



**OHIO STATE BAR
ASSOCIATION**
Connect. Advance. Succeed.

**Council of Delegates
Meeting**

**May 14, 2021
Ohio State Bar Association Headquarters
Columbus**

Council of Delegates Meeting

Friday, May 14, 2021

10:30 AM

Or immediately following General Assembly Meeting

President Linda Tucci Teodosio presiding

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COUNCIL OF DELEGATES MEETING AGENDA
Friday, May 14, 2021
10:30 a.m. (or immediately following General Assembly Meeting)

President Linda Tucci Teodosio presiding

I. Roll Call of the Council, CEO and Corporate Secretary Mary Amos Augsburger

II. Committee and Section Reports

A. Report of the Access to Justice Committee

To amend various sections of the Ohio Revised Code to lower the financial barriers to driver's license reinstatement, to limit driver's license suspensions to offenses involving dangerous driving and to make driver's license reinstatement fees uniform for all suspensions.

B. Report of the Family Law Committee

To amend §§ 3119.86, 3119.88, 3119.221, 3119.61, 3119.63, 3119.66, and 3119.90 in order to allow for courts to award/determine child support for disabled children who are beyond the age of majority prior to their parents filing for divorce.

C. Report of the Military and Veterans' Affairs Committee

To create a new section of code that would allow for courts to enter into a memorandum of understanding that would transfer jurisdiction from one court without a specialized docket to another court that has a specialized docket.

III. Adjournment

Awards will also be presented throughout the day for the Ohio Bar Medal, the Nettie Cronise Lutes Award, the Eugene R. Weir Award and the Ohio Access to Justice Foundation Presidential Award

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Ohio State Bar Association
2020 - 2021 Council of Delegates
Judge Linda Tucci Teodosio, President

District 1

Counties: Butler, Clermont, Clinton, Hamilton and Warren

Board of Governors Representative:

Theresa L. Nelson, 312 Walnut Street, Suite 1800 Cincinnati, OH 45202	06/30/23
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Council of Delegates (18):

Terrence M. Donnellon, 9079 Montgomery Road, Cincinnati, OH 45242	06/30/21
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Richard I. Fleischer, 810 Sycamore Street, 2 nd Floor, Cincinnati, OH 45202	06/30/21
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Gregory S. French, 1244 Padlock Hills Avenue, Cincinnati, OH 45229	06/30/21
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Michael L. Gay, 201 E. Fifth Street, Suite 900, Cincinnati, OH 45202	06/30/21
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Barbara J. Howard, 120 E. Fourth Street, Suite 960, Cincinnati, OH 45202	06/30/21
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Stephen C. Lane, 7419 Kingsgate Way, Suite A, West Chester, OH 45069	06/30/21
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Lauren E. Raizk, 145 N. South Street, Wilmington, OH 45177	06/30/21
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Charles E. Strain, 4030 Mt. Carmel-Tobasco Road #103, Cincinnati, OH 45255	06/30/21
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John J. Williams, 600 Vine Street, Suite 1400, Cincinnati, OH 45202	06/30/21
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Eric K. Combs, 255 E. 5 th Street, Suite 1900, Cincinnati, OH 45202	06/30/22
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Sara Cooperrider, 425 Walnut Street, Suite 1800, Cincinnati, OH 45020	06/30/22
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Kendra L. Daugherty, 4529 Aicholtz Road, Cincinnati, OH 45245	06/30/22
John D. Holschuh, Jr., 600 Vine Street, Suite 2700, Cincinnati, OH 45202	06/30/22
John D. Holschuh, III, 600 Vine Street, Suite 2700, Cincinnati, OH 45202	06/30/22
Doloris F. Learmonth, 3498 Forest Oak Court, Cincinnati, OH 45208	06/30/22
Kelly M. Myers, 600 Vine Street, 9 th Floor, Cincinnati, OH 45202	06/30/22
Zachary D. Prendergast, 250 E. 5 th Street, Suite 310, Cincinnati, OH 45202	06/30/22
James C. Shew, 16 N. Main Street, Middletown, OH 45042	06/30/22

District 2

Counties: Darke, Miami, Montgomery, Preble and Shelby

Board of Governors Representative:

Magistrate Kathleen S. Lenski, 380 W. 2 nd Street, Dayton, OH 45422-4240	06/30/21
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Council of Delegates (7):

Jared B. Chamberlain, 215 W. Water Street, Troy, OH 45373	06/30/21
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Elizabeth J. Orlando, 444 W. Third Street, Suite 6141 Dayton, OH 45402	06/30/21
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Judge Jenifer K. Overmyer, 101 E. Main Street, 2 nd Floor, Eaton, OH 45320	06/30/21
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Matthew J. Pierron, 507 S. Broadway, Greenville, OH 45331	06/30/21
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Michael W. Sandner, 75 Trevor Lane, Springboro, OH 45066	06/30/21
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Katrina L. Wahl, 40 N. Main Street, Suite 2700, Dayton, OH 45423	06/30/21
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Judge Gary J. Carter, 201 W. Poplar St.,
Sidney, OH 45365

06/30/22

District 3

**Counties: Defiance, Fulton, Hancock, Henry, Paulding, Putnam,
Van Wert, Williams and Wood**

Board of Governors Representative:

Judge Denise H. McColley, 660 N. Perry Street, Suite 401
Napoleon, OH 43545

06/30/22

Council of Delegates (3):

Shaun Putman, 111 E. Main Street, Ste. 105
Van Wert, OH 45891

06/30/21

Ryan S. Breininger, 117 W. Maple Street
Bryan, OH 43506

06/30/22

Pamela A. Heringhaus, 1 Courthouse Square
Bowling Green, OH 43402

06/30/22

District 4

Counties: Lucas, Ottawa and Sandusky

Board of Governors Representative:

