



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### REVISED MINUTES OF THE JUDICIAL BRANCH AND ADMINISTRATION OF JUSTICE COMMITTEE FOR THE MEETING HELD THURSDAY, OCTOBER 10, 2013

#### **Call to Order:**

Vice-chair Patrick Fischer called the meeting of the Judicial Branch and Administration of Justice Committee to order at 9:05 a.m.

#### **Members Present:**

A quorum was present, including Vice-chair Fischer and committee members Kurfess, Mulvihill, Murray, and Obhof.

#### **Approval of Minutes:**

The minutes of the September 12, 2013 meeting of the committee were reviewed and approved.

#### **Discussion:**

Vice-chair Fischer directed the committee's attention to Chair Abaray's previously-circulated discussion of the agenda of the committee in regard to evaluating proposals for judicial selection and election.

Vice-chair Fischer discussed the suggestions of Chair Abaray with the committee. After much discussion, the committee decided to adopt the following goals:

1. Promote the independence of the judiciary;
2. Increase the respect and public confidence of the judicial branch;
3. Ensure that well-qualified persons serve in the judiciary;
4. Increase public awareness of the candidates as well as increase public participation in the judicial selection process;
5. Reflect the priorities of Ohio residents;
6. Deem whether the proposal demands constitutional action in order to
  - A. Be active in selection of Supreme Court judges; and
  - B. Focus on the manageability for success.

Vice-chair Fischer then provided an update from a meeting that included himself, the Ohio Judicial Conference, Justice Judith French, Committee member Charles Kurfess. Vice-chair Fischer mentioned that the Ohio Judicial Conference was looking at the following items: judicial and elected official compensation, court funding, uniformity in the management of municipal and county courts, active participation of judges on advisory boards, indigent defense, case priorities for civil, criminal and other cases, whether to continue mayor's courts, constitution matters and the defense against them, and intra-district disputes.

Senator Larry Obhof asked the purpose of the criteria for the agenda of the committee regarding evaluating proposals for judicial selection and election. Sen. Obhof proposed adding something to recognize the possible impact of the legislature on the judicial branch.

Vice-chair Fischer asked to vote on these guidelines. Committee member Dennis Mulvihill moved to adopt the guidelines, with Representative Dennis Murray seconding the motion. Without objection the guidelines were accepted.

Senior Policy Advisor Steven H. Steinglass asked the committee whether it would like to delve deeper into the 1970 Constitutional Revision Commission's reports. Rep. Murray mentioned that the philosophical debate could last forever and the committee needs to start with concrete proposals. Sen. Obhof stated that most of the concepts under consideration relate to legislation and not the constitution.

Mr. Mulvihill inquired if the committee would tackle the issue of judicial elections first. Vice-chair Fischer stated that Chair Abaray wishes to do so. Mr. Mulvihill mentioned that he would like to hear more discussion on direct elections, that is, governor appointments, as well. Mr. Kurfess agreed and said he would like to discuss filling judicial vacancies. Sen. Obhof said he would like to discuss jurisdictional courts.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 10:36 a.m.

**Approval:**

The minutes of the October 10, 2013 meeting of the Judicial Branch and Administration of Justice Committee were approved at the November 14, 2013 meeting of the committee.

/s/ Janet Gilligan Abaray  
Janet Gilligan Abaray, Chair

/s/ Patrick F. Fischer  
Justice Patrick F. Fischer, Vice-chair