

OhioLawyer

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Meet Bill Chris

2025-2026 Ohio State
Bar Association President

Inside:

Reflections on the Life and
Service of Thomas J. Moyer,
15 Years Later

The Reluctant Law Firm CEO

The Economics of Law Practice
A New Study for a New Age



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In Memoriam

2024

Herbert E. Adams, 83, Gibsonburg, Dec. 8, 2024
Joyce E. Barrett, 84, Westlake, Oct. 25, 2024
James F. Companion, 83, Wheeling, WV, Sept. 18, 2024
Robert H. Compton, 90, Ironton, Dec. 26, 2024
Darrell W. Foell, 89, Dousman, WI, Sept. 21, 2024
Harold S. Freeman, 91, Mason, Oct. 15, 2024
Robert A. Goering, 89, Cincinnati, Nov. 19, 2024
David L. Hobson, 87, Springfield, Oct. 6, 2024
George N. Jonson, 90, Hamilton, Nov. 13, 2024
David E. Ledman, 62, Mentor, Dec. 19, 2024
William S. Leizman, 98, Cleveland, Oct. 4, 2024
Mark D. McGraw, 73, Cleveland, Oct. 31, 2024
Robert E. Mishler, 95, Garrettsville, Nov. 22, 2024
Tina M. Morton, 53, Painesville, Aug. 18, 2024
John R. Moser, 97, Hamilton, Nov. 28, 2024
Nicholas R. Oleski, 34, Macedonia, Nov. 19, 2024
James E. O'Meara III, 88, Newburgh Heights, Oct. 24, 2024

Daniel L. Rossi, 97, Youngstown, Dec. 22, 2024
Walter J. Skotynsky, 78, Toledo, July 17, 2024
A. Russell Smith, 88, Barberton, Dec. 22, 2024
Dennis R. Wilcox, 72, Cleveland, July 3, 2024

2025

Stanley J. Aronoff, 91, Cincinnati, Jan. 31, 2025
Lawrence M. Bell, 89, Cleveland Heights, Jan. 22, 2025
Allan J. Brogan, 95, Hilliard, Jan. 10, 2025
L. Barry Cors, 92, Cincinnati, Feb. 28, 2025
John O. Costine, 100, St. Clairsville, March 6, 2025
William K. Hoskins, 89, Vineyard Haven, Feb. 5, 2025
Joseph C. Kammer, 92, Cincinnati, Feb. 15, 2025
John E. Kohler, 89, North Ridgeville, Feb. 5, 2025
Marvin H. Kraus, 96, Cincinnati, Feb. 15, 2025
Frederick J. Milligan, 82, Columbus, March 27, 2025
Sanford M. Shore, 96, Cleveland Heights, Feb. 4, 2025
Charles J. Tyburski, 90, Canton, Jan. 31, 2025



July 7 – The Importance of the Ohio Constitution – State Constitutional Interpretation, Stare Decisis and Litigating State Constitutional Claims

July 9 – U.S. Supreme Court Mid-Year Review

July 16 – Improving Family Outcome With Co-Parenting App

July 18 – Epic Cross-Examination Tactics - Part I of III

July 22 – Client Communications for Success

July 24 – Cryptocurrency and Estate Planning

Aug. 5 – Navigating the Skies: Legal Frontiers in Drone and Advanced Air Mobility Law

Aug. 7 – Your Home Is Spying on You: A Look at Internet Forensics

Aug. 13 – Mastering the Art of Cross Examination - Part II of III

Sept. 12 – Marvin R. Pliskin Advanced Probate and Estate Planning Institute

Oct. 9-10 – 62nd Annual Midwest Labor and Employment Law Institute

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Visit ohio-bar.org/cle-store.



What's Happening at the Bar?

Updates from the CEO



Promoting justice and advancing the legal profession.

With July 1 fast-approaching, I am so excited to ring in a new bar year and work with our leaders new and old to move our association forward in a rapidly evolving world. Fresh off another successful Ohio Bar Annual Meeting, where we helped shape the association's public policy priorities and celebrated excellence in the legal profession, this summer has us feeling inspired and ready to get to work in service of our members. If you've ever thought about it, now is a great time to get involved, start your path to leadership and help us advance the practice

of law around Ohio. No matter your location or interests, many opportunities await and, as our incoming President Bill Chris wisely says in his profile on pg. 8, all you have to do is reach out! This year's fantastic group of leaders is ready and waiting to learn what inspires you and get you involved. I'm always happy to hear from you too at osbaexecutivedirector@ohiobar.org.

-Mary Amos Augsburger
Ohio Bar CEO



Board of Governors

Here are the actions taken by the Ohio Bar Board of Governors at their February meeting:

- Voted to recommend an amendment to the Ohio Bar Constitution. See the Annual Meeting Policy Recap ahead.
- Approved recruiting guidance for the board.
- Clarified the bar's legal administrator membership type. (Legal administrators can join as part of their firm.)
- Received a debriefing on the new Economics of Law Practice Survey. Learn more on pg. 22.
- Approved Rep. Brian Stewart as the recipient of the 2025 Lawyer Legislator Distinguished Service Award and Rita McNeil Danish as the recipient of the Nettie Cronise Lutes Award. Learn all about this year's annual meeting honorees on pg. 12.
- Aligned on the bar's advocacy priorities for the state's biennial budget.
- Made appointments to the Estate Planning, Trust and Probate Law Section Council.
- Heard from law school deans Emily M. Janoski-Haehlen (University of Akron School of Law) and Paul Rose (Case Western Reserve University School of Law) about their experience with today's generation of law students to give the board a better picture of the current state of legal education.

Thank you to our outgoing board members for their service!



Michelle Kranz
Immediate Past-President



Gregory R. Flax
District 6 Governor



Michael J. Frantz
District 12 Governor



Scott M. Robe
District 17 Governor



**Your 2025-2026
Bar Year Officers**



Bill Chris
President



Dan Griffith
Immediate Past-President



Jan Allen Baughman
President-Elect



Mary Amos Augsburger
CEO & Corporate Secretary



Craig Howell
COO, CFO & Board Treasurer

About Craig

A warm welcome to Craig Howell, the Ohio Bar's new chief operating, financial officer and board treasurer. An Akron native, Craig comes to the Ohio Bar with a background of 30 years in finance and accounting, including previous roles as CFO, controller and auditor, plus experience with SEC reporting and business management. He earned his degree in accounting from The Ohio State University Fischer College of Business.



