APPEALS STAFF	\$22,029,222	16.0	\$24,696,914	17.2
SUPREME COURT				
Justices and Staff	\$ 4,139,365	3.0	\$4,327,240	3.0
Administrative Division	3,947,929	2.9	3,174,850	2.2
Clerk's Division	929,835	.7	995,804	.7
Legal Resources Division	3,361,031	2.4	3,979,267	2.8
Fiscal & Management Resources Division	1,399,194	1.0	1,418,110	1.0
Information Technology Division	2,715,695	2.0	2,429,597	1.7
Facilities Management Division	4,168,747	3.0	4,567,427	3.2
Attorney Services Division	5,184,115	3.8	5,552,777	3.9
Judicial & Court Services Division	5,110,282	3.7	5,935,457	4.1
Ohio Courts Network Initiative	2,089,934	1.5	2,150,000	1.5
Ohio Center for Law Related Education	236,172	0.2	236,172	0.2
Ohio Criminal Sentencing Commission	142,562	.1	206,770	0.1
SUPREME COURT TOTAL	\$33,424,861	24.3	\$34,973,471	24.3
OHIO JUDICIARY & SUPREME COURT TOTAL	\$137,522,938	100.0	\$143,760,758	100.0

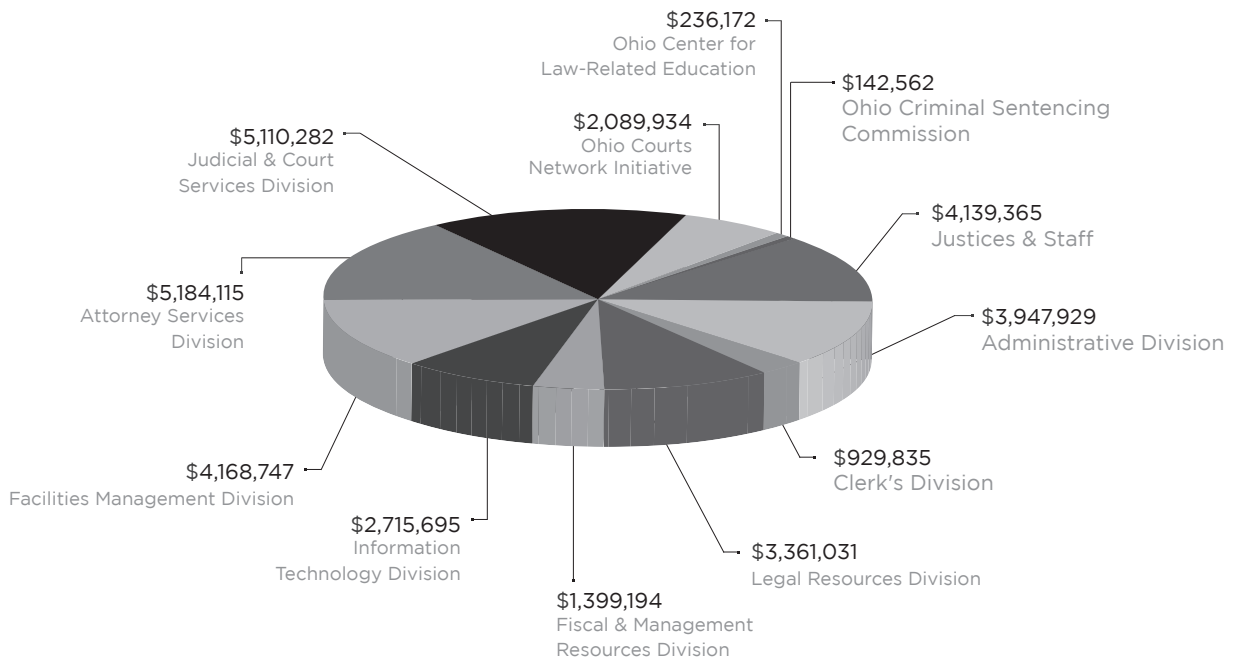
* Includes encumbrances spent and all funding sources.

** Budget is as of December, Fiscal Year 2013.

OHIO JUDICIARY/SUPREME COURT FISCAL YEAR 2012 TOTAL EXPENDITURES



SUPREME COURT OF OHIO FISCAL YEAR 2012 TOTAL EXPENDITURES



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The court relies upon 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 helped 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 in 2012. For a complete listing of these bodies and the nature of their work, refer to www.supremecourt.ohio.gov.

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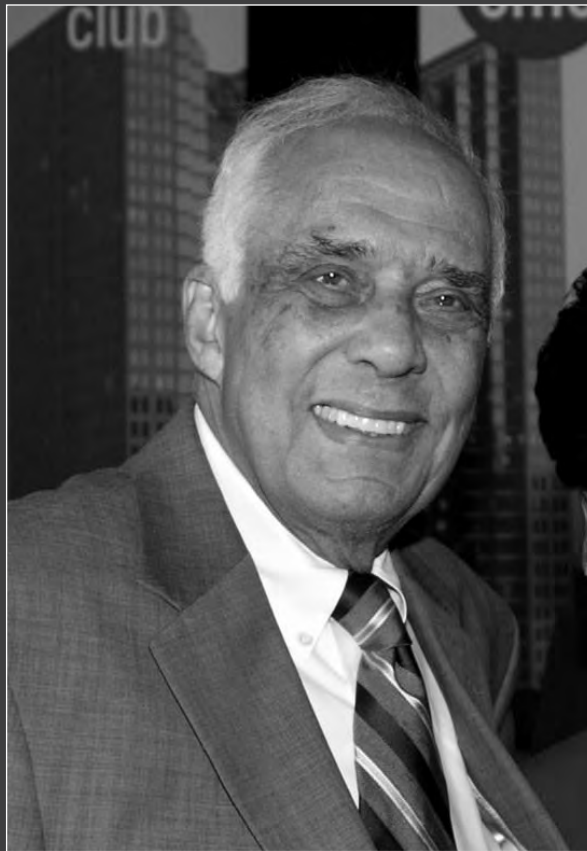
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In Memoriam