Michelle L. Kranz, 6627 W. Central Avenue, Ste. 100,
Toledo, OH 43617

6/30/23

Council of Delegates (7):

Vallie T. Bowman-English, 555 N. Erie Street,
Toledo, OH 43604

06/30/21

Mary Elizabeth Fiser, P. O. Box 372,
Clyde, OH 43410

06/30/21

Kevin M. Peters, 132 Madison Street,
Port Clinton, OH 43452

06/30/21

Sarah K. Skow, 900 Adams Street,
Toledo, OH 43604

06/30/21

Joseph K. Cole, 300 Madison Avenue, Ste. 1000
Toledo, OH 43604

06/30/22

Shelly R. Kennedy, 725 W. Broadway Street,
Maumee, OH 43537 06/30/22

Linde H. Webb, 2630 Edgehill Road,
Ottawa Hills, OH 43615 06/30/22

District 5

Counties: Crawford, Delaware, Marion, Morrow, Seneca and Wyandot

Board of Governors Representative:

Robert J. Rice, 145 N. Union Street
Delaware, OH 43015 06/30/23

Council of Delegates (3):

Ronald D. Cramer, 116 S. Main Street,
Marion, OH 43302 06/30/21

Russell J. Long, 111 W. Rensselear St,
Bucyrus, OH 44820 06/30/22

Hari K. Sathappan, 8251 Liberty Road N.,
Powell, OH 43065 06/30/22

District 6

Counties: Champaign, Clark, Fayette, Greene, Logan, Madison and Union

Board of Governors Representative:

Gregory R. Flax, 500 N. Fountain Avenue,
Urbana, OH 43078 06/30/22

Council of Delegates (3):

Amanda J. Lantz, 333 N. Limestone Street, Ste. 202A,
Springfield, OH 45503 06/30/21

Douglas M. Smith, 112 N. Main Street,
Bellefontaine, OH 43311 06/30/21

William C. Hicks, P. O. Box 1687,
Springfield, OH 45501 06/30/22

District 7

Counties: Franklin

Board of Governors Representative:

Lisa Pierce Reisz, 52 East Gay Street,
Columbus, OH 43215 06/30/23

Caitlin E. Anderson, 700 Cardinal Place,
Dublin, OH 43017 06/30/22

Council of Delegates (26):

David C. Barrett, 7259 Sawmill Road, Suite 150,
Dublin, OH 43016 06/30/21

Thomas J. Bonasera, 191 W. Nationwide Boulevard,
Ste. 300, Columbus, OH 43215 06/30/21

David A. Bressman, 5186 Paul G. Blazer Parkway,
Dublin, OH 43017 06/30/21

Stephen E. Chappellear, 10 W. Broad Street, Suite 300,
Columbus, OH 43215 06/30/21

Christopher T. Curry, 7179 Hollandia Drive,
Westerville, OH 43081 06/30/21

Hilary R. Damaser, 30 E. Broad Street, 26th Floor,
Columbus, OH 43215 06/30/21

Polly J. Harris, 41 South High Street, Suite 2900,
Columbus, OH 43215 06/30/21

Caitlyn Nestleroth Johnson, 30 E. Broad Street, 17th Floor,
Columbus, OH 43215 06/30/21

Donald B. Leach, Jr., 191 W. Nationwide Boulevard,
Ste. 300, Columbus, OH 43215 06/30/21

Judge Stephen L. McIntosh, 345 S. High Street, Courtroom
4B, Columbus, OH 43215 06/30/21

Elizabeth A. Mote, 445 Hutchinson Avenue, Suite 100,
Columbus, OH 43235 06/30/21

Scott R. Mote, 1650 Lake Shore Drive, Suite 375,
Columbus, OH 43204 06/30/21

Andrew W. Owen, 65 East State Street, Suite 1100, Columbus, OH 43215	06/30/21
Beatrice K. Sowald, 125 Eastmoor Boulevard, Columbus, OH 43209	06/30/21
E. Jane Taylor, 318 E. Beck Street, Columbus, OH 43206	06/30/21
Audrey E. Varwig, 2020 Concord Road, Upper Arlington, OH 43212	06/30/21
Thomas W. Weeks, 126 S. Stanwood Road, Bexley, OH 43209	06/30/21
Belinda S. Barnes, 471 E. Broad Street, 19th Floor, Columbus, OH 43215	06/30/22
Sally W. Bloomfield, 100 S. Third Street, Columbus, OH 43215	06/30/22
Paul Giorgianni, 1538 Arlington Avenue, Columbus, OH 43212	06/30/22
Eric W. Johnson, 400 S. Fifth Street, Suite 101, Columbus, OH 43215	06/30/22
Helen Mac Murray, 6530 West Campus Oval, Suite 210, New Albany, OH 43054	06/30/22
Jane Higgins Marx, 366 E. Broad Street, Columbus, OH 43215	06/30/22
Heather G. Sowald, 400 S. Fifth Street, Suite 101, Columbus, OH 43215	06/30/22
Magistrate Elizabeth J. Watters, 345 S. High Street, Room 5807, Columbus, OH 43215	06/30/22
Bradley B. Wrightsel, 3300 Riverside Drive, Suite 100, Columbus, OH 43221	06/30/22

District 8

Counties: Adams, Brown, Gallia, Highland, Jackson, Lawrence, Pickaway, Pike, Ross, Scioto and Vinton

Board of Governors Representative:

Frederick C. Fisher, Jr., 311 Park Avenue,
Ironton, OH 45638 06/30/21

Council of Delegates (2):

George L. Davis, III, 602 Chillicothe Street, Ste. 802,
Portsmouth, OH 45662 06/30/21

Richard W. Clagg, 16 E. Broadway Street,
Wellston, OH 45692 06/30/22

District 9

Counties: Coshocton, Fairfield, Knox, Licking, Muskingum and Perry

Board of Governors Representative:

Janice A. Baughman, 111 N. 4th Street,
Zanesville, OH 43701 06/30/22

Council of Delegates (3):

Jason Given, 318 Chestnut Street,
Coshocton, OH 43812 06/30/21

Scott Wood, 120½ E. Main Street,
Lancaster, OH 43130 06/30/21

Wendi Fowler, 1 S. Main St.
Mount Vernon, OH 43050 06/30/22

District 10

Counties: Ashland, Erie, Holmes, Lorain, Medina, Richland, Huron and Wayne

Board of Governors Representative:

Christopher Lake Brown, 30 N. Diamond Street,
Mansfield, OH 44902 06/30/23

Council of Delegates (6):

Kevin W. Donovan, 726 Sunrise Drive, Amherst, OH 44001	06/30/21
Richard R. Mellott, Jr., 5750 Cooper Foster Park Road, Ste. 102, Lorain, OH 44053	06/30/21
Andrew P. Lycans, 225 N. Market St., Wooster, OH 44691	06/30/21
Gowri V. Hampole, 124 Middle Avenue, 4 th Floor, Elyria, OH 44035	06/30/22
Robert J. Reynolds, P. O. Box 958, Wooster, OH 44691	06/30/22
Patricia A. Walker, 231 S. Broadway St., Medina, OH 44256	06/30/22

District 11

Counties: Portage and Summit

Board of Governors Representative:

Lawrence J. Scanlon, 57 S. Broadway Street, 3 rd Floor, Akron, OH 44308	06/30/21
Montrella S. Jackson, 217 S. High Street, Ste. 713, Akron, OH 44308	06/30/23

Council of Delegates (8):

Terri E. Brunson, 2251 Front Street, Suite 206, Cuyahoga Falls, OH 44221	06/30/21
Melissa A. Graham-Hurd, 4030 Massillon Road, Suite B, Uniontown, OH 44685	06/30/21
Carmen V. Roberto, 23 South Main Street, 3 rd Floor, Akron, OH 44308	06/30/21
Bruce H. Wilson, 120 E. Mill Street, Suite 416, Akron, OH 44308	06/30/21
Karen D. Adinolfi, 222 S. Main Street, Suite 400, Akron, OH 44308	06/30/22

Susan L. Durr, 2231 Broad Boulevard, Cuyahoga Falls, OH 44223	06/30/22
Ronald S. Kopp, 222 S. Main Street, Suite 400, Akron, OH 44308	06/30/22
Maura E. Scanlon, 4040 Embassy Parkway, Suite 240, Akron, OH 44333	06/30/22

District 12

Counties: Cuyahoga

Board of Governors Representative:

Michael J. Frantz, Jr., 200 Public Square, Ste. 3000, Cleveland, OH 44114	06/30/22
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Council of Delegates (24):

Keith A. Ashmus, 200 Public Square, Suite 3000, Cleveland, OH 44114	06/30/21
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Eileen M. Bitterman, 323 W. Lakeside Avenue, Suite 200, Cleveland, OH 44113	06/30/21
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Jeffrey A. Brauer, 200 Public Square, Suite 2800, Cleveland, OH 44114	06/30/21
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Luke T. Brewer, 623 W. St. Clair Avenue, Cleveland, OH 44113	06/30/21
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Michael C. Brink, 950 Main Avenue, Suite 1100, Cleveland, OH 44113	06/30/21
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Alicia N. Graves, 26110 Emery Road Suite 250, Cleveland, OH 44128	06/30/21
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Fredric E. Kramer, 1187 Golden Gate Road, Mayfield Heights, OH 44124	06/30/21
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John P.L. Mills, 2123 Atkins Avenue, Lakewood, OH 44107	06/30/21
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Marlon A. Primes, 801 W. Superior Avenue, Suite 400, Cleveland, OH 44113	06/30/21
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Renuka Raman, 28852 Woodmill Drive, Westlake, OH 44145	06/30/21
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Daniel J. Ryan, 55 Public Square, Suite 2100, Cleveland, OH 44113	06/30/21
Nancy C. Schuster, 2913 Clinton Avenue, Cleveland, OH 44113	06/30/21
Dane A. Shrallow, 32680 Shadowbrook Drive, Solon, OH 44139	06/30/21
Christa A.G. Heckman, 950 Main Avenue, 4th Floor, Cleveland, OH 44113	06/30/22
Lisa A. Reid, 615 W. Superior Avenue, 11th Floor, Cleveland, OH 44113	06/30/22
Karen E. Rubin, 127 Public Square, Suite 3900, Cleveland, OH 44114	06/30/22
John P. Thomas, 301 Hamilton Drive, Broadview Heights, OH 44147	06/30/22
Klevis Bakiaj, 200 Public Square, Ste. 3000, Cleveland, OH 44114	06/30/22
Erin McDevitt-Frantz, 812 Huron Rd, Suite 650, Cleveland, OH 44115	06/30/22
Chris Hawley, 600 Superior Ave. E., Suite 2100, Cleveland, OH 44114	06/30/22
Jared Hasson, 19337 Frazier Drive, Rocky River, OH 44116	06/30/22
Ian Friedman, 1360 E. 9 th St., Suite 650, Cleveland, OH 44114	06/30/22
Alison Archer, 615 W. Superior Ave., Floor 11, Cleveland, OH 44113	06/30/22
Jonathan Scandling, 200 Public Square, Suite 3000 Cleveland, OH 44114	06/30/22

District 13

Counties: Columbiana and Mahoning

Board of Governors Representative:

Ronald E. Slipski, 527 Greenmont Drive, Canfield, OH 44406	06/30/23
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Council of Delegates (2):

J. Michael Thompson, 6 Federal Plaza Central, Ste. 1300, Youngstown, OH 44503	06/30/22
David “Chip” C. Comstock, Jr., 3701B Boardman Canfield Rd., Canfield, OH 44406	06/30/22
Mark A. Hutson, 33 Pittsburgh St., Columbiana, OH 44408	06/30/22

District 14

Counties: Carroll, Stark and Tuscarawas

Board of Governors Representative:

Daniel R. Griffith, 4481 Munson St., NW, Suite 200 Canton, OH 44718	06/30/21
Kathleen A. Stoneman, 63 2 nd Street, SW, Carrollton, OH 44615	06/30/21

Council of Delegates (4):

Thomas P. Moushey, 1844 W. State Street, Suite A, Alliance, OH 44601	06/30/21
D. Stephen Stone, Jr., 981 W. State Street, Alliance, OH 44601	06/30/21
Jennifer L. Thomas, P. O. Box 235, Carrollton, OH 44615	06/30/22
Howard L. Wernow, 4940 Munson Street NW, Suite 1100, Canton, OH 44718	06/30/22

District 15

Counties: Belmont, Guernsey, Harrison, Jefferson and Monroe

Board of Governors Representative:

Bryan C. Conaway, 126 N. 9 th Street, Cambridge, OH 43725	06/30/21
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Council of Delegates (2):

C. Keith Plummer, P. O. Box 640,
Cambridge, OH 43725 06/30/21

Vacancy 06/30/22

District 16

Counties: Allen, Auglaize, Hardin and Mercer

Board of Governors Representative:

Amy B. Ikerd, 119 N. Walnut Street,
Celina, OH 45822 06/30/21

Council of Delegates (2):

Andrea L. Henning, 102 Devonshire Dr. #C,
Lima, OH 45804 06/30/22

Zach G. Ferrall, 146 E. Spring St.,
St. Marys, OH 45885 06/30/22

District 17

Counties: Athens, Hocking, Meigs, Morgan, Noble and Washington

Board of Governors Representative:

Scott M. Robe, 14 W. Washington Street,
Athens, OH 45701 06/30/22

Council of Delegates (2):

James K. Stanley, 117 W. 2nd Street,
Pomeroy, OH 45769 06/30/21

Vacancy 06/30/22

District 18

Counties: Ashtabula, Geauga, Lake and Trumbull

Board of Governors Representative:

Dennis M. Coyne, 1428 Hamilton Avenue,
Cleveland, OH 44114 06/30/22

Council of Delegates (4):

Michael E. Hamper, III, 531 East Beech Street Jefferson, OH 44047	06/30/21
Anna M. Parise, 60 S. Park Place, Painesville, OH 44077	06/30/21
Samuel R. Martillotta, 11715 Riverwood Drive Chardon, OH 44024	06/30/22
Matthew G. Vansuch, 6550 Seville Drive, Ste. B, Canfield, OH 44406	06/30/22

At-Large Delegates

Magistrate Joseph S. Gallagher, 41 N. Perry Street, Dayton, OH 45402	06/30/21
Carol Seubert Marx, 106 Starrit Street, Ste. 210, Lancaster, OH 43130	06/30/21
Rachel A. Sabo, 6612 Dalmore Lane, Dublin, OH 43016	06/30/21
Martin E. Mohler, 405 Madison Avenue, Ste. 1000, Toledo, OH 43604	06/30/22
Christina M. Spencer, 6494 Centerville Business Parkway, Dayton, OH 45459	06/30/22
John S. Stith, 250 E. 5 th Street, Ste. 2200, Cincinnati, OH 45202	06/30/22

Parliamentarian

Robert A. Brundrett, 33 N. High Street, 6th Floor Columbus, OH 43215	06/30/21
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At-Large Board of Governors Appointees

Kathleen A. Stoneman, 63 2 nd Street, SW, Carrollton, OH 44615	06/30/21
Caitlin E. Anderson, 700 Cardinal Place, Dublin, OH 43017	06/30/22
Montrella S. Jackson, 217 S. High Street, Ste. 713, Akron, OH 44308	06/30/23

OSBA Elected Officers

Judge Linda Teodosio, President, 650 Dan Street,
Akron, OH 44310

06/30/22

David H. Lefton, President-elect, 3074 Madison Road
Cincinnati, OH 45209

06/30/23

Eleana A. Drakatos, Immediate Past President, 1243 S. High
Street, Columbus, OH 43206

06/30/21

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OHIO STATE BAR ASSOCIATION

BYLAWS OF THE COUNCIL OF DELEGATES

Section I

In the absence or disability of both the president and president-elect of the Association, the meetings of this Council shall be presided over by a chairperson pro tempore, elected by a majority vote of the Council members present, which chairperson, when elected, shall serve in that capacity only during the sessions of the meeting at which he or she is elected. The secretary shall convene the first session of any meeting from or at which both the president and president-elect are absent or unable to preside and preside during the election of such chairperson pro tempore.

Section II

No action shall be taken upon reports of committees or sections of the Association unless they are submitted in writing; and no such committee or section report, which has been published in the *Ohio State Bar Association Report* or other publication of the Association that is distributed to all regular members, as directed by the Board of Governors, prior to the date of the meeting of the Council, shall be read orally to the meeting unless, by motion adopted by two-thirds vote of the delegates present, such a reading be ordered.

Section III

No person shall, without the consent of two-thirds of the delegates present, be entitled to speak more than once or for more than five minutes on any issue before the Council. Reports presented by committees and sections shall be limited to ten minutes, provided, however, that the ten-minute restriction shall not apply to the discussion of a proposal subsequent to its initial presentation. A member of the council or person presenting a report or resolution shall be entitled to open and close the discussion on the matter under consideration.

Section IV

Voting on all matters shall be by voice vote unless the presiding officer is in doubt concerning the result, or a division of the house is requested by any member, in either of which events a standing vote shall be taken.

Section V

The president of the Association shall, with the advice and consent of the Board of Governors, appoint a parliamentarian to aid and assist him or her or the chairperson at all meetings of the Council of Delegates. Said parliamentarian, whose term of office shall be concurrent with that of the president, shall not be a member of the current Board of Governors or the Council of Delegates.

Section VI

The order of business of all meetings of the Council of Delegates shall be the following:

- i. Roll call.
- ii. Action of minutes of previous meetings.
- iii. Unfinished business from preceding day, if any.
- iv. Special order of business for the day, as previously prepared by the president, president-elect and secretary of the Association.
- v. New business.

Section VII

Roberts' Rules of Order shall govern the Council of Delegates in all its proceedings, except to the extent to which these bylaws are, or the constitution of the Association is, inconsistent therewith.

Section VIII

These bylaws may be amended by the majority vote of the delegates present at any meetings, provided the proposed amendment has been published in the *Ohio State Bar Association Report* or other publication of the Association that is distributed to all regular members as directed by the Board of Governors at least once, not less than one week prior to the date of the meeting at which action on said amendment is taken.

As amended by the Council of Delegates November 7, 2003

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1 **REPORT OF THE ACCESS TO JUSTICE COMMITTEE**

2
3 *To the Council of Delegates*

4
5 The Access to Justice Committee respectfully requests your favorable consideration of the
6 following proposal:

7
8 To amend various sections of the Ohio Revised Code to lower the financial barriers to driver’s
9 license reinstatement, to limit driver’s license suspensions to offenses involving dangerous driving
10 and to make driver’s license reinstatement fees uniform for all suspensions.

11
12 Respectfully submitted,

13
14 William Dowling, *Akron*
15 *Access to Justice Committee*
16

17
18 **Rationale for the Proposal**

19
20 The loss of a driver’s license creates a substantial barrier to employment and responsible
21 citizenship. The problem is particularly acute for poor people. This proposal is intended to commit
22 the Ohio State Bar Association to reform of Ohio’s legislative scheme of driver’s license
23 suspension and reinstatement and to enable the OSBA to work along with other entities, including
24 the Ohio Judicial College, in accomplishing that goal.

25
26 An Ohio driver’s license can be suspended for approximately thirty different reasons. Some of the
27 offenses justifying suspensions are for dangerous driving, such as impaired driving and twelve-
28 point suspensions. However, many suspensions are for offenses unrelated to the actual operation
29 of a motor vehicle. Instead, they are related to failures to pay, such as failure to pay child support,
30 failure to have insurance or failure to pay fees and fines.

31
32 It is currently estimated that the driver’s licenses of over one million Ohioans are suspended.
33 Another 500,000 Ohioans are eligible for reinstatement of their licenses but have not yet been
34 reinstated. For many, the failure to reinstate is because of the inability to pay high BMV
35 reinstatement fees. It is estimated that one in five Ohio drivers is driving without a valid license.

36
37 Debt-based driver’s license suspensions have spawned a national movement to end or restrict this
38 cruel practice. Since 2017, fourteen states and the District of Columbia have passed legislation
39 limiting the practice. Similar legislation is pending in other states. Support for limiting debt-based
40 suspensions has come from both sides of the political aisle, with organizations as diverse as the
41 American Legislative Exchange Council and the American Civil Liberties Union lobbying for
42 reform. In Ohio, the Ohio Judicial Conference has recommended that suspensions “should only
43 be used to keep certain higher-risk drivers off the road, rather than as a punitive tool for unrelated
44 offenses.”

45
46 The Ohio legislature has already taken steps to reduce the effect of poverty on license
47 reinstatement. In 2019, the legislature enacted Section 4510.023 of the Revised Code to make
48 permanent a prior pilot program reducing reinstatement fees for low income Ohioans. The Council

49 of Delegates endorsed that legislation. Now, preliminary talks with Ohio legislators have revealed
50 enthusiastic support for more broad-based reform. The Access to Justice Committee, which has
51 adopted driver’s license reform and assistance as its signature project, seeks through this proposal
52 to commit the OSBA to further support of driver’s license suspension and reinstatement reform.
53 The contemplated legislation will be developed through cooperation with other entities and
54 legislative sponsors. Hoped for legislation will, among other things, limit the non-driving offenses
55 for which driver’s license suspension could be imposed, reduce the exorbitant reinstatement fees
56 for driving without insurance, create a simpler and more consistent scheme of reinstatement fees,
57 and provide an indigence exception for the payment of fees.

58
59 **Text of the Resolution of the Access to Justice Committee**

60
61
62 RESOLUTION IN SUPPORT OF REFORMING
63 DRIVER’S LICENSE SUSPENSIONS IN OHIO

64
65 WHEREAS, driving a motor vehicle is critically important in the daily lives of most Ohioans and
66 is often essential for getting to work, taking care of family and meeting the everyday needs of life;
67 and

68
69 WHEREAS, drunk and dangerous driving poses a great risk to the public, such that Ohio law must
70 provide for the suspension of the driver’s licenses of some persons who commit dangerous driving
71 offenses; and

72
73 WHEREAS, it is estimated that in Ohio there are over three million current license suspensions in
74 effect and that those suspensions invalidate the licenses of over one million residents; and

75
76 WHEREAS, an additional estimated 500,000 Ohioans have completed their license suspensions
77 but have not gotten their licenses reinstated. For many of these persons, reinstatement fees owed
78 to the Bureau of Motor Vehicles are the primary obstacle to reinstatement; and

79
80 WHEREAS, Ohio law currently provides for the suspension of driver’s licenses for approximately
81 30 different reasons. Some suspensions are for offenses involving unsafe operation of a motor
82 vehicle, e.g. drunk driving and 12-point suspensions. Other suspensions are for offenses unrelated
83 to the actual safe operation of a motor vehicle, e.g. failure to pay child support, failure to pay court
84 fees and fines, failure to maintain insurance, and having a weapon on school property; and

85
86 WHEREAS, the vast majority of suspensions unrelated to actual driving are for failure to pay
87 financial obligations and these suspensions disproportionately affect poor Ohioans; and

88
89 WHEREAS, licensees must pay to the BMV reinstatement fees in order to reinstate their licenses
90 at the end of suspensions. These fees are set in dozens of statutes. They are inconsistent and range
91 from \$15 to \$650 per suspension. Reinstatement fees are imposed without regard to ability to pay;
92 and

93
94 WHEREAS, the reinstatement fees are not criminal penalties but are fees intended to compensate
95 the BMV for its expenses and to support various State programs; and

96

97 WHEREAS, among the highest reinstatement fees are suspensions for failure to maintain motor
98 vehicle insurance. These non-compliance suspensions are most frequently imposed on drivers
99 who allow their insurance to lapse for non-payment of premiums resulting from poverty. The
100 reinstatement fees (\$150 for the first offense, \$350 for the second offense and \$650 for the third
101 offense) effectively penalize poor Ohioans for their poverty and present a significant obstacle to
102 reinstatement; and

103
104 WHEREAS, the suspension of driver’s licenses for failure to meet financial obligations is an
105 ineffective mechanism for obtaining payment and, on the contrary, prevents Ohioans from making
106 a living and paying their debts to the State;

107
108 NOW, THEREFORE, BE IT RESOLVED that the Access to Justice Committee of the Ohio State
109 Bar Association urges the Ohio legislature to do the following:

- 110
111 1. Revise laws to limit driver’s license suspensions to dangerous driving such as drunk
112 driving or multiple moving violations;
- 113
114 2. Revise laws to create a logical and consistent scheme of BMV reinstatement fees;
- 115
116 3. Revise laws to reduce the exorbitant existing fees (particularly the reinstatement fees
117 for non-compliance) that create an obstacle to license reinstatement for poor Ohioans;
- 118
119 4. Revise laws to provide for waiver or reduction of fees where the individual is
120 indigent.

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121 **REPORT OF THE FAMILY LAW COMMITTEE**

122
123 *To the Council of Delegates*

124
125 To amend §§ 3119.86, 3119.88, 3119.221, 3119.61, 3119.63, 3119.66, and 3119.90 in order to
126 allow for courts to award/determine child support for disabled children who are beyond the age
127 of majority prior to their parents filing for divorce.

128
129 Respectfully submitted,

130
131 Deborah L. McPartlin, *Cincinnati*
132 *Chair, OSBA Family Law Committee*

133
134 **Summary and Rationale for Proposal**

135
136
137 According to R.C. §3119.86, in the case of a child with mental or physical disabilities, a parent’s
138 duty to provide support may continue beyond the age of majority if the child is unable to support
139 himself or herself. Subsection (A)(1) of that statute provides, “(1) The duty of support to a child
140 imposed pursuant to a court child support order shall continue beyond the child's eighteenth
141 birthday only under the following circumstances: (a) The child is mentally or physically disabled
142 and is incapable of supporting or maintaining himself or herself....”

143
144 R.C. §3103.03 codifies parents’ duties to financially support their children. *Castle v. Castle*
145 (1984), 15 Ohio St. 3d 279, 473 N.E.2d 803, is the Supreme Court of Ohio case that first
146 confirmed an ongoing duty of support beyond a disabled child’s age of majority, if the child was
147 unable to support himself or herself because of mental or physical disabilities that existed before
148 attaining the age of majority. A trial court may award *ongoing* child support in a divorce for a
149 child disabled under the definition in *Castle*. However, there is a conflict in the appellate districts
150 as to whether child support can be ordered for the first time if the child is *over* the age eighteen at
151 the time of the divorce.

152
153 One court’s line of reasoning suggests support might be ordered since the child cannot and will
154 not reach “the age of majority” because he or she will not become self-sufficient or self-sustaining
155 at any foreseeable point. This reasoning is based on R.C. §3109.01, which defines emancipation
156 as people who have attained the age of 18 and are “under no legal disability.” *Abbas v. Abbas*
157 (7th Dist., 1998), 128 Ohio App. 3d 513, 715 N.E.2d 613.

158
159 Another court disagrees, holding that, since R.C. §3119.86 states, “the duty of support ... shall
160 *continue* beyond the child’s eighteenth birthday,” (emphasis added), a court has no authority to
161 establish an initial order of child support to commence after a child has reached age eighteen.
162 *Geygan v. Geygan* (10th Dist.), 2012-Ohio-1965, 973 N.E.2d 276.

163
164 Yet another court has rejected this reading of R.C. §3119.86 since nothing in that section
165 technically prevents the establishment of support during a divorce after the child’s eighteenth
166 birthday and the statute can be interpreted as a codification of Ohio’s common law principle that
167 support should continue beyond age eighteen for a child with disabilities. *Donohoo v. Donohoo*
168 (12th Dist.), 2012-Ohio-4105.

170 Regarding the *reinstatement* of a child support order for a disabled child over eighteen, a fourth
171 court has rejected the interpretation that R.C. 3119.86 requires that “a child support order must
172 be *in existence* on the child's eighteenth birthday in order to *continue* in existence.” *Fenstermaker*
173 *v. Fenstermaker* (11th. Dist.), 2015-Ohio-5524, 57 N.E.3d 206. But it is unclear how that court
174 might rule if confronted with a situation where court-ordered support is first requested after the
175 child would otherwise be considered emancipated.

176
177 The Family Law Committee’s proposal seeks to clarify any confusion in the appellate districts
178 regarding R.C. §3119.86 and a court’s ability to establish and modify an *initial* award of child
179 support for a child with disabilities after that child has turned eighteen. The Committee believes
180 courts should be able to award and manage support orders for these children, whether the request
181 for support arises in a divorce case or a separate action for support between unmarried parents, as
182 long as the child was disabled at the time of otherwise reaching the age of majority and has
183 continuously been so since that time.

184
185 The Committee’s proposal also seeks to ensure all Ohio disabled children are treated equally,
186 whether they are children of divorcing parents or unwed parents. And, based on input from
187 interested parties from Ohio’s child support agencies, the committee believes such determinations
188 to issue, modify, or terminate support awards of this type should be left solely to the courts, who
189 are much better situated to make the appropriate factual determinations in such cases.

190
191 **Text of Proposal**
192

193 **3119.86 Continuing support obligation beyond child's eighteenth birthday.**

194 (A) Notwithstanding section 3109.01 of the Revised Code, both of the following apply:

195 (1) The duty of support to a child imposed pursuant to a court child support order shall continue
196 beyond the child's eighteenth birthday only under the following circumstances:

197 (a) The child is mentally or physically disabled and is incapable of supporting or maintaining
198 himself or herself.

199 (b) The child's parents have agreed to continue support beyond the child's eighteenth birthday
200 pursuant to a separation agreement that was incorporated into a decree of divorce or dissolution.

201 (c) The child continuously attends a recognized and accredited high school on a full-time basis on
202 and after the child's eighteenth birthday.

203 (2) The duty of support to a child imposed pursuant to an administrative child support order shall
204 continue beyond the child's eighteenth birthday only if the child continuously attends a recognized
205 and accredited high school on a full-time basis on and after the child's eighteenth birthday.

206 (B) Notwithstanding section 3109.01 of the Revised Code, in any action for divorce, dissolution,
207 legal separation, or annulment, or in any action pursuant to division (A)(11), (B)(4), or (D) of
208 section 2151.23 of the Revised Code, or in any action brought pursuant to section 3111.04 or
209 3111.17 of the Revised Code, a court may establish or modify an order of support for the care and
210 maintenance of a child after the child’s eighteenth birthday if both of the following apply:

211 (1) the child is mentally or physically disabled and is incapable of supporting or maintaining
212 himself or herself, and

213 (2) the mental or physical disability of the child began before the child's eighteenth birthday.

214 (C) A court child support order shall not remain in effect after the child reaches nineteen years of
215 age unless the order provides that the duty of support continues under circumstances described in
216 division (A)(1)(a) or (b) or division (B) of this section for any period after the child reaches age
217 nineteen. An administrative child support order shall not remain in effect after the child reaches
218 age nineteen.

219 (D) Except as provided in division (B) of this section, if a court incorporates a separation
220 agreement described in division (A)(1)(b) of this section into a decree of divorce or dissolution,
221 the court may not require the duty of support to continue beyond the date the child's parents have
222 agreed support should terminate.

223 (E) A parent ordered to pay support under a child support order shall continue to pay support
224 under the order, including during seasonal vacation periods, until the order terminates.

225 (F) For the purposes of this section, "child" means a person, whether over or under the age of
226 majority, who is or is alleged to be owed a duty of support by the person's parent or who is or is
227 alleged to be the beneficiary of a support order directed to the parent.

228

229

230 **3119.88 Reasons for which child support order should terminate.**

231 (A) Reasons for which a child support order should terminate through the administrative process
232 under section 3119.89 of the Revised Code include all of the following:

233 (1) The child attains the age of majority if the child no longer attends an accredited high school
234 on a full-time basis and the child support order requires support to continue past the age of
235 majority only if the child continuously attends such a high school after attaining that age;

236 (2) The child ceases to attend an accredited high school on a full-time basis after attaining the age
237 of majority, if the child support order requires support to continue past the age of majority only if
238 the child continuously attends such a high school after attaining that age;

239 (3) A termination condition specified in the court child support order has been met for a child who
240 reaches nineteen years of age;

241 (4) The child's death;

242 (5) The child's marriage;

243 (6) The child's emancipation;

244 (7) The child's enlistment in the armed services;

- 245 (8) The child's deportation;
- 246 (9) Change of legal custody of the child;
- 247 (10) The child's adoption;
- 248 (11) The obligor's death;
- 249 (12) The grandparent to whom support is being paid or a grandparent who is paying support
 250 reports that the grandparent's support order should terminate as a result of one of the events
 251 described in division (D) of section 3109.19 of the Revised Code;
- 252 (13) Marriage of the obligor under a child support order to the obligee, if the obligor and obligee
 253 reside together with the child.
- 254 (B) A child support order may be terminated by the court or child support enforcement agency
 255 for any reasons listed in division (A) of this section. A court may also terminate an order for any
 256 other appropriate reasons brought to the attention of the court, unless otherwise prohibited by law.
- 257 (C) A court may terminate an order established, continued, or modified pursuant to division
 258 (A)(1)(a) or (B) of section 3119.86 of the Revised Code upon satisfactory proof to the court the
 259 child is no longer mentally or physically disabled or is capable of supporting or maintaining
 260 himself or herself.

261
 262 **3119.221 Extending term of child support [NEW]**
 263 A court may order an extended term of duration for child support if a child is mentally or
 264 physically disabled and is incapable of supporting or maintaining himself or herself, to the
 265 extent that the disability justifies extending the duty of support and term of duration of the
 266 support order.

267
 268 **3119.61 Commencing review of administrative order**

269 [. . .]

270 (D) Except as otherwise provided in section 3119.772 of the Revised Code, if the agency modifies
 271 an existing administrative child support order, the modification shall relate back to the first day
 272 of the month following the date certain on which the review began under section 3119.60 of the
 273 Revised Code.

274 (E) If the agency cannot set the amount of child support the obligor will pay under the
 275 administrative child support order either
 276 (1) without granting a deviation pursuant to section 3119.23 of the Revised Code, or
 277 (2) without resolving a party's request for a determination whether the child is mentally or
 278 physically disabled and is incapable of supporting or maintaining himself or herself, to the extent
 279 that it justifies extending the duty of support and term of duration of the support order,
 280 the agency shall bring an action under section 2151.231 of the Revised Code in the juvenile court
 281 or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the
 282 county in which the agency is located requesting that the court issue a child support order.

283
 284 **3119.63 Reviewing court child support order**

285 [. . .]

286 (D) Give the obligor and obligee notice, by ordinary mail, that if the court child support order
287 contains a deviation granted under section 3119.06, 3119.22, 3119.23, or 3119.24 of the Revised
288 Code, a parenting time adjustment granted under section 3119.051 of the Revised Code, or if the
289 obligor or obligee intends to request a deviation from the child support amount to be paid under
290 the court child support order, the obligor or obligee intends to request a determination whether
291 the child is mentally or physically disabled and is incapable of supporting or maintaining himself
292 or herself, to the extent that justifies extending the duty of support and the term of duration of the
293 support order, the obligor and obligee have a right to request a court hearing on the revised amount
294 of child support without first requesting an administrative hearing and that the obligor or obligee,
295 in order to exercise this right, must make the request for a court hearing no later than fourteen
296 days after the notice is issued;
297 [. . .]

298
299 **3119.66 Schedule for and conduct of hearing**

300 If the obligor or the obligee requests a court hearing on the revised amount of child support
301 calculated by the child support enforcement agency, the court shall schedule and conduct a hearing
302 to determine whether the revised amount of child support is the appropriate amount and whether
303 the ~~amount~~ of child support being paid under the court child support order should be revised.

304
305 **3119.90 Agency determination that support order should terminate**

306 [. . .]

307 (B) A child support enforcement agency that conducts an investigation of a child support order
308 shall give the obligor and obligee under the order notice of the results of its investigation and a
309 copy of any court or administrative impound order issued pursuant to division (A) of this section.
310 The obligor and obligee also shall be given all of the following:

311 (1) Notice of their right to request an administrative hearing regarding any conclusions of the
312 investigation;

313 (2) Notice of the procedures and time deadlines for requesting the hearing;

314 (3)(a) Notice that the conclusions of the investigations will be issued as an administrative order
315 by the agency if the underlying order is an administrative child support order;

316 (b) Notice that the conclusions of the investigations will be submitted to the court for inclusion
317 into a revised or terminated court child support order with no further court hearing if the
318 underlying order is a court child support order.

319 (4) Notice that no revised administrative or court child support order will be issued if either the
320 obligor or obligee requests an administrative hearing on the investigation conclusions within
321 fourteen days after notice is issued under this division.

322 (5) Notice that if the objection requires resolving a determination whether the child is mentally or
323 physically disabled and is incapable of supporting or maintaining himself or herself, to the extent
324 that it justifies extending the duty of support and term of duration of the support order, the obligor
325 and obligee have a right to object to the decision by filing a motion with the court without first
326 requesting an administrative hearing.

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327 **REPORT OF THE MILITARY AND VETERANS' AFFAIRS COMMITTEE**

328

329 *To the Council of Delegates:*

330 The Military and Veterans' Affairs Committee respectfully requests your favorable
331 consideration of the following proposal:

332 To create a new section of code that would allow for courts to enter into a memorandum of
333 understanding that would transfer jurisdiction from one court without a specialized docket to
334 another court that has a specialized docket.

335 *Respectfully submitted,*

336

337 *Judge Michael E. Jackson, Cleveland*
338 *Colonel Linda Strite Murnane, Xenia*
339 *Co-Chairs, Ohio State Bar Association Military*
340 *and Veterans' Affairs Committee*

341

342 **Summary and Rationale for Proposal**

343

344 This proposal would allow counties which have Specialized Dockets to enter voluntary
345 memoranda of understanding with other counties where there is not a Specialized Docket.
346 Specifically, this legislation formalizes the referral of cases from the jurisdiction of a county or
347 municipal court without a Specialized Docket to county which has one or more of the 15
348 Specialized Dockets approved by the Supreme Court of Ohio or local Ohio courts, including for
349 example - Veterans Treatment Courts, Mental Health Courts, Drug Courts, DWI Courts. This
350 legislation promotes the better use of existing resources and creates access to those resources for
351 those who need them, but currently have no opportunity to obtain them. The counties participating
352 in this process would do so by voluntarily entering into a memorandum of understanding
353 concerning the terms and conditions of this arrangement.

354

355 While some jurisdictions have already engaged in this practice of entering into a memorandum of
356 understanding, many judges and court administrators are reluctant to do so due to the absence of
357 specific legislation authorizing such cross-jurisdictional arrangements. Where Specialized
358 Dockets have proven successful in reducing recidivism and addressing the needs of alleged or
359 convicted offenders through accessing treatment programs, there is a direct benefit to citizens in
360 the communities by reducing the recurrence of incarceration and facilitating the successful
361 reintegration of the individual into the community.

362

363 Formalizing the arrangement of cross-jurisdictional memoranda of understanding allowing access
364 to Specialized Dockets which are staffed with adequate resources benefits all of Ohio as well as
365 each community.

366

367

368

369

370 **Text of the Proposal**

371

372 The Ohio State Bar Association is authorized to work with the Ohio Supreme Court, the Ohio
373 Judicial Conference and the Ohio General Assembly to get legislation enacted that would
374 authorize and formalize the process by which a court could enter into a memorandum of
375 understanding that would transfer jurisdiction from one court without a specialized docket to
376 another court that has a specialized docket.

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