I came here because of the great people, a phenomenal board and because I truly believe in the mission of the Ohio Bar.

Fun fact: Craig served in the U.S. Navy as a nuclear-powered machinist mate on a submarine. These days, he's an avid bowler with his league in Columbus.



**Welcome New and
Re-Elected Board Members:**



Matthew A. Miller
(re-elected)
District 3 Governor



Kristopher O. Justice
District 17 Governor



James M. Hill
District 6 Governor



Anna M. Parise
District 18 Governor



Wendi Fowler
(re-elected)
District 9 Governor



Matthew G. Vansuch
At-Large Governor



John P. Thomas
District 12 Governor



**Thank You For Walking, Running
and Biking for Mental Wellness**



Congratulations to Team Martin Browne, champions of the bar's fourth annual 25-Mile Challenge with an impressive 2,337 miles. Together, we logged more than 15,700 miles!

View the wall of champions and more photos from the challenge: ohiobar.org/25milechallenge



Emerging Trends in the Legal Profession



As part of the Ohio Bar Annual Meeting this spring, attorneys from around the state gathered for their district meetings at the Renaissance Columbus Downtown. Ohio Bar Director of Inclusion and Outreach Jocelyn Armstrong and I were pleased to present our interactive CLE on emerging trends in the legal profession. We asked practitioners for their perspectives on the following questions regarding current hot topics:

1. Should Ohio consider alternative pathways to admission? Why or why not?
2. Should we allow other professionals, under the supervision of a lawyer, to do legal work? If so, what? If not, why?
3. Should we embrace or better regulate AI and why?

Let's keep this conversation going. If you have feedback on these questions or more trends that you're seeing in your practice, we want to hear from you! Email me at osbaexecutivedirector@ohiobar.org.



2025 Annual Meeting Policy Recap

The Ohio Bar returned to Capitol Square for our 2025 Annual Meeting of Members this spring. At the meeting, bar members had the chance to weigh in on the direction of the association and help set the bar's public policy agenda for the year to come. This year, the Ohio Bar Council of Delegates approved three legislative proposals from Ohio Bar committees and sections. These will now become priorities for the association as we lobby to improve the law at the Ohio Statehouse.

- ***The Council of Delegates approved two proposals from the Ohio Bar Estate Planning, Trust and Probate Law Section. Here is what each one will do:***
 - o Enact a new Chapter 5819 of the Ohio Revised Code to create the ability for Ohio residents to establish community property through the establishment of a community property trust. The proposal follows states such as Alaska, Florida, Kentucky, South Dakota and Tennessee that allow married couples to elect to convert their property to community property by transferring assets to a community property trust.
 - o Enact a new section to supplement Ohio Revised Code Chapter 1337 to provide that the parent, guardian or custodian of a child may create a power of attorney that grants to a competent adult ("attorney in fact") the power to make health and nonfinancial personal care decisions for the child. This proposal would broaden the authorization of such documents beyond residential grandparent, who are the only people currently authorized to act under such documents.

- **The council also approved a proposal from the Ohio Bar Military and Veterans' Affairs Committee. It will:**
 - o Create a veteran diversion treatment plan as an alternative to prosecution to address the specific challenges stemming from veterans' unique service-connected traumas and disorders. The proposal would create a five-year pilot program around the state, after which the legislature would have the option to make the program permanent.

General Assembly Meeting – Constitutional Amendment

- Also at the annual meeting, the Ohio Bar Board of Governors proposed and – and the General Assembly approved – an amendment to the association's constitution that will update the calculation for determining the number of seats each Ohio Bar district has on the Council of Delegates to occur every 10 years, vs. annually, and to ensure every district has a minimum of three district delegate seats. This amendment will maintain adequate and consistent representation for attorneys across the state. The changes take effect immediately and the next district census will take place July 1, 2030.

More From the Annual Meeting



Dan Griffith passed the presidential gavel to 2025-2026 Ohio Bar President Bill Chris. We thanked Dan for his service and heard from Bill on his priorities for the year. Get to know Bill in our profile on pg. 8.



Attendees heard from House Speaker and Ohio Bar member Rep. Matt Huffman (R-Lima) on the importance of lawyers in the legislature.



Chief Justice Sharon Kennedy provided her annual Ohio Supreme Court update and urged attorneys to put civility front-and-center in their day-to-day practices.

Thank you to all who joined us at the 2025 Annual Meeting of Members!

Over two days, we gathered at iconic locations around Capitol Square to hold district meetings, honor our long-practicing members and recognize excellence in the legal profession. Relive the day with videos and photos at ohiobar.org/annualmeeting.

And learn more about this year's attorney honorees on pg. 12.



Meet Bill Chris

2025-2026 Ohio State Bar Association
President

By Annie Yamson
Ohio Lawyer Editor

One thing becomes immediately clear when you first meet Bill Chris: This man *loves* what he does.

“I enjoy the practice of law, I enjoy managing this firm,” he tells me at his downtown Akron law office of Roderick Linton Belfance this spring. “It is the best place I’ve ever been.”

Not only does he seem to genuinely enjoy his work, but the people around him seem to genuinely enjoy him. Chris has been a lawyer for four decades. He has spent more than half of that time

with his current firm, where he is now managing partner. His legal assistant, Heather, has been with him for 35 years. And though he claims to be shy, he has an easy banter with almost everyone who crosses his path.

“Growing up, nobody believes this, I was really shy. I still consider myself shy,” he said. “I just got through school, I didn’t talk much and I had my small group of friends.”

Chris is the son of first-generation Macedonian immigrants. Though he

was born in Akron, which has a sizable Macedonian-American population, Chris’s family moved to North Canton, where he grew up and graduated from high school. His family then returned to Akron after he graduated.

Chris takes his heritage and his family’s business background seriously. In his office, he proudly displays a black and white photo of his immigrant grandfather standing outside of the bar that he owned in Akron. His father, likewise, was a local businessman. But Chris was the first in his family to attend college, earning his

undergraduate degree in communication and rhetoric from the University of Akron.

