

NEWS AROUND OHIO

This column features personal and professional news that is of interest to magistrates around Ohio. If you have news that would be of interest to other magistrates or information you think others should have, please send the information to the OAM District Representative for your appellate district so that they may include the news and information in their reports.

The OAM District Representatives are:

- District 1 – Joe Schneiders, Hamilton County Domestic Relations Court
- District 2 – Kimberly Stump, Greene County Domestic Relations Court
- District 3 – Jonathan Starn, Hancock County Common Pleas Court

- District 4 – Linda Warner, Gallia County Common Pleas Court
- District 5 – Stephen Weithman, Delaware County Common Pleas Court
- District 6 – Carol Hargreaves, Lucas County Domestic Relations Court
- District 7 – Mark Huberman, Mahoning County Domestic Relations Court
- District 8 – Nancy McMillen, Cuyahoga County Juvenile Court
- District 9 – Barbara Porzio, Medina County Common Pleas Court
- District 10 – David Jump, Franklin County Municipal Court
- District 11 – James Aylward, Portage County Juvenile Court
- District 12 – Michael Finney, Clermont County Domestic Relations Court

FIRST DISTRICT REPORT

By Magistrate Joe Schneiders

Magistrate Mike Masterson, after distinguished service with the Hamilton County Court of Domestic Relations, left our court on February 14, 2008, to commence his new duties of serving as a magistrate with the Clermont County Juvenile Court. During his tenure with Hamilton County, Magistrate Masterson served in the Court Parenting Services Department, where he applied his skills as a mediator to assist parents in resolving difficult parenting issues. On September 12, 2006, Mike was appointed as a magistrate, where, in addition to his duties in the Parenting Services Department, he conducted hearings in domestic violence cases. Magistrate Masterson's duties with the Clermont County Juvenile Court will include mediation of child custody issues and conducting hearings in child support, paternity, dependency and delinquency cases.

On April 17, 2008, Jon Sieve was appointed to serve as a magistrate with the Hamilton County Domestic Relations Court. Magistrate Sieve's primary duties

will be conducting domestic violence hearings brought pursuant to RC 3113.31. Magistrate Sieve is a graduate of the University of Notre Dame, and graduated from the University of Cincinnati, College of Law in 1979. Magistrate Sieve also has extensive experience in the private business sector.

After 24 years of distinguished service with the Hamilton County Juvenile Court, Magistrate Bill Melvin retired on March 5, 2008. Everyone who had the pleasure of knowing Bill will always remember his pleasant nature and dedication to his duties as magistrate. Bill, who is already a very experienced world traveler, will now continue his travels and begin his new endeavors.

Please wish Mike, Jon and Bill all good fortune in their new endeavors.

Finally, one of our distinguished alumni, the Honorable Judge Richard Bernat of the Hamilton County Municipal Court, attended the OAM Spring Conference held at Deer Creek.

Best wishes to all.

SIXTH DISTRICT REPORT

TRIAL AND ERROR

By Magistrate Carol Hargreaves

The trial court did not err when it denied the petitioner's motion to withdraw her petition for civil protection order and proceeded to issue a CPO. The appellate court determined that, once trial has commenced and testimony has been elicited concerning the allegations in the petition, the trial court is not compelled to accept a voluntary dismissal under Civil Rule 41 (A). *Edwards v. Reser*, 6th Dist. No. OT-07-138H, 2007 ... The trial court may not impose the statutory interest rate but must apply the interest amount set forth in the contract. *Painter's Supply & Equipment Co. v. Wagner*, 6th Dist. No. L-07-1320, 2008 ... When a party has complied with the prior order of the court after the filing of a motion for contempt, but before hearing, the court may summarily dismiss the movant's pending motion without hearing. *Lauer v. Lauer*, 6th Dist. No. WD-07-035, 2008 ... An attorney may represent herself in her own litigation but is disqualified from representing other family members who are parties to the action. *Glenn S. Horen, et al. v. Board of Education of the City of Toledo Public School District*, et al. 6th Dist. No. L-07-1131, 2007 ... In *Lippus v. Lippus*, 6th Dist. No. E-07-003, 2007, the court granted the motion for reconsideration. It determined that when a court orders an involuntary dismissal without prejudice, the dismissal may be an appealable order "if any of the rights

of the parties are extinguished and cannot be reasserted in a refilled case." The movant successfully argued that she would lose all arrears accumulated under the child and spousal support orders ... Magistrate Bruce Winters is running unopposed for the bench in Ottawa County Common Pleas.

