

OHIO STATE BAR ASSOCIATION
COUNCIL OF DELEGATES
SCREENING COMMITTEE
OSBA HEADQUARTERS
April 11, 2014

Report to the Council of Delegates

The Screening Committee commenced at 10:00 AM with the following members present by phone or in person:

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| Hilary R. Damaser, District 7, Chair | Stacy C. Hinnners, District 12 |
| David Arnold, District 12 | Frederic E. Kramer, District 12 |
| Sally W. Bloomfield, District 7 | Doloris Learmonth, District 1 |
| Edward P. Brueggeman, District 1 | Theodore M. Mann, Jr., District 12 |
| Thomas G. Carey, District 18 | Sean A. Martin, District 5 |
| Mary L. Cibella, District 12 | Jennifer J. Morales, District 1 |
| Kevin W. Donovan, District 10 | C. Keith Plummer, District 15 |
| Tawanda J. Edwards, District 1 | Rene L. Rimelspach, District 7 |
| Stephen A. Fallis, District 11 | Joseph C. Schroeder, District 3 |
| Frederick C. Fisher, District 8 | Ronald E. Slipski, District 13 |
| Robert B. Fitzgerald, District 16 | Linda L. Smith, District 9 |
| Timothy A. Garry, Jr., District 1 | Adrienne L. Steman, District 12 |
| Michael L. Gay, District 1 | Linde H. Webb, District 4 |
| J. Jeffrey Heck, District 10 | Bruce H. Wilson, District 11 |
| Paula S. Hicks-Hudson, District 4 | |

Also present were John D. Clark, Bill Weisenberg and Todd Book.

I. Estate Planning, Trust & Probate Law Section

John D. Clark of the Estate Planning, Trust and Probate Law Section explained the proposed statute. To add ORC section 5802.04 so as to clarify and confirm when the terms of a trust may direct that the trustee and/or beneficiaries must settle disputes by arbitration.

The proposal follows the example put forward by ACTEC and also follows the current statutes in Florida and Arizona.

Through questioning, Mr. Clark pointed out:

- that there is no current Ohio case law on this issue,
- that the proposal allows the settlor to set the terms of the arbitration and does not foreclose the use of mediation, and

- that the statute is working well in Florida and Arizona.

C. Keith Plummer, District 15, moved the proposal, seconded by Frederick C. Fisher, District 8, and carried unanimously that the proposal be favorably recommended to the Council of Delegates.

There being no other business, the Screening Committee adjourned at 10:31 AM.