“All of a sudden, I seemed to wake up in college,” said Chris, who found himself academically driven like he hadn’t been in high school. It was when he met lawyer and professor Dave Jamison that he was inspired to go to law school.

“I listened to Dave, I idolized Dave,” Chris said. “And I decided I was going to become a lawyer like Dave. And that’s how I got into the practice.”

Chris graduated from the University of Toledo College of Law in 1985 and returned to Akron once again to work with a small insurance defense firm. But his entrepreneurial family history had an influence on his eventual practice focus.

“What really interested me was helping people, particularly business startups. I always had a fascination with people who were trying to get a new business going,” Chris said. “That was one of the things I really enjoyed too – trying to develop and build a practice.”

Chris struck out on his own for a while, building a practice that eventually merged with a larger, Cleveland-based firm. In 2001, he met Larry Bach and Bob Linton of Roderick Linton Belfance. The two convinced him to join their firm and the rest, as they say, is history.

“That was the best move I have ever made,” he said. “It has been the most fulfilling 24 years of my career.”

Bar Associations Enter the Picture

Chris’s first employer, Sam Nukes, happened to be president of the Akron Bar Association.

“I’d been a lawyer for maybe two weeks and Sam walked into my office and asked, ‘Bill, have you joined the bar association yet?’” Chris said. “We walked out of the office, down the street, went into the Akron Bar, he handed them a

check and we walked out. I’ve been a member ever since.”

In the next few decades, Chris worked his way up through the ranks of the Akron Bar, serving on various committees (often as chair), as secretary of the Akron Bar Foundation Board of Governors and as grievance counsel for the Akron Bar – a role that, today, still inspires his commitment to helping lawyers who struggle with substance use and mental health crises.

“That was an extremely fulfilling position and, unfortunately, a lot of work,” Chris said.

He recounts the case of an attorney who was struggling with substance abuse and ended up in court, charged with several violations related to his drinking. Chris was the one who delivered the news of how this would affect the lawyer’s career.

“I told him, the bad news is, you’re going to plead to all these charges and I have to report you to grievance,” Chris said. “The good news is, I am the grievance counsel. So I get to report you to myself. We are going to get you into the Ohio Lawyers Assistance Program (OLAP) and you’re going to come out of this better.”

Chris tears up as he tells the story. More than a decade later, he still hears from the attorney each year, crediting his life and career to the help of OLAP.

“This is a tough profession. Clients are hard, other lawyers are hard, judges can be tough and sometimes, people step over the edge,” Chris said. “I believe

that any type of help that is out there for our lawyers, we need to support that wholeheartedly. The fact that we have programs like OLAP and other bar association programs is just one of the greatest services we can provide.”

Throughout his tenure as grievance counsel and other roles at the Akron Bar, Chris was in the good company of several bar leaders and Ohio Bar past presidents – Carmen Roberto, Ron Kopp and Judge Linda Tucci Teodosio. With their support, he stepped up to become 2018-2019 Akron Bar Association President.

“I think they saw that I had common sense and that I have more of a business idea of how to lead and they really encouraged me,” Chris said. “I love the small bars and I love what they do. Being president of the Akron Bar was fulfilling as could be.”



The Ohio Bar presidential gavel.



From left to right, Dan Griffith, Bill and Jan Baughman.



Chris was also encouraged to take his skillset statewide by getting involved with the Ohio Bar, where he met even more people who inspired him to take on leadership roles. After serving on the Board of Governors, representing the bar's District 11, he threw his hat in the ring to lead the association.

"I don't know if I would have stepped up without them, but thanks to Dan Griffith, Michelle Kranz, Judge Dean Wilson, Mary Augsburger ... all of them just encouraged me to do it," Chris said. "I still feel overwhelmed. Never, ever in my wildest dreams did I believe that I would end up as, first the Akron Bar president, but now the Ohio Bar president. That just never was in my imagination."

Now that he's here though, Chris has some goals for his year at the helm ...

What's In Store This Year (And Beyond)

As part of an officer panel that includes President Elect Jan Baughman, Immediate Past President Dan Griffith and CEO Mary Amos Augsburger ("We all get along just fabulously,"

he says.) Chris will be focused on continuing and improving initiatives that were set in motion over the past few years, like leveraging technology to improve the member experience and improving access to lawyers around the state.

"I'm really focusing on the business itself and providing quality services to our members," he said. "The challenges facing legal professionals in 2025 are many. There is just so much work out there."

Chris will help the bar expand the Rural Practice Incentive Program, which aims to get more lawyers to work in underserved areas by providing student loan forgiveness. And he hopes that the bar association can help the solo and small firm attorneys who can benefit most from a statewide network.

"It's always been a challenging job and it's harder these days with technology through which people demand instantaneous responses. And it's hard on those lawyers who are not in firms, who are practicing off their cell phones, meeting clients in restaurants," said Chris.

Overall, he hopes his year is remembered as a smooth one in which lawyers continue to see the value of bar membership and continue to get more involved.

"The benefit of joining a bar association is the fact that you get to see people, meet people and learn from other people. I'm living proof of that. If you have a case that you're just not 100% sure of, you will meet a lawyer who has handled that type of work. They may work with you. They may take you under their wing. But in any event, you will have a contact there and a referral source that is invaluable."

While he wants the bar to use technology to better help members in their practices, he also hopes that people don't lose sight of the value of in-person collaboration.

"This year and over the next decade, I would be really happy if we all spent more time together, working in a room together where people are more engaged," he said. "I think the results you get sitting in a room together, having lunch together, are better. As a lawyer, I feel better at the end of the day about the decisions I made because I talked them over in person, with people I respect."

Chris also hopes early-career lawyers can see his story and be more proactive when it comes to getting a foot in the door.

"I didn't do this, but I wish I did: The people who have come up to me and said, 'Hey, Bill, you have a position, can you get me involved?' I would always find something for them," Chris said. "One of them is now on the Board of Governors, one of them is on the Council of Delegates and one of them is a treasurer for the Akron Bar."

"I have been able to guide them or put in a good word for those people to get into those positions. So simply find somebody you know and ask. It will happen!"

