



*Consensus Approach to  
Solving Problems*  
Chief Justice  
Maureen O'Connor







# THE SUPREME COURT *of* OHIO

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# THE SUPREME COURT *of* OHIO

A chief justice, as the Ohio constitution sets forth, sits as an equal justice to the other six in hearing and deciding on cases. A chief justice has the added responsibility of administering superintendence over the court system.

The credibility of the system rests on the professionalism of a fair, impartial, and educated jurist – competent representation by professional counsel – and the idea that the law is clear and reliable. It is important that court staff are well-educated in their duties and administering equitably.

In this role, the opportunity to assure any Ohioan that comes before a court has a fair opportunity to be heard is accomplished through constant improvement of the judicial system of our state.

I am proud of the advancements of the judicial system in my time. But I have accomplished nothing by myself. If it weren't for the Supreme Court's competent, hardworking staff, none of what we have achieved would have been possible. In addition, the time and selfless contributions of members of the bar and bench who serve as members of boards, commissions, and task forces of the Supreme Court of Ohio provide a great service to the people of Ohio.

One of the smartest things I have done was continue convening a task force when there was a big problem to tackle. I learned that from Chief Justice (Thomas) Moyer.

## Task Force as a Tool

The foregoing is to provide greater understanding of the task force model, and content and context of the task forces I assembled during my tenure, when we needed to think about policy change.

A task force is a phenomenal tool to solve problems. It brings everybody to the table. Often the group is comprised of people who would not normally sit with one another. They look at the issues, data, best practices, they hear from experts, they innovate possible solutions, and they make recommendations.

If they recommend changes in law, then it is up to the legislature to move forward. If they recommend changes in rules, the Court can work to implement those in the Rules of Superintendence or the Rules of Practice and Procedure.

If the recommendation requires people to think about an issue in a different way, I have discovered that happens, as well. The data, the expertise, the comparison with similarly situated states or courts; these facts reveal themselves in final task force reports. And they can make good arguments, good rationale for change. Data can help people see more clearly and evaluate well.

## Consensus Building

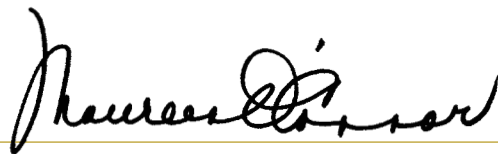
Maybe everyone doesn't agree with everything in the final report of a task force. And that's okay. They have had their say and they were heard. The input from a variety of perspectives is important and I believe in the work of compromise. Compromise is a component of fairness and the fair administration of justice. There don't always have to be losers in order to have winners.

Sometimes a great outcome is that everyone didn't get everything, but nobody got nothing.

During my tenure, these efforts have involved many, many members of the judiciary, the bar, court staff, the legislature, the executive branch, and the public. I have shown my appreciation by working tirelessly to follow through on what they recommended.

The Supreme Court relies on numerous bodies in meeting its constitutional and statutory authority to regulate the practice of law, oversee practice and procedure in the courts of the state, and exercise general superintendence over all courts in the state. Some are standing boards and commissions. But I would like to focus on the exceptional work of the task forces.

I have made these advisory groups a hallmark of my tenure, gathering smart people together to consider complicated problems of the courts and to develop recommendations to advance justice.

A handwritten signature in black ink, reading "Maureen O'Connor". The signature is written in a cursive style with a large initial "M".

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Maureen O'Connor  
Chief Justice

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# The Role of the Task Force in Superintendence over Ohio Courts

Advisory committees and task forces are created at the discretion of the chief justice. Members are appointed by, or with approval of, the chief justice and are comprised of judges, attorneys, clerks of court, other court personnel, and subject matter experts.

Task forces have confronted the toughest issues facing courts and the legal profession.

The consensus those task forces frequently reached led to new laws, updated rules for courts, funding, as well as policy changes at the local level.

In her first year as chief justice, Chief Justice O'Connor initiated a task force to review how Ohio administered the death penalty so that it was being conducted "in the most fair, efficient and judicious manner possible." The group made more than 50 recommendations to improve the state's system.