OAM E-MAIL LIST KEEPS GROWING

By Magistrate Mark A. Huberman

Over the past year, the OAM has been attempting to collect the e-mail addresses of all of our members, with the goal of being able to efficiently and economically stay in touch with our membership on issues of importance affecting not only our association, but the judiciary of our state, of which we are an integral process. On March 14, 2008, we undertook an initial test e-mail to 326 of our members, for whom we had addresses, and only received back about 30 as being undeliverable. We followed up with the needed corrections, acquired even more addresses, and on April 17, 2008 made a second e-mail to 431 members, of which only about 20 came back.

We now have acquired the e-mails for 469 of our nearly 500 members, along with those of an additional 10 honorary and life members, and will shortly be issuing our third group e-mail.

As you know, the key to group e-mails is having the address typed correctly and

SEVENTH DISTRICT REPORT

By Mark A. Huberman

The best news I can report about the Seventh District is that Mahoning County Probate Judge Mark Belinky, appointed to his position earlier this year by Governor Strickland who then won the Democratic Primary in March, has agreed to my request that he pay the OAM memberships of his court's four Magistrates. We are, therefore, pleased to welcome as new members,

Richard Burgess, Vincent Wloch, Richard Machuga and Gary Philibin.

Now that these Probate Court Magistrates have been added, I am pleased to report that ALL of the Magistrates of the Seventh District (which covers Mahoning, Columbiana, Carroll, Jefferson, Harrison, Belmont, Noble and Monroe Counties) are now in the association fold, bringing our district total to more than 30.

12TH DISTRICT REPORT

By Magistrate Mike Finney

It was my privilege to serve as the chair of the 2008 Spring Conference. The conference was held at Deer Creek State Park and Resort on May 14 to 16. It was great to see my fellow magistrates from the 12th District and throughout the state. For details regarding the conference, please refer to Bill Melvin's comprehensive report.

The biennial salary survey is under-

way. In the coming weeks, I will be requesting updated salary information from the funding authorities for all of the magistrates in the 12th Appellate District.

As always, if any magistrates in the 12th Appellate District have any concerns, please contact me. Contact information may be obtained through the OAM Web site. Also, I would like to hear from you regarding any interesting happenings in your courts.

2008 FALL CONFERENCE REPORT

By Mark A. Huberman

Mark Conference Chair Please mark your calendars now for the 2008 Fall Conference, which will once again be taking place at the Ramada Plaza Hotel and Conference Center on Sinclair Road in Columbus, from Wednesday, September 24, to Friday, September 26.

If you may have sometimes hesitated in the past about returning to the Ramada (originally the Ramada, then the Midwest and once again the Ramada!) due to its drab conditions, I strongly urge you to reconsider. As a condition of the hotel's rebranding with Ramada, the new owners were required to undertake a complete renovation and that is currently underway.

The fifth floor renovations are already completed and the remodeling of the other four floors is taking place with all new bedding, showers, carpet, furniture and flat panel TVs, with everything scheduled to be completed by the time of our Fall Conference.

As always, the food and hospitality at the Ramada is second to none and the staff that has served us so well over the years remains fully intact. And because we have had a long-term contract with the hotel, our room rate will only increase by \$1, making a stay with us still the best bargain in Columbus.

Finally, and most importantly, Education Chair Bill Rickrich, along with our various Practice Area Chairs, are hard at work at putting together another excellent educational program, one that will allow those in attendance to secure all of their needed Judicial College CLE along with the required Ethics, Substance Abuse and Professionalism hours.

So once again, mark your calendars now to be a part of this year's Fall Conference.

to see that the e-mail we are using is the one preferred by the recipient, since some folks use their work e-mails while others (particularly part-timers) prefer to receive them at their private office or at home.