Chris will officially begin his year as president on July 1, but on May 13, at the Ohio Bar annual meeting, he was passed the presidential gavel – exactly 40



Watch our video interview with the 2025 - 2026 Ohio Bar President Bill Chris: ohioabar.org/billchris

years to the day since he was sworn in to the practice of law in Ohio. The passing of the gavel is a time-honored tradition wherein one president ceremonially hands over the leadership reigns to another. The wooden gavel is almost 100 years old, created for 1928-29 President John A. Elden and has lived at Ohio Bar headquarters for decades. Chris graciously accepted the symbolic honor this May and gave a heartfelt speech.

“I’ve gone to work every day and as bar president, I will go to work every day thinking about the lawyer in Columbus, Cleveland and Cincinnati,” he said of the year ahead. “But I will also think about the lawyer in Coshocton, Alliance and North Canton. We represent the state of Ohio.”

Chris then then proceeded to carry out an orchestrated gavel heist, pulling a playful prank on the longtime

Ohio Bar staff who are responsible for its safekeeping.

The gavel has been returned to its rightful home at the bar, but Chris’s acceptance of it carried an important message for the year ahead: The Ohio Bar will be led by a man who truly loves the legal profession, who cares deeply about his fellow man and his fellow lawyer and who will be sure to have a little bit of fun along the way. 🐶

More From Bill

On Family

I’ve been married to my lovely wife Mikki for 35 years, she is just wonderful. She is a bailiff with the Summit County Court of Common Pleas. We have two kids, Sylvia and Mark. Sylvia is a head librarian at the Firestone Park branch here, we’re very proud of her. And we’re very proud of my son Mark, who works here in town in construction. We’re so fortunate.

And Mikki really loves dogs. We’ve had several rescues over the years. We currently have a dog named Indie, she is a German shepherd. She is one of the most loving dogs to us but you can’t come over to our house because she will bite you. She is a bad dog, but a loving one.

On Hobbies

The one thing I do to get away is golf. I would fish, I would boat, but all those conflict with golfing. And I’m pretty good. That’s the one thing I’m confident about, I’m pretty good.

I spend a lot of time with my wife. We have a beautiful backyard and we just sit out there and talk.

On the Akron Community

What I like about the Akron community is that everybody knows everybody. If you just mention one name to somebody you meet, they may know that person or they know somebody who knows them. We really have so much here in Akron – Cleveland is just a few short miles away, we have great parks. And

if you really look at Akron’s history and culture, there was so much going on here in the 1950s and 60s. Movie stars and actors and politicians came from all over the country just to be involved in Akron, whether it was the Soap Box Derby or other events. We have a great history here.

On Law-Related Movies

My favorite law-related movie was “12 Angry Men.” I just thought that was phenomenal. My scariest law related movie was “Cape Fear,” which is just terrifying. Knowing what can happen with clients who maybe get dissatisfied. The one I saw had Robert De Niro in it, and it was terrifying as a young lawyer to watch that.



Bill and his wife, Mikki.



The Chris family. Daughter Sylvia (center) with, left to right, Bill, Mikki, Bill’s father Dave, Bill’s son Mark and Bill’s mother Rose.



Indie. A bad dog, but a good girl.



Honoring Excellence in the Legal Profession

Each year, at the Ohio Bar Annual Meeting, we come together to recognize the contributions of Ohio attorneys to the legal profession. These lawyers have gone above and beyond to improve the practice of law and their communities. This year, we added the following award recipients to the distinguished ranks of past winners. Congratulations to the 2025 award recipients!



Ohio Bar Medal **Michael E. Flowers**

The Ohio Bar Medal, the Ohio State Bar Association's highest honor, is awarded to those who have given unselfishly of their time and talent by taking prominent leadership roles on the bench and in the organized bar and to those who have worked quietly to earn the deep admiration and respect of the community.

Michael E. Flowers is an attorney with the law firm of Steptoe & Johnson. He has served on the boards of Columbus State Community College, Bucknell University, as chair of the Ohio Minority Development Financing Advisory Board and member of the Small Business Advisory Council and the American Law Institute. He is a former chair of the Business Law Section of the American Bar Association (ABA) and has served on the Board of Governors of the ABA, the Ohio Bar and the Ohio State Bar Foundation. He earned his undergraduate degree from Bucknell University and his law degree from The Ohio State University Moritz College of Law. For his career-long, generous donation of time and talent for the betterment of the legal profession and communities at home and around the world, Michael Flowers is the recipient of the 2025 Ohio Bar Medal.



Nettie Cronise Lutes Award **J. Rita McNeil Danish**

The Nettie Cronise Lutes Award is named after the first woman licensed to practice law in Ohio. The Ohio State Bar Association Women in the Profession Section established the Nettie Award to honor Lutes and to recognize woman lawyers who have improved the legal profession through their own high level of professionalism, opening doors for other women and girls.

Rita McNeil Danish is the CEO of the nonprofit media organization Signal Ohio. Her legal career spans more than 30 years, including serving as a magistrate and judge in the Franklin County Court of Common Pleas Domestic and Juvenile Division, section chief for the Ohio Attorney General's Civil Rights Section, partner at Taft Law and city attorney for both Dayton and Cincinnati. For her decades of contributions to the legal profession and her commitment to lifting up fellow women lawyers along the way, Rita McNeil Danish is the recipient of the 2025 Nettie Cronise Lutes Award.



Lawyer-Legislator Distinguished Service Award **Rep. Brian Stewart**

The bar association established the Lawyer Legislator Distinguished Service Award in 2014 to recognize Ohio lawyers who also provide exceptional service as Ohio legislators.

Rep. Brian Stewart (R-Ashville) represents the 12th Ohio House District and serves as chair of the House Finance Committee. Rep. Stewart is also the owner of The Law Office of Brian Stewart LLC in Circleville and a U.S. Army veteran. Over the years, Rep. Stewart has helped pass many initiatives aimed at improving access to Ohio courts and lawyers and clarifying Ohio law. In his role as House Finance Committee chair, Stewart is a champion of efforts to address gaps in access to attorneys across the state and innovating the delivery of indigent defense services. For his deep understanding of the practice of law and commitment to improving access to legal services across the state, Rep. Brian Stewart is the recipient of this year's Lawyer Legislator Distinguished Service Award.