Chief Justice O'Connor convened task forces to improve the grand jury system, to overcome barriers to accessing the justice system in civil cases including expanding language interpreters, to ensure the integrity of criminal convictions, to reform inequities in the bail system, to examine the structure and funding of the courts, to update continuing judicial education practices and the state bar exam, and more.

This is a detailed look at the various task forces and the change they sparked.

In 2011, An **Advisory Committee on Case Management** was created and charged with providing ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards concerning case management and statistical reporting in Ohio courts, as well as developing and delivering case management services to those courts, including professional development for judges and court personnel.

**Ohio Courts 2013: A Proposal for Strengthening Judicial Elections** was the result of public impression that judges were susceptible to political influence, 25% lower voter participation in judicial races than in races for the executive and legislative branches, and evidence voters lacked information about judicial races.

In a constitutional democracy the judicial branch is a bedrock institution that resolves disputes, ensures order by adjudicating criminal offenses, and protects the rights of minorities and individuals. There are few matters more important in our democracy than ensuring there is a system in place that results in the best possible men and women serving on the bench.

The task force was made up of everyday Ohioans who collaborated with the state bar, the League of Women Voters Ohio Chapter, legislative leaders, academic experts, and groups representing business and labor.

The result was eight considerations to strengthen judicial elections. Some of those included changing Ohio law so judicial races are no longer listed at the end of the ballot, eliminating party affiliation on the ballot in judicial primaries, and increasing the basic qualifications to serve as a judge.

Ballot order is largely unchanged, party affiliation was added to the elections of justices of the Supreme Court of Ohio for the first time in 2022, and the basic qualifications to serve as a judge are largely unchanged.

A lasting outcome is the website: [judicialvotescounts.org](http://judicialvotescounts.org), a database of non-partisan information where Ohioans can get information about candidates for judicial office, in advance of elections. Initially coordinated by the Ray C. Bliss Institute of Applied Politics at the University of Akron, the site is now maintained and marketed statewide to voters by the Ohio State Bar Association through funding from the General Assembly.

### [2014 - Joint Task Force to Review the Administration of Ohio's Death Penalty supremecourt.ohio.gov/docs/Boards/deathPenalty/resources/finalReport.pdf](http://supremecourt.ohio.gov/docs/Boards/deathPenalty/resources/finalReport.pdf)

This was a joint task force of the Supreme Court and the Ohio State Bar Association and had a broad membership which included representative judicial officers, prosecutors, law enforcement leadership, legislators, researchers, academics, members of the Sentencing Commission, and others.

The group considered current laws regarding the death penalty, practices in other jurisdictions, data, and costs associated with the death penalty. The appropriateness of the death penalty as a punishment in Ohio was not considered by the Joint Task Force.

There were 56 recommendations from the Joint Task Force, more than a dozen of which received unanimous endorsement of the group.

As a result, in 2015, legislation was enacted directing the Supreme Court to take the lead in adopting a uniform process for the selection of indigent counsel in capital cases, including the establishment of a uniform fee and expense.

The Supreme Court removed capital case rules from the Rules of Superintendence and a Commission was established to oversee these cases and Rules for Appointment of Counsel in Capital Cases were initiated.

What followed were required qualifications and training for postconviction counsel based on the recommendations of the task force. Increased educational programs for legal counsel and judges participating in death penalty proceedings have been developed.

In 2017, recommendations were included in Crim. R. 42. Now, a judge hearing the postconviction proceeding must state specifically why each claim was either denied or granted in the findings of fact and conclusions of law.

Also added to Crim. R. 42 in 2017, a rule allows prosecutors and defendants' attorneys in death penalty cases to have full and complete access to all documents, statements, writings, photographs, recordings, evidence, reports or any other file material in possession of the state, any agent or agency of the state, or any police agency involved in the case, or in the possession of the defendant's attorneys which is known to exist or which, with due diligence, can be determined to exist.