ROBERT M. DUNCAN

Robert Morton Duncan, a pioneering Ohio jurist who was the first African American to ever serve on the Ohio Supreme Court and who decided the Columbus schools' historic desegregation cases, died November 2, 2012. He was 85.

Justice Duncan was a jurist of many firsts: the first African American elected to judicial office in Franklin County, the first to win a seat in a statewide Ohio election, the first to serve on the U.S. Court of Military Appeals, and the first to be appointed to the federal bench in Ohio.

At a November 9, 2012, memorial service on The Ohio State University campus, speaker after speaker tried to put into words the impact Justice Duncan had on them and countless others. Many who gave tribute spoke of Duncan's humility, wisdom, generosity, and integrity. Justice Yvette McGee Brown, the first African-American woman to serve on the Ohio Supreme Court, served as mistress of ceremonies.

Born in Urbana, Ohio, on August 24, 1927, Duncan frequently commented on his early schooling, noting his education in a desegregated school in a completely segregated community. In 1948, he received his bachelor's degree from the Ohio State University. He earned his law degree in 1952.

From 1952 to 1956, Duncan served in the U.S. Army in Korea. When family acquaintance William Saxbe was elected Ohio attorney general, he asked Duncan to serve as an assistant attorney general. In Duncan's next position as an attorney with the Bureau of Workers' Compensation's Industrial Commission (1958 to 1960), his duties included preparing opinions and making recommendations on compensation cases.

In 1960, Duncan was hired by Russell Leach to be Columbus assistant city attorney, where he tried criminal cases for four years. In 1962, Saxbe won back the Attorney General's office and, in 1963, Duncan returned to work for him as chief of the workers' compensation section. When the position of chief counsel opened in 1965, Saxbe moved Duncan into the position, where he supervised 125 assistant attorneys general and directed all legal work for the office. Duncan brought considerable experience with municipal law to the office.

In 1966, Duncan was elected to the Franklin County Municipal Court, and in 1969, Gov. James A. Rhodes appointed him to succeed Ohio Supreme Court Justice Paul W. Brown. Duncan subsequently won his seat in the 1970 election.

He left the Ohio Supreme Court in 1971 when President Richard Nixon appointed him to the U.S. Court of Military Appeals, a three-justice bench created by Congress in 1950, as the highest court

for military personnel. The court hears appeals of cases originally adjudicated in military tribunals, which are presided over by commissioned officers or military judges.

Nixon appointed Duncan to the U.S. District Court for the Southern District of Ohio in 1974. During the 11 years Duncan served the court, he identified the Columbus schools' desegregation cases as the most meaningful over which he presided because he was able to secure equal educational opportunity for all African Americans (*Penick v. Columbus Board of Education*, 1977).

His colleagues in the courts considered him a careful judge, a moderate, striving for "honest advocacy" in his courtroom.

At his memorial service, Judge Algenon Marbley of the U.S. District Court for the Southern District of Ohio said Duncan became the conscience of that court during his decade on the bench. He said it was Duncan's destiny to try the desegregation case, and he handled it with the "deft touch of a surgeon."

"Within the judiciary, Judge Duncan is without peer," Marbley said. "No one has served with such distinction at every level such as he."

Marbley said Duncan gave him the best piece of advice about judging when he advised him to treat every case equally as important as the desegregation case.

Duncan ended his judicial career in 1985, when he stepped down from the federal bench to join the private firm of Jones, Day, Reavis and Pogue in Columbus, as administrative partner, as well as firm coordinator for the new associates group.

He later served The Ohio State University in many capacities over the years, as vice president and general counsel, on the board of trustees and as the Moritz College of Law Distinguished Jurist in Residence. In 1985, Duncan won the Distinguished Service Award from the American Civil Liberties Union.

Columbus Mayor Michael Coleman also spoke at the memorial and listed Duncan as one of the few truly iconic figures in Columbus history.

"True greatness only comes once in a while," Coleman said. "Years from now, his contributions, his greatness will be seen in the faces of our children who go to school without systematic segregation. This has changed our world."

Duncan is survived by his wife of 57 years, Shirley, and their three children: Linn, Vincent, and Tracey.



HON. PATRICK F. FISCHER

First District

Case No. 2011-0902

Bennett v. Goodremont's Inc.

April 4



HON. JOHN WILLAMOWSKI

Third District

Case No. 2012-0019

Wilson v. Kasich

April 24

Visiting Judges

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 68 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 2012.

Published by
THE SUPREME COURT *of* OHIO
May 2013

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