John and Ginny Elam Pro Bono Award Judge Mary Jane Trapp (Posthumous)

The Ohio Access to Justice Foundation's John and Ginny Elam Pro Bono Award was established and endowed by Ginny Elam in honor of her husband John C. Elam. This award recognizes attorneys who, like John before them, selflessly donate their time and talent to pro bono causes that assist persons of limited means, charitable and community organizations.

Judge Mary Jane Trapp passed away on April 24, 2025, leaving behind a tremendous legacy of service to her community and the legal profession. She was retired from the 11th District Court of Appeals where she had served two terms. She was a past president of the Ohio State Bar Association and past recipient of the Ohio Bar Medal and the Ohio Access to Justice Foundation's Presidential Award for Pro Bono Service, along with many other accolades. In her community, she contributed to legal aid throughout her decades-long career. She served as a pro bono attorney, member of the legal aid board of directors, legal aid ambassador, pro bono continuing legal education presenter, mentor and more. In 2008, she helped shape the way that Ohio courts approach foreclosure cases. For her work to highlight the importance of pro bono work in the legal profession, Judge Trapp is the posthumous recipient of the 2025 John and Ginny Elam Award for Pro Bono Service.



Presidential Award Thompson Hine Dayton

The Ohio Access to Justice Foundation's Presidential Award annually recognizes attorneys who provide their professional expertise to increase access to justice in Ohio by serving those most in need.

Thompson Hine LLP is a national law firm with offices located in 10 cities. Over more than a decade, the Thompson Hine Dayton office has partnered with the Greater Dayton Volunteer Lawyers Project to address the pressing legal needs of individuals facing landlord-tenant disputes.

For their unwavering dedication to service, embodying the highest ideals of the legal profession, the attorneys of Thompson Hine Dayton are the recipients of the 2025 Ohio Access to Justice Foundation Presidential Award.



Voice of Justice Award Matt Damschroder

The Ohio Access to Justice Foundation's Voice of Justice Award recognizes a person or organization who demonstrates outstanding leadership and advocacy on behalf of Ohioans who may need legal assistance to live stable, healthy and financially secure lives.

Matt Damschroder serves as the director of the Ohio Department of Job and Family Services (ODJFS), a role to which he was appointed by Governor Mike DeWine in 2021. Prior to joining ODJFS, he served as director of the Ohio Department of Administrative Services (DAS) where he brought a focus of customer service to the agency. In his current role at ODJFS, Damschroder has brought a similar commitment to customer service and accessibility by creating processes to streamline SNAP applications and renewals, improve fraud prevention and other changes aimed at improving user-friendliness. For his accomplishments in making a key Ohio agency friendlier, more efficient and more effective for the Ohioans who need to access its services, Dir. Matt Damschroder is the recipient of the 2025 Voice of Justice Award.



Relive the Day

View the videos honoring the award winners, browse photos from the day and more at ohiobar.org/annualmeeting.



Celebrating Milestones

At the Ohio Bar Annual Meeting Recognition Luncheon, we celebrated those members of the bar who have achieved an impressive 50 and 65 years in practice. Congratulations to all of these inspiring attorneys!

University of Akron School of Law **50 Years in Practice**

Fred Arnoff | District 12 | Cleveland
Gordon Arnold | District 6 | Beavercreek
Michael Cochran | District 14 |
New Philadelphia
Ronald Cramer | District 5 | Marion
Alfred Fleming | District 13 | Youngstown
Rod Guiley | District 14 | Canton
Jeffrey Heintz | District 19 |
Pinehurst, NC
Adrian Hershey | District 15 | Steubenville
Robert Maguire | District 11 | Tallmadge
David Morrison | District 9 | Heath
Edward Pallekins | District 11 | Akron
Thomas Sanborn | District 13 | Canfield
Alex Shumate | District 7 | Columbus
William Sremack | District 11 | Akron
Gary Van Brocklin | District 13 | Youngstown
William Weimer | District 13 | Youngstown
Ted Zawadski | District 12 | Brecksville

Boston College Law School **50 Years in Practice**

David Busch | District 19 |
Tallahassee, FL

Boston University School of Law **50 Years in Practice**

David Neubauer | District 7 | Columbus

University of California Berkeley **School of Law**

65 Years in Practice
Charles Simpson | District 6 |
New Carlisle

Capital University Law School **65 Years in Practice**

Robert Albert Sr. | District 7 | Columbus

50 Years in Practice

Andrew Adams | District 7 | Columbus
Joseph Barone | District 5 | Westerville
Thomas Bonasera | District 7 | Columbus
C. Bernard Brush | District 9 | Pataskala
Christopher Cline | District 7 | Dublin
Timothy Crowley | District 7 | Columbus
Jerry Eichenberger | District 5 | Powell
John Frankel | District 10 | Avon
Cheryl Maimona | District 11 | Hudson

Marcia Meckler | District 7 | Columbus
Charles Milless | District 7 |
Kiawah Island, SC
Lawrence Mullins | District 7 | Hilliard
Randal Robinson | District 7 | Columbus
William Ross | District 10 | Wooster
Jerry Sellman | District 7 | Columbus
David Simko | District 4 | Toledo
Geoffrey Webster | District 7 | Columbus

Case Western Reserve University **School of Law**

65 Years in Practice
Sheldon Berns | District 12 |
Chagrin Falls
C. Richard Brubaker | District 18 |
Novelty
Richard Colella | District 10 | Lorain
Robert Lustig | District 12 | Cleveland
Bernard Goodman | District 12 |
Cleveland
Josiah Mason | District 10 | Ashland
Marvin Sicherman | District 12 | Beachwood
Jerry Whitmer | District 11 | Akron

50 Years in Practice

William Bartle | District 10 | Sandusky
Russell Bensing | District 12 | Cleveland
George Coakley | District 12 | Cleveland
John Codrea | District 11 | Peninsula
Thomas Corrigan | District 12 | Cleveland
Stanley Dub | District 12 |
Shaker Heights
Jeffrey Embleton | District 12 | Cleveland
Thomas George | District 4 | Toledo
Spiros Gonakis | District 12 | Euclid
Andrew Hoffmann | District 12 | Solon
Steven Kaufman | District 12 |
Chagrin Falls
James Kenney | District 11 | Cincinnati
Stephen Knowling | District 10 | Millersburg
Thomas Kondzer | District 12 | Westlake
Gregory Lichko | District 12 |
Rocky River
Margaret Malone | District 7 | Columbus
Thomas McKee | District 12 | Cleveland
Robert Modney | District 11 | Richfield
Allen Musheno | District 7 | Dublin
Kenneth Piper | District 19 | Parrish, FL
Lester Potash | District 12 | Beachwood
Alan Rapoport | District 12 | Cleveland
Donald Scherzer | District 12 | Cleveland
Kenneth Spanagel | District 12 | Parma
John Spiegel | District 5 | Bucyrus