Some recommendations of the task force, which were endorsed by the group, but have not been enacted by the legislature included:

- There was a unanimous interest in a statutory increase in funding for the Office of the Ohio Public Defender, to allow for additional hiring and training of qualified capital case defense attorneys, who could be made available in all Ohio counties.
- A Capital Litigation Fund to pay for all costs, fees, and expenses for the prosecution and defense of capital murder cases and a legislative study how to best support families of murder victims in the short and long term.
- Legislation that does not permit a death sentence where the state relies on jailhouse informant testimony that is not independently corroborated at the guilt/innocence phase of the death penalty trial.
- The task force recommended, with a fairly clear mandate, that legislation be enacted that a death sentence cannot be considered or imposed unless the state has either: 1) biological or DNA evidence that links the defendant to the act of murder; 2) a videotaped, voluntary interrogation and confession of the defendant to the murder; or 3) a video recording that conclusively links the defendant to the murder; or 4) other like factors as determined by the General Assembly.

No legislation was passed with those limits on death penalty.

## 2015 - Task Force on Funding of Ohio Courts

[supremecourt.ohio.gov/docs/Boards/courtFunding/Report.pdf](http://supremecourt.ohio.gov/docs/Boards/courtFunding/Report.pdf)

The judicial branch was facing economic challenges felt in Ohio and across the country where declining government revenues met increased needs for services and growing court dockets.

In March of **2012**, the **Supreme Court Task Force on the Funding of Ohio Courts** was charged with identifying the method and manner by which Ohio courts are funded, determining the long-term efficacy of the current funding models, and reviewing possible alternatives that might provide sustained and consistent funding for Ohio courts.

During its three years of study, the group learned about the complexity of funding and differences in responsibilities of courts from county to county; the variety of state, local, and county mix of funding; the various levels of the judicial system; and the lack of uniform reporting standards, among others. There were nine primary recommendations of the task force, including:

- Review statutorily established court administration functions to determine if they should be addressed by Supreme Court rules rather than the Revised Code, and if they are necessary.
- The state should provide 100% of the funding for judicial compensation.
- The Supreme Court should study implementation of a statewide case management system.
- Each local court, including each Mayor's court, should annually report financial and funding information to the Supreme Court and it should publish an annual report of financial information collected.
- Encourage courts to participate in resource-sharing partnerships.
- Perform a weighted caseload study for all cases statewide.



## 2015 -Task Force on Access to Justice

[supremecourt.ohio.gov/docs/Publications/accessJustice/finalReport.pdf](https://supremecourt.ohio.gov/docs/Publications/accessJustice/finalReport.pdf)

This task force assessed gaps in – or obstacles to – access to justice in Ohio. Access to justice and the courts was defined by the group as the ability to obtain legal advice and reach resolution of a dispute before a fair, impartial, and independent arbiter of justice.

The group looked at organizations addressing access, what other states are doing, and what could be done in Ohio to close the gaps and improve access to Ohio courts.

The task force recommended a general revenue appropriation to fund indigent civil legal services in Ohio. The General Assembly did not provide general revenue funds; however, it did pass S.B.276, which designated attorney unclaimed funds to be turned over to the Ohio Access to Justice Foundation.

Following another recommendation of the task force, the Supreme Court increased pro hac vice fees and implemented a voluntary add-on fee to attorney registration to fund legal aid.

The Civil Justice Program Fund has been used to establish self-help centers in courts, consumer debt defense programs, and legal assistance for kinship caregivers.

The Board of Professional Conduct clarified in 2017 that court-established self-help centers for self-represented litigants can provide limited scope representation. And in 2020, the Board released the Ohio Ethics Guide on Limited Scope Representation.

The task force recommended allowing spouses or registered domestic partners of a member of the United States uniformed services, stationed within this jurisdiction, to obtain license to practice law.

And in 2017, Ohio joined 21 other states in adopting rule amendments to allow attorney spouses of active-duty military temporarily stationed in Ohio to be temporarily admitted to practice, under certain conditions.

The Supreme Court adopted emeritus status registration that allows Ohio senior attorneys who are no longer actively engaged in the practice of law to provide pro bono legal services in conjunction with a pro bono organization.