Your e-mail and telephone listing can be found at the OAM Web site, which is found at www.ohiomagistrates.org by clicking on the drop down link entitled "Member Services," then the sub-link entitled "Membership List." Please check to see if your listing is the one you prefer. If you are not on the list, or if you wish your listing to be changed, please e-mail the association at info@ohiomagistrates.org and we will make the update.

If you can't remember your Username or Password to gain access to this member restricted area, please e-mail us for that information as well and we will provide it to you ASAP.

Finally, if you know of newsworthy events that you would like highlighted on the OAM Web site, just let us know and we will try to post it.



SECOND QUARTER 2008

www.ohiomagistrates.org

SPRING CONFERENCE REVIEW

By William "Bill" Melvin
(Retired Magistrate)

The 19th Ohio Association of Magistrates Spring Conference was held at Deer Creek State Park in Mt. Sterling, Ohio. The Conference Chair was Michael Finney, Chief Magistrate of the Clermont County Domestic Relations Court.

The conference emphasis has always been on education. This year was no exception with Education Chair Bill Rickrich, Court of Domestic Relations (Licking County), and Phil Schopick (Ohio Judicial College) coordinating the courses. The magistrates attending were able to earn a total of 14.75 hours CLE/Judicial College credit for the conference, including the Judicial College sponsored course on May 16.

The first seminar, *Civil Procedure*, was presented by Judge Gregory L. Frost, United States District Court for the Southern District of Ohio (Eastern Division). Judge Frost focused on some of the substantive rules as applied from the magistrate's point of view. Judge Frost was followed by the required hours in *Substance Abuse*, presented by Megan R. Robertson, MSW, LSW of the Ohio Lawyers Assistance Program. A presentation on *Ethics and Professionalism* was given by Jonathan Coughlan, Disciplinary Counsel of the Ohio Supreme Court of Ohio since 1997. Jonathan Coughlan was joined in his presentation by Alvin Mathews, Jr., Esq. of Counsel in the firm of Bricker and Eckler, LLP. Mr. Mathews is a former Assistant Disciplinary Counsel for the Supreme Court of Ohio.

An unexpected development forced a modification in the presentation of the Judicial College seminar *Improving the Courts for Everyone*. The scheduled speaker, Craig M. Porciau, was delayed because of severe weather in Louisiana. Bill Rickrich, utilizing his talents as OAM Education Chair, and Phil Schopick with the assistance of Diane Palos, Domestic Relations Court (Cuyahoga County) and Eileen Pruett, Manager of the Small Claims Division and the Dispute Resolution Department in the Franklin County Municipal Court, stepped right up and a substitute program was presented on Thursday morning. Eileen was previously Coordinator of Dispute Resolution Services (Supreme Court of Ohio), and Diane has the reputation for being one of our best magistrate-educators. The topic presented by Bill Rickrich was *Non-Hearsay Objections*. Eileen and Diane presented *Conflict and Conflict Resolution*. Our special thanks to Bill, Diane and Eileen for their unscheduled presentations and to Phil Schopick, Program Manager for the Judicial College, for obtaining CLE approval for the last minute additions to the program.

The program for the afternoon proceeded as originally planned. *Understanding the Multi-Generational Workforce* was presented by Craig M. Pourciau (SSA Consultants). The presentation was a study of common attributes of veterans compared to boomers compared to X-ers compared to Y-ers. We found ourselves laughing at times, because some of the attributes really did "stick." It is based on a person's chronological age and being born/raised in the USA. One's "perspective" also is influenced by geographical location, religion and income. The presenter knew of no similar studies outside of the USA.

The Friday morning seminars were specific to practice areas. *Hot Topics in Juvenile Law* was presented by Brian Goodell, Juvenile Court (Lucas County). *Military Issues in Domestic Relations Law* was presented by Prosecutor Gerald Laver (Henry County Child Support

Enforcement Agency) and Frederic Mathews of the firm Rayle, Mathews and Coon. In addition to their legal experience, Frederic Mathews is a Captain of the Judge Advocate General Corps in the Navy Reserve and Gerald Laver is a Lieutenant Colonel serving as Staff Judge Advocate for the 180th Fighter Wing of the Ohio Air National Guard based out of Toledo. The coordinator for this part of the program was our own Magistrate Ann Weatherhead, Domestic Relations Court (Cuyahoga County).

The Probate Court topic *Wrongful Death Settlements* was presented by Samuel A. Peppers, III, Esq. Samuel was previously a magistrate with the Probate Court of Franklin County. He is now with Buckingham, Doolittle & Burroughs, LLP. *Exceptions to Inventories and Accounts* was presented by Magistrate Lora Lynne Stalnaker, Probate Court (Lake County), and a *Case Law Update* was presented by Magistrate Nancy A. Miller, Probate Court (Lucas County). Lora Lynne Stalnaker was also the coordinator for this portion of the program.

The topics for the Common Pleas/Appellate and Municipal magistrates included *Motion for Summary Judgment (General Coverage)* and *Motion for Summary Judgment (Discrimination Cases)* presented by Judge James Brogan, Second District Court of Appeals Thomas Langlois, Esq. Staff Attorney, First District Court of Appeals, and Susan Kowalski, Senior Staff Attorney, Twelfth District Court of Appeals. The coordinators were Magistrates George Reynolds, Common Pleas (Greene County) and Thomas McDermott of the Bowling Green Municipal Court.

On Friday afternoon, *American Legal History* was presented by Magistrate Bill Rickrich. It was an interesting study in English/American history and included references to the Magna Carta, King Henry VIII, Cromwell, "Bloody Mary," the Treaty of Paris and the Whiskey Rebellion. Bill also spoke about early colonial law.

All sessions were well received. Many thanks to the presenters and the coordinators.

The conference also gave us the opportunity to chat and learn from our colleagues in an informal setting. The weather was on the cool side and it did rain, which impacted the planned outdoor activities. However, about 20 of us went on a Nature Walk lead by Reberta Carter. Reberta, who volunteers her services, also had led our group on a Nature Walk when we had a conference at Deer Creek two years ago. As we proceeded down one of the trails, Reberta pointed out the many types of flora. These included honeysuckle, autumn olive, veronica speedwell and grape vines. There also were many different types of trees, including black locust, dogwood, elm, cottonwood, box elder, hackberry, sugar maple and white oak. Some of the trees were 200 years old. Reberta also mentioned the fauna in the area, which includes coyote, rabbit, deer, wild turkey, hawk, catbird and quail. Mentioned also were the environmental concerns with regard to building the lodge and the dam at Deer Creek. There are those who are concerned with preservation, but there also is conservation and the habitat. The Nature Walk reminded us that we, as human beings, are just part of the environment. "We need to be stewards of the land."

In addition to the scheduled activities, the conference also provided the opportunity to mingle and converse over the meals and in the hospitality suite with our colleagues from around the state. The appetizers and tidbits, as always, were sumptuous. They included shrimp, meat-

balls, cheese trays and fruit trays. At the Thursday evening meal, we were entertained by our members' singing karaoke and kicking up their heels on the dance floor. Some of our more reserved members even admitted to having "fun."

The conference was a success and Michael "Mike" Finney and all who contributed to the planning and coordinating of the various courses and events are to be commended on a job well done. One

hundred nine members were in attendance, including active member Judge Carol J. Dezso, Domestic Relations Court (Summit County) and Judge Richard Bernat, Municipal Court of Hamilton County.

The 19th OAM Fall Conference and Annual Meeting is scheduled for September 24 through the 26th. It will be held at the Ramada Plaza Hotel in Columbus. Please plan to attend.

PRESIDENT'S MESSAGE

By President David Jump

What is the most appropriate criterion to measure the success of an organization? Is it size? Growth? Influence? Quality of service to its members? Is it all of the above? No matter what methods are used to evaluate the OAM, it is abundantly clear that our association is very strong.

The OAM membership continues to grow. We now have nearly 500 paid members. That figure represents approximately 60% of all full-time and part-time magistrates in Ohio. Our association has shown steady growth since it was founded just 19 years ago.

OAM members serve on many Ohio Supreme Court committees, including the Judicial College Board of Trustees, the Supreme Court's Commission on the Rules of Practice and Procedure for Ohio Courts, the Task Force to Review the Code of Judicial Conduct, the Commission on Rules of Superintendence, the Commission on Technology and the Courts and many more. In addition, the OAM is represented at Chief Justice Moyer's new Judicial Branch Leadership Meetings, which bring together leaders from each of the judicial associations in Ohio along with the Attorney General and leaders from other associations working directly with the judicial system, such as court administrators, clerks of court, public defenders, prosecutors, the OSBA and metropolitan bar associations.

In addition, OAM members serve on many committees of the Ohio Judicial Conference, including the Civil Law Committee, the Domestic Relations Law and Procedure Committee, the Magistrate Committee and the Juvenile Law and Procedure Committee. The OAM has two representatives on several of those committees.

The OAM continues to work on issues that affect magistrates and the Ohio judicial system. Earlier this year, the Ohio Supreme Court voted to adopt the magistrate standards proposed by the OAM, establishing, for the first time, minimum requirements for serving as a magistrate in Ohio. The OAM is currently working with the Ohio Judicial Conference to support legislation pending in the General Assembly to strengthen laws protecting judges and magistrates. HB 265 and SB 100 would amend Ohio law to include magistrates in the protected class when crimes are perpetrated against judges and magistrates. The OAM also is monitoring other legislation, including HB 154, which is aimed at revising Ohio's system of Mayor's Courts.

Through our partnership with the Ohio Judicial College, the OAM offers CLE that is second to none. All CLE presented at our Spring and Fall Conferences receive Judicial College credit. At our recent Spring Conference, presenters included a federal judge, Ohio's Disciplinary Counsel, judges, magistrates and other legal practitioners and scholars from throughout Ohio. A more detailed report on the Spring Conference, written by retired Magistrate Bill Melvin, appears elsewhere in this newsletter.

The overriding goal in all of the OAM's actions is to provide the highest quality service to assist our members. Two years ago, the OAM undertook a survey of all magistrate salaries in Ohio. The results of that survey are available on the OAM Web site, www.ohiomagistrates.org. Many of our members have been able to use that information successfully to negotiate pay raises with their courts. Under the leadership of former OAM President Barb Porzio, the OAM is conducting another statewide survey of magistrate salaries. The results of the new survey will be available on the Web site later this year.

This past February, at my first OAM board meeting as president, I asked the board to make it a priority of my term in office to upgrade the OAM's e-mail capabilities, so that our members can communicate more effectively and efficiently with each other. The board responded and we now have far greater e-mail capabilities than ever before. You will find elsewhere in this newsletter an article written by former OAM President Mark Huberman, detailing those improvements. Soon, we will be able to use e-mail to notify all members of important news. Practice Area Chairs will be able to communicate directly with all of our members in a particular practice area, wherever they may be in Ohio, about items of significance to magistrates in that practice area. District Representatives will be able to do the same with members in their districts. The result will be much better access to information and resources for every member of the OAM.

Of course, an organization is only as strong as its members. I am proud to say that we have outstanding members in the OAM. Our members have a tremendous depth of experience and knowledge and they are willing to share their insights with the rest of us so we can all benefit. That willingness was demonstrated once again at the recent Spring Conference, when a scheduled speaker from Louisiana missed an entire morning because of flight delays. Two of our members, Bill Rickrich and Diane Palos, and a long-time friend of the OAM, Eileen Pruett, stepped in with very little notice and provided a full morning of high quality CLE.

It seems clear that the future of the OAM is very bright. I was one of about 20 OAM members who helped the Ohio Judicial College present three days of CLE at New Magistrate Orientation (NMO) in March. New magistrates from all over Ohio attended this year's NMO. I was very impressed with the experience and background they bring to their new positions as magistrates. They are a very bright and hard working group. They will help keep the OAM strong for many years to come.

By now, I hope it is clear to everyone reading this article that the OAM is thriving. Thank you for your participation in OAM activities. With the active participation of our members, our association can continue to grow and serve the interests of our members.



OHIO ASSOCIATION OF MAGISTRATES

2079 West Fifth Avenue
Columbus, Ohio 43212
www.ohiomagistrates.org

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