Marc Stein | District 13 | Canfield
Richard Stone | District 12 | Solon
Morris Stutzman | District 10 | Wooster
Kenneth Walsh | District 12 |
Shaker Heights
P. Michael Ward | District 12 |
Fairview Park
Peter Weinberger | District 12 | Cleveland
Larry Zink | District 14 | Canton

Catholic University of America **Columbus School of Law**

65 Years in Practice
Arthur Smith | District 4 | Maumee

50 Years in Practice

George Moxon | District 12 | Cleveland
Michael Rossi | District 18 | Warren

University of Cincinnati **College of Law**

65 Years in Practice
Thomas Foster | District 1 | Cincinnati
Robert Glaser | District 10 |
North Ridgeville
Robert Gorman | District 1 | Cincinnati
Thomas Harrington | District 2 | Dayton

50 Years in Practice

Kathleen Brinkman | District 1 | Cincinnati
David Chicarelli | District 1 | Franklin
Thomas Cuni | District 1 | Cincinnati
David Frey | District 1 | Batavia
Thomas Gaier | District 1 | Cincinnati
John Hust | District 1 | Mason
William Kirkham | District 1 | Cincinnati
John Labmeier | District 1 | Cincinnati
Roger Luring | District 2 | Troy
Donald Mooney Jr. | District 1 |
Arroyo Seco, NM
William Mulvey | District 1 | Cincinnati
Augustus Ross | District 2 | Eaton
James Stevenson | District 2 | Sidney

Cleveland State University **College of Law**

65 Years in Practice
Don Iler | District 12 | Highland Heights
Arthur Lustig | District 12 | Cleveland



50 Years in Practice

James Aussem | District 12 | Cleveland
Richard Aynes | District 14 | North Canton
James Burge | District 10 | Avon
Joseph Carbone | District 12 | Lakewood
Timothy Cleary | District 12 | Broadview Heights
Paul Cox | District 9 | Pickerington
Douglas Fouts | District 12 | Solon
Stephen Futterer | District 18 | Willoughby
Candace Gallagher | District 12 | Westlake
John Gibbons | District 12 | Cleveland
David Harbarger | District 7 | Lakewood
Edward Heben | District 10 | Avon
Roger Heller | District 12 | Shaker Heights
William Hofstetter | District 18 | Chardon
William Hunt | District 12 | Westlake
Dharminder Kampani | District 12 | Chagrin Falls
Louis Katz | District 13 | Canfield
Richard Koblentz | District 12 | Independence
Robert Kreps | District 12 | Fairview Park
Lynn Lazzaro | District 12 | Rocky River
Michael Linden | District 12 | Beachwood
Terrence Linnert | District 19 | Charlotte, NC
Dale Markowitz | District 18 | Chardon
Robert McIntyre | District 12 | Cleveland
Richard McNellie | District 12 | Beachwood
Michael Murman | District 12 | Lakewood
Anthony Palmieri | District 12 | Cleveland
Joseph Percio | District 12 | North Olmsted
Robert Phillips | District 11 | Hudson
John Porter | District 10 | Brunswick
Alan Ross | District 12 | Cleveland
David Simon | District 12 | Beachwood
David Spotts | District 18 | Ashtabula
Leonard Spremulli | District 12 | Pepper Pike
James Szaller | District 12 | Westlake
Michael Thomas | District 12 | Rocky River
John Urban | District 12 | Cleveland
Bruce Wick | District 12 | Westlake
William Williams | District 14 | Canton
Alan Zmija | District 12 | Parma Heights

University of Colorado Law School

50 Years in Practice

Louis Lobenhofer | District 16 | Ada

Columbia Law School

65 Years in Practice

Victor Strimbu | District 10 | Avon Lake

50 Years in Practice

Lawrence Mays | District 12 | East Cleveland
Keith McWalter | District 9 | Granville

Cornell Law School

50 Years in Practice

William Mills | District 12 | Beachwood

University of Detroit Mercy School of Law

50 Years in Practice

Robert Graziani | District 19 | Royal Oak, MI

Duke University School of Law

50 Years in Practice

Charles Bendig | District 7 | Columbus
Charles Kohler | District 7 | Westerville

Fordham University School of Law

50 Years in Practice

Robert Winston | District 18 | Perry

George Washington University Law School

50 Years in Practice

Kenneth Frankel | District 10 | Elyria
William Lamb | District 11 | Cincinnati
John Woliver | District 11 | Batavia

Georgetown University Law Center

50 Years in Practice

Thomas Collin | District 7 | Columbus
David Esber | District 11 | Akron
Steven Halper | District 11 | Cincinnati
Robert Meyers | District 11 | Cincinnati

Harvard Law School

65 Years in Practice

Donald Melhorn | District 4 | Toledo
William Rogers Jr. | District 2 | Brunswick, ME

50 Years in Practice

Joseph Tann | District 19 | Evanston, IL

Illinois Tech Chicago-Kent

College of Law

50 Years in Practice

Michael Jackson | District 12 | Cleveland

Louisiana State University

Paul M. Hebert Law Center

50 Years in Practice

Martha Chamallas | District 7 | Columbus
Joseph Gurley | District 18 | Painesville

Loyola University - Chicago School of Law

50 Years in Practice

Mitchell Garner | District 3 | Perrysburg

University of Michigan Law School

65 Years in Practice

Robert Brucken | District 12 | Cleveland
Donald Goldman | District 12 | Beachwood
Alan Meckstroth | District 2 | Dayton

50 Years in Practice

J. Michael Cooney | District 7 | Cincinnati
Eric Fenstermaker | District 17 | Athens
David Kuhl | District 4 | Toledo
Reese Mills | District 10 | Mansfield
Fredric Sinder | District 2 | Dayton