There was a recommendation for the Supreme Court to create the position of Access to Justice Director.

While the position was not created at that time, much of the work the task force envisioned has been accomplished by existing divisions of the court including increased access to language services, as well as prioritization, development, and implementation of standardized forms. In 2022 the Court hired a director of Diversity, Equity, and Inclusion for the first time.

## 2016 - Task Force to Examine Improvements to the Ohio Grand Jury System [supremecourt.ohio.gov/docs/Publications/grandJuryTF/report.pdf](http://supremecourt.ohio.gov/docs/Publications/grandJuryTF/report.pdf)

The task force looked at grand jury systems in other states, reviewed Chapter 2939 of the Ohio Revised Code, Rule 6 of the Ohio Rules of Criminal Procedure, and considered grand juror education to provide a better understanding of how our grand jury system works and ways to instill or ensure public confidence in the process.

Organizing itself into work groups, the members focused on police lethal use of force, the role of the judiciary, prosecutor and grand jury, grand jury secrecy, public perception, and rule review. Some of the recommendations and resulting actions were:

To grant the Office of the Attorney General (AGO) exclusive authority to investigate and prosecute lethal use-of-force cases. This recommendation is based on the idea that local law enforcement cannot investigate themselves. Today, across Ohio, it is still up to the local prosecutor, police, or sheriff to request an investigation by the Office of the Attorney General, Bureau of Criminal Investigation potentially the Special Prosecutions Unit. The goal is to avoid conflict of interest and a perception of impropriety. And while it did not become compulsory, many local jurisdictions have made it part of their process, others decide on a case-by-case basis to call in the AGO, and still others act following public outcry or pressure.

The Ohio Judicial Conference amended jury instructions to implement two other recommendations of the task force: emphasizing a grand jury's independence and providing a written copy of the judges' instructions to the grand jury, and to encourage re-reading them during the process to improve grand jury education.

Amendments to the Rules of Practice and Procedure which were proposed in 2016 included implementation of the recommendations to restructure Crim.R. 6 to increase reader clarity and comprehension, and to address the record of grand jury proceedings, including who has the responsibility for creating and maintaining the record, and what should be included in the record. Ultimately, these changes were not adopted.

Recommendations were made to amend Crim.R. 6 to establish a standardized procedure to allow for the limited release of the record of the grand jury proceedings and to Amend R.C. Chapter 2939 to harmonize it with the grand jury composition and organizational requirements in Crim.R. 6. (These were two ideas which were discussed but not implemented.)

With the task force on the grand jury system, changes were made by the legislature, the Supreme Court, judges' associations, and local communities.

## 2016 - Regional Judicial Opioid Initiative (RJOI)

Chief Justice Maureen O'Connor led the formation of a collaborative that brought together 8 states in Appalachia and the Midwest region to share information, education, and resources to address the opioid epidemic. The epidemic was filling criminal and family courts. It was killing at an alarming rate.

The group looked beyond our state lines, examining the problem from different angles, together, to cover more ground. This included collaborating with other justice partners within the states.

Technology played a key role in the work. Once data sharing was possible among states, especially through programs like the prescription drug monitoring programs, it was possible to combat “doctor shopping” and pharmacy shopping. That is a crime which dropped precipitously when the prescription drug monitoring program was put in place. Before a doctor writes a prescription or a pharmacist fills a prescription, they must check to make sure that the prescription is legitimate, and the individual is not getting multiple scripts or getting one or more filled by more than one outlet. There is now a designation in the system if a person is involved in a treatment court program.

The initiative has since broadened its scope to include substance abuse disorders and educating the judiciary on how to best support recovery rehabilitation and jail diversion programs to reduce recidivism and save families.

## 2018 - Task Force on the Ohio Bar Examination

[supremecourt.ohio.gov/docs/Publications/barExamTF/report.pdf](https://supremecourt.ohio.gov/docs/Publications/barExamTF/report.pdf)

The purpose of the bar examination is to determine whether a candidate's level of performance aligns with minimal competence and to distinguish competent candidates from those who could do harm to the public.

The task force was charged with evaluating the efficacy and effectiveness of implementing the Uniform Bar Examination (UBE) as an alternative to the existing Ohio Bar Examination since an increasing number of states and territories have moved to adopt the UBE.

A survey of states identified advantages of a uniform bar exam such as the portability of test scores and the reduction of costs to practitioners in preparing for and taking the bar examination in multiple jurisdictions.

Based on the recommendations of the task force, the Ohio bar exam has changed. Prior to July 2020, the Ohio Bar Examination consisted of two multistate performance test items given in two ninety-minute sessions, 12 Ohio essay questions given in two, three-hour sessions, and the Multistate Bar Exam.

Ohio was scheduled to begin using the National Conference of Bar Examiners' Uniform Bar Exam (UBE) in July 2020. The pandemic required moving the exam until it was administered remotely in October 2020, using a portion of the UBE materials.

In February 2021, Ohio began using the full UBE, which consists of two multistate performance test items given in one three-hour session, six Multistate Essay Exam items given in one three-hour session and the Multistate Bar Examination.

Other recommendations of the task force which have been implemented include:

- Ohio will accept the UBE results from other jurisdictions for up to 5 years from the test.
- Complete character and fitness evaluation from applicants transferring UBE to Ohio as outlined in Govt. Bar, Rule 1, Section 1(D).

## 2018 - Midwest Civil Justice Reform Summit

A three-year project of the National Center for State Courts culminated in regional summits where over 40 states and territories developed action plans for modernization and reform of civil litigation in state courts.

As a result, Ohio implemented the Civil Justice Initiative, to optimize case processing for civil cases. Supreme Court staff hosted workshops in Akron and Columbus with judges and their leadership teams. Principles of an assessment system were introduced to help determine the most appropriate pathway for each individual case.

One example of reform in Franklin County Municipal Court was an idea that originated in its Clerks' office. The court changed its fee structure on eviction cases with the goal of reducing the number of eviction cases dismissed for lack of prosecution.

The court had previously charged \$133 for eviction filings (including both eviction and collection of back rent). The cost was updated to \$123 for eviction filings and \$160 if the landlord is filing for both eviction and back rent, which is considered a second cause of action.

The workload shifted dramatically after the change was implemented and the clerk has shifted a full-time person away from processing eviction dismissals.

The principles of the Civil Justice Initiative are used in education of new judges and court staff for caseload management. The concept of triaging cases is based on the idea that not all civil cases filed require the same path in the system.

At the Supreme Court cases are identified where mediation is a possibility. Sometimes it works and sometimes not. But it has a benefit of saving time and money when it brings about resolution.

Mediation for disputes between government officials and entities can also be successful. The program's success depends on the 'good faith' efforts of the parties involved.

The complex business litigation courts are an example of when triaging cases to achieve success. Rules are established to expedite how the matter is handled and judges stick to the schedule. The parties know the expectations up front and no matter the outcome, expediting an outcome is valuable to the business community.

Cases should be assessed and tools such as mediation as a first step works. And this works with pro se litigants as well.

## 2019 - Task Force to Examine the Ohio Bail System

[supremecourt.ohio.gov/docs/Publications/bailSys/report.pdf](https://supremecourt.ohio.gov/docs/Publications/bailSys/report.pdf)

The task force was made up of 30 members which included judges, prosecutors, criminal defense lawyers, law enforcement, representatives of the bail industry, non-governmental and legislative representatives. The diversity of voices and interests are valuable components in building a task force that produces good ideas.

Recommendations were made to Amend Sup.R. 5 to require counties with more than one municipal or county court to adopt a uniform bond schedule. As well as to amend Crim.R. 46(C)(7).

These changes were implemented, though not exactly as the task force had envisioned, there was progress toward making monetary bail more of a last resort than a first option.

Recommendations included requiring Validated Risk Assessment Tool be available to every municipal, county, and common pleas court when setting bond or conditions of bond.

The Ohio Judicial College educated judges and court personnel on the options available and the process for decision-making in setting bail, considering alternatives to pretrial detention, and tailoring pretrial services to offer appropriate supervision and services that correspond to the defendant's risk and needs level.

Leveraging technology solutions such as text and email reminders and remote conferencing to reduce failure to appear is being implemented more and more.

Some of these options went into effect with the increase in remote and technical capability implemented during the pandemic. Courts across Ohio are now sending text reminders about scheduled court appearances, which are proving successful in reducing failure to appear.

While not yet implemented, Chief Justice O'Connor worked toward Ohio courts implementing a statewide, uniform data collection system to ensure fair, equitable, and fiscally efficient pretrial processes. In addition to the impact, she believed it would bring greater constitutional fairness, to this fiscally-sound approach.

"Fund what works, change what doesn't. Without data, it's all a guess," said Chief Justice O'Connor.

Bail is a topic which can easily excite – elicit strong emotions. But the constitution provides the benefit of "innocent until proven guilty" and should be afforded to all, not just those who can afford it.

## 2019 - Task Force on the Ohio Disciplinary System

[supremecourt.ohio.gov/docs/Publications/DisciplinarySysTF/finalReport.pdf](https://supremecourt.ohio.gov/docs/Publications/DisciplinarySysTF/finalReport.pdf)

To illustrate the process of how the work of a task force progresses, the task force on the disciplinary system was formed in July 2018. It did its work and issued its report and recommendations in September 2019. Recommendations came before the Supreme Court for consideration as proposed rule amendments by January 2020.

At that point, public comment was taken and by September 9, 2020, the Court had adopted revised proposed rule amendments which would go into effect on November 1, 2020.

Putting an issue before a task force, can advance policy change. Gathering a wide range of input from the start helps the group frame the issue and address it systematically. Once solutions are proposed, even broader input – in the form of public comment – is solicited on the detailed solutions. Adjustments are often made at this stage.

The task force on the disciplinary system made recommendations in three main areas using data from previous cases in its evaluation.

- Improving the system to inspire public confidence.
- Reducing time for disposition of cases in each stage of the process.
- Raising public awareness of the system, making it accessible and responsive to those affected by misconduct.

The resulting amendments to Rules governing the bar imposed new and additional requirements regarding the selection and responsibilities of bar counsel of the certified grievance committees.

Notice of intent to file a formal complaint is now accompanied by information about the Lawyers Assistance Program (for drug and alcohol dependency disorder or other mental health treatment).

Electronic service is authorized for complaints and hearing notices. And three amendments affected the submission and consideration of consent-to-discipline agreements.

There was progress because of this review. The public confidence in our legal system that comes with a willingness to monitor our own system, is very important.

As 2022 draws to a close, public comment was being taken on another proposed rule amendment for Government of the Bar. The amendments would require private practice attorneys who do not have professional liability insurance to complete a free, online curriculum on the ethical management of a law practice. An attorney would have to make a plan to manage their work in the event they became unable to manage it themselves, either temporarily or permanently.

When an item is posted for public comment, send comments if you have them. Input is how policy is refined to make it better – to make the entire legal system better.

## Improvement is continuous

In 2015, Chief Justice O'Connor began funding the Ohio Courts Technology Initiative, by making several million dollars per year from the Supreme Court of Ohio budget available through a technology grant program for Ohio trial and appellate courts, providing them with funds to initiate, acquire and implement a broad range of technology solutions. This led to funding of everything from e-filing to court management systems to remote hearing technology, to digital evidence displays in courtrooms, to text messaging to remind litigants when to be at court, and more.

The program moved courts into the modern era, increased efficiency of operations, increased access and affordability for court-involved citizens, without compromising fairness or outcomes.

The baseline of technology infrastructure was established in this period and forever changed the way the legal system operated. Technology was proven to save manpower, time, and money in the basic administration of justice.

When the pandemic hit in 2020, Ohio was a technology leader among states because the Courts Technology Initiative, established in 2015, needed to accelerate. Expanding funds to support local courts' adoption and use of remote technology became critical to ensure public access to justice through the COVID-19 global pandemic, for legal professionals to maintain their livelihood, and courts to administer justice.

Bench cards and other resource materials to help Ohio's courts navigate the crisis were developed by the Supreme Court of Ohio staff.

All told, the grant program made close to \$40 million from the state Supreme Court available to local courts.

In the last decade, technology has ushered in a new era – the era of the modern Ohio judiciary.

## 2021 - Task Force on Improving Operations Using Remote Technology

[supremecourt.ohio.gov/docs/Boards/iCourt/ReportVolumeI.pdf](https://supremecourt.ohio.gov/docs/Boards/iCourt/ReportVolumeI.pdf)

The 25-member iCourt task force was formed during the global COVID-19 pandemic, with the mission to review Ohio courts' use of technology to identify better operations through technology implementation, and to ensure the continued and effective operation of the judicial system.

The group surveyed thousands of judges, court officials, attorneys, litigants, and justice partners, such as guardians, interpreters, and probation officers.

It identified needs and opportunities as well as technical hurdles, practical and legal concerns, and reimagined how courts could better administer and ensure justice going forward.

The task force came up with 97 detailed recommendations for courts to join the digital 21st century. The iCourt task force gave the judiciary a lot to work with in the future.

The Supreme Court is responsible for leading 51 of the recommendations; twenty of which



have been completed and another 19 have been initiated. Several which are in progress are proposed rule amendments, which include:

- Requiring courts to provide electronic filing took effect on July 1, 2022. allowing service among parties to be on mutually agreeable electronic platforms.
- Sup. R. 5 now requires courts to adopt a local rule requiring a technology plan.
- Civ. R. 5 expands the allowable methods for service including electronically for subsequent pleadings to the original complaint.
- Civ. R. 11 allows for the ability to electronically sign documents.
- Civ. R. 31 and Sup. R. 13 allow videotaped testimony, pre-recorded evidence, and remote testimony, in certain circumstances. Supreme Court rule changes now allow members of some commissions to attend meetings remotely.
- Sup. R. 57 was amended to add email addresses to contact information in probate court filings. These changes and more also took effect on July 1, 2022.

In response to some of the recommendations, the Supreme Court has developed a bench card of best practices for use of technology in the courtroom: A Judicial Guide to Conducting Remote Hearings was published in July 2022. And Technology Plan Guidance for Local Courts was also published in July 2022, to assist local courts.

The IT Leadership Forum was created in late 2021, to meet the needs identified by iCourt for local courts to have IT peer specialists to advise courts in the application and use of technology. The “Ask IT” Resource was launched in March of 2022 to assist courts with IT questions.

This task force moved with amazing speed due to the difficult time for the state and the country. It took its charge seriously and recognized that justice delayed may truly be justice denied to people awaiting trial in jail during the pandemic lockdown.

Jails became an incredibly dangerous place to be with COVID. And no civil dispute improves by languishing. The large and diverse group of people on this task force did work that will provide benefit long into the future.

Continuous improvement means barely stopping for the victory lap. There is always more to do to ensure fair operation of the justice system.

## 2022 - Task Force on Conviction Integrity and Postconviction Review

[supremecourt.ohio.gov/docs/Boards/CIPR/Report.pdf](https://supremecourt.ohio.gov/docs/Boards/CIPR/Report.pdf)

This task force was the final one formed by Chief Justice Maureen O'Connor in her term. Its final report and recommendations were delivered in early fall 2022. Legislation was proposed before the end of the legislative term at year end.

The members, each with experience or interest in the integrity of convictions and postconviction review, surveyed other states, consulted subject matter experts, reviewed laws and rules, and pulled from available data to develop six recommendations in three specific categories:

- Changes to rules and statutes which include adopting Crim.R. 33.1 to allow for a new trial if there is evidence not proffered at trial or in any pretrial proceedings. At year-end 2022, this is posted for public comment, the first step toward consideration of the rule change.
- The group suggested to amend R.C. 2953.21 and 2953.23 to extend acceptance of postconviction relief petitions. It recommended amending the collection of data by the Criminal Sentencing Commission. And to amend Prof. Cond. R. 3.8 requiring a prosecutor who knows of clear and convincing evidence of innocence to seek to remedy the conviction.
- A proposed recommendation for education for new and established attorneys doing postconviction relief work, including amending Ohio Admin. Code 120-1-10 defining professional educational requirements.
- Also proposed - creating a statewide, independent Innocence Inquiry Commission with investigative responsibilities.

Legislation has been introduced in the General Assembly as HB 738 to implement the statute-related recommendations, including establishing an Ohio Innocence Commission.

## 2022 – Appellate Courts Case Management Technology

Government is about service to the citizens. And courts provide better, faster service with state-of-the-art technology. Many of the task forces Chief Justice O'Connor brought together over the years recognized the importance of technology as one solution to a problem, even if it wasn't the primary focus.

The appellate courts' case management technology was implemented two decades ago. The cost of maintenance and upgrades became prohibitive. And the needs of the courts were changing.

A sophisticated system was needed that would work for all the appellate courts, regardless of size, caseload, number of counties served, and other unique features. And it had to be able to grow with each court's implementation.

The Supreme Court invested more than \$4 million in the project – not counting personnel costs. The Court will also pay the \$500,000 annually for upgrades and maintenance of the system.

Recommendations from a task force can come in various forms. Sometimes it takes time and money to implement recommendations. The key is to tackle the low-hanging fruit, while working toward the bigger issues.

## Conclusion

In the final analysis, fairness, equity, and the timely delivery of justice are the measuring stick against which we should look at the results from any task force. Did it advance justice in Ohio?

## Boards and Commissions

The Supreme Court of Ohio also maintains a series of Boards and Commissions which are created by action of the Court and operate under rules or regulations adopted by the Court. These groups work on an ongoing basis to advance the justice system in Ohio.

Learn more about the Boards at [supremecourt.ohio.gov/courts/advisory/boards/](http://supremecourt.ohio.gov/courts/advisory/boards/).

Commissions are formed to exercise quasi-ministerial authority on behalf of the Court.

The work of some previously established advisory commissions have been formalized by the Court or the legislature to increase the professionalism and practice in these important areas of the justice system.

Learn more about Commissions at [supremecourt.ohio.gov/courts/advisory/commissions/](http://supremecourt.ohio.gov/courts/advisory/commissions/).

While advisory committees and task forces are generally put in place to address an issue in a defined period of time, sometimes, they become permanent commissions.

In 2012, the **Commission on Dispute Resolution** replaced the Committee on Dispute Resolution.

The **Commission on Specialized Dockets** replaced the advisory committee which had been established in 2009. Seeing the success – both in saving money and saving lives, a permanent group watching out for its best practices was formalized. Today, there are more than 263 specialized dockets in Ohio courts.

These dockets are dedicated to specific types of offenses or offenders and use a combination of holding offenders accountable while also addressing the underlying causes of the criminal behavior. The root cause for participation is a struggle with either drugs or alcohol or both, and /or mental health issues.

Treatment in lieu of prison for people who qualify is not right for every case, of course. But for people suffering substance use disorder, veterans with PTSD, and others with mental health issues – jail is merely warehousing. Without qualified treatment, there is no recovery, and there is a tremendous cost to our taxpayers.

Treatment is a chance to rebuild lives.

The Commission on Specialized Dockets, the Court Services Specialized Docket Section – have applied a scientific approach. The judges who oversee them are more educated than ever before on the science, medicine, and societal data. It's a big commitment for those who embrace it. The work is exemplary. And after more than two decades, specialized dockets are now a proven success story.

In 2015, the **Commission on the Appointment of Counsel in Capital Cases** replaced the Appointment of Counsel for indigent Defendants in Capital Cases.

As Chief Justice, Maureen O'Connor believes so strongly in the consensus approach to problem solving, that her efforts to improve courts and justice didn't stop at the state's borders. She served as co-chair of the National Task Force on Fines, Fees, and Bail Practices, and as president of the National Conference of Chief Justices. It was important to share the outcomes of Ohio judicial task force best practices to assist neighboring and other states in the country.



THE SUPREME COURT *of* OHIO