Michigan State University

College of Law

50 Years in Practice

Kathleen King | District 11 | Hebron, KY

University of Mississippi

School of Law

50 Years in Practice

James Heath | District 6 | Springfield

New York University School of Law

65 Years in Practice

Hyman Cohen | District 12 | Pepper Pike

50 Years in Practice

Frank Nagorney | District 12 | Cleveland

Northeastern University

School of Law

50 Years in Practice

Stephen Samuels | District 7 | Columbus

Northern Kentucky University

Salmon P. Chase College of Law

65 Years in Practice

Paul Eichhold | District 11 | Oxford

50 Years in Practice

Douglas Casper | District 1 | Hamilton
James Coldiron | District 11 | Cincinnati
David Fife | District 11 | Wilmington
Richard Goldberg | District 11 | Cincinnati
Simon Groner | District 11 | Cincinnati
G. Robert Hines | District 11 | Cincinnati
Paul Rice | District 9 | Granville
Howard Richshafer | District 11 | Cincinnati
Howard Schwartz | District 1 | Cincinnati
John Wargo Jr. | District 12 | Berea
Daniel Whiteley Jr. | District 11 | Cincinnati
Gerald Yung | District 2 | Eaton
Carl Zugelter | District 11 | Batavia

Northwestern University

Pritzker School of Law

50 Years in Practice

Craig Frederickson | District 4 | Toledo



University of Notre Dame Law School **65 Years in Practice**

Don Gardner | District 1 | Cincinnati

50 Years in Practice

J. Young | District 12 | Cleveland

Ohio Northern University **Claude W. Pettit College of Law** **65 Years in Practice**

Samuel Diller | District 16 | Bluffton
William Spiker | District 15 | Cadiz
George Tzagournis | District 13 |
Youngstown

50 Years in Practice

Robert Block | District 1 | Cincinnati
Thomas Depler | District 10 | Shelby
Jon Diller | District 3 | Pandora
Wilfrid Dues | District 2 | Eaton
Richard Hilliker | District 19 |
Greenville, SC
Jeffrey Ingraham | District 16 | Celina
Jerry Johnson | District 16 | Lima
Michael Manning | District 9 | Coshocton
Thomas Martin | District 2 | Dayton
Paul McKinley | District 16 | Kenton
Joseph Niemeyer | District 3 | Findlay
William Peelle | District 1 | Wilmington
Steven Runge | District 1 | Franklin
Karl Schedler | District 7 | Columbus
Stephen Shaw | District 16 | Elida
Charles Sidun | District 19 |
Lexington, KY
David Stroh | District 19 |
Caldwell, ID
Richard Wallace | District 2 | Sidney
Kenton Weis | District 4 | Elmore

The Ohio State University **Moritz College of Law** **65 Years in Practice**

Ted Earl | District 7 | Gahanna
E. Bruce Hadden | District 7 | Columbus
Bradley Hummel | District 7 | Columbus
Rick Marsh | District 7 | Columbus
John Muskoff | District 1 | West Chester
A.C. Strip | District 7 | Columbus
W. Lynn Swinger | District 2 | Springfield
Frederick Vierow | District 7 | Columbus

50 Years in Practice

John Bacon | District 10 | Sandusky
John Bentine | District 7 | Columbus
Daniel Bond | District 18 | Chardon
James Carpenter | District 7 | Columbus
Walter Chess | District 9 | Norwich
Leonard Comeras | District 7 | Columbus
John Coppeler | District 4 | Port Clinton
Ralph Dill | District 7 | Columbus
Ray Farris | District 4 | Maumee

Frederick Gittes | District 7 | Columbus
Kathryn Haller | District 7 | Worthington
Barbara Jacobson | District 7 | Dublin
Clement Kollin | District 12 |
Broadview Heights
John Kozych | District 7 | Columbus
Howard Krisher | District 2 | Dayton
John Mackay | District 4 | Toledo
John Maxa | District 16 | New Bremen
Edward McClellan | District 7 | Columbus
Thomas McGuire | District 7 | Columbus
Robert Morje | District 7 | Columbus
Kathleen O'Brien | District 7 | Columbus
Clement Pyles | District 7 | Columbus
R. L. Richards | District 7 | Dublin
Alan Sedlak | District 8 | Circleville
Willis Serr II | District 2 | Centerville
James Shenk | District 2 | Sidney
Lynne Skillen | District 7 | Columbus
Stephen Stanford | District 4 | Toledo
Barbara Terzian | District 7 | Columbus
G. Gary Tyack | District 7 | Columbus
Thomas Webster | District 17 | Belpre
Alec Wightman | District 7 | Columbus
James Williams | District 1 | Cincinnati

University of Pennsylvania **Carey Law School**

50 Years in Practice

James Robinson | District 1 | Cincinnati

University of Pittsburgh **School of Law**

50 Years in Practice

Gregory Travaglio | District 7 | Columbus

University of San Diego **School of Law**

50 Years in Practice

Gerald Berger | District 11 | Akron

St. John's University School of Law **50 Years in Practice**

Norma Skoog | District 1 | Cincinnati

Suffolk University Law School **50 Years in Practice**

William Heaphy III | District 5 | Delaware

Temple University Beasley **School of Law**

50 Years in Practice

James Fidler | District 14 |
North Canton

University of Tennessee **College of Law**

50 Years in Practice

Clarence Gordon | District 7 | Columbus

University of Toledo College of Law **50 Years in Practice**

Cormac Delaney | District 4 | Toledo
Ralph DeNune | District 4 | Sylvania
Daniel Gerschutz | District 3 | Ottawa
Alan Kirshner | District 4 | Toledo
Stephen Klein | District 2 | Troy
Gerald Kobil | District 19 |
Saint Petersburg, FL
Edward Kochalski | District 4 |
Port Clinton
James McGookey | District 10 | Sandusky
Colleen Nissl | District 7 | Columbus
John Reeves | District 3 | Defiance
Sheldon Slaybod | District 4 | Toledo
James Smith | District 1 | Cincinnati
Barry Vermeeren | District 10 | Sandusky
Thomas Vogtsberger | District 3 |
Bowling Green

Valparaiso University School of Law **50 Years in Practice**

Stephen Wolaver | District 6 | Beavercreek

Vanderbilt Law School **50 Years in Practice**

Jeffrey Rush | District 1 | Cincinnati

University of Virginia School of Law **65 Years in Practice**

Alan Norris | District 7 | Galena

50 Years in Practice

W. Stuart Dornette | District 1 | Cincinnati
Michael Horvitz | District 12 | Cleveland
Anthony Moore | District 12 |
Shaker Heights
Samuel Scoggins | District 1 | Cincinnati

Washburn University School of Law **50 Years in Practice**

Joseph Graf | District 6 | Fairborn

Washington University in St. Louis **School of Law**

50 Years in Practice

Stephan Stover | District 7 | Columbus

Yale Law School

65 Years in Practice

Donald Lerner | District 1 | Cincinnati



Watch the Video

Hear from some of our longtime practitioners on how the practice of law has evolved and the words of wisdom they've picked up along the way:

bit.ly/50and65in2025.

Amplify Your Voice: Tips for Effective Advocacy

Marisa Myers

Director of Bar Services –
Government & Regulatory



With a new year comes new faces! We hope you all got a chance to sharpen your advocacy chops at our recent annual meeting and legislative reception. Each May, we gather as an organization to set our upcoming policy agenda, celebrate excellence in the legal profession and provide important updates on the bench and bar. The event concludes with a legislative reception where bar members have the opportunity to connect with state decision-makers and talk about issues important to the profession. If you've never attended, I highly encourage you to check it out next year. While I may be biased given my line of work, the annual meeting is my favorite event of the year and an excellent chance to network in the historic Ohio Statehouse.

But effective advocacy is, of course, a year-round endeavor. Fresh off our time at the Statehouse, we thought we'd highlight a few additional advocacy tools Ohio Bar members can use to effectuate change all year long. After all, we are an organization of zealous advocates.

✓ Know Your Issue

This almost goes without saying but be the expert on your issue! This includes knowing not only the key concepts of your issue, but also the legislative history. Has your policy or law change been considered before? What was the outcome or what issues came up? Who might be a proponent or opponent of your issue?

In our advocacy efforts, the Ohio Bar seeks to identify champions on the issue for which we're advocating. Are there policymakers particularly interested in your issue? Your own state representative and senator are a great place to start, but there may be other interested members too.

As attorneys, you have an advantage in preparing your advocacy proposal in the same way as you would approach a legal issue. What questions might a policymaker ask? Heading off any questions or points of contention will help you prepare a more complete message.

✓ Know Your Audience

This step is critically important and most often missed. As you are developing your message, you must also consider who you are talking to. We recommend reflecting on a few questions as you're developing your request or message:

- Does this policymaker have any background on this issue?
- Are you trying to sway an opinion or perhaps help educate on a topic?
- What are the policymaker's personal beliefs or policy positions?
- Will it be more impactful to make a public statement or have a conversation directly?

Each of these questions should impact how you approach a policymaker, so adjust your strategy accordingly. Your message may be compelling to you, but does it resonate with the policymaker you're speaking to? Presentation is pivotal and often needs to be tailored to the individual. We all have different experiences and expertise, and accounting for that fact will strengthen your message. Your request may be overlooked (or worse, may solidify an opposing view) if you disregard the viewpoint of your audience.

✓ Prepare Your Message

Now that you've solidified expertise on your issue and considered your audience, it's time to prepare your message. Whether it is a conversation or written communication, it's often helpful to draft key concepts or talking points that you stick to throughout your advocacy efforts.


Additionally, examples and real-life stories can help translate your issue. They bring concepts into perspective and make your message memorable. Incorporate examples as much as you can in communications with policymakers, especially if the topic is complex. Policymakers work on a wide range of topics, so anything you can do to simplify or illustrate the issue will help your message stick.

You may also keep notes on any feedback or questions you receive and incorporate those concepts in future communications. It can also be helpful to monitor who else is working on the issue that's important to you as you build your strategy and progress in your advocacy work. Collaboration can be advantageous to your efforts.

✓ Remember There Are Two Chambers (And an Executive!)

Don't forget, the General Assembly is made up of both a House of Representatives and a Senate. Be sure to include both chambers in your contacts. You should also consider where a bill or policy is in the approval process. For example, if the House has already voted on a bill, you'll want to direct comments to the Senate as the chamber is actively considering the change. And, if you are successful with a legislative change, the governor will need to sign the legislation before it is enacted.

✓ Play the Long Game

Public policy is often slow moving – that's by design. It may take months or even years to accomplish your goal, especially if it is to change the law. Be patient with the process and know that, no matter the outcome, your voice is an important part of the process. 



Check Out Ohio Bar Advocacy Resources

Find helpful tools and tips in the Ohio Bar Advocacy Toolkit at ohio-bar.org/advocacytoolkit.

The Reluctant Law Firm CEO

By Stephanie Everett



When Michelle opened her solo firm, she imagined more freedom. No boss, no billing quotas, no late nights for someone else's client. She'd control her schedule and only work on matters she enjoyed. Just her, doing great legal work on her own terms.

But a year in, Michelle wasn't feeling free – she was exhausted.

She was still working late. Still stressed. She juggled answering the phones, chasing invoices, drafting every document and handling marketing in between client calls. Her to-do list was endless. Every day felt like triage. And she couldn't shake the thought: *This isn't what I signed up for.*

One afternoon, over coffee with a friend, she vented: "I don't understand. I'm working harder than ever, but I don't feel like I'm getting anywhere."

Her friend asked a question that got her attention: "**Are you practicing law—or are you building a business?**"

Michelle wasn't sure how to answer.

Michelle hadn't built a business. She'd built a job with worse hours and more stress. And if she wanted to grow, get her time back and serve her clients better, she needed to start thinking like a business owner.

Why So Many Firm Owners Resist the CEO Role

The truth is, Michelle's not alone. Many solo and small firm owners don't step fully into the role of *law firm CEO*. And it's not because they're lazy or disinterested – it's because the shift is hard. It asks lawyers to think differently about who they are and what their job is.

Here's why that resistance shows up:

1. They Don't Realize It's Required

You own the firm, so naturally you assume you're already leading it. But ownership isn't the same as leadership.

You can be the top biller, the best litigator and still avoid the actual work of building a business.

If you're spending all your time on client work, reacting to problems and trying to scale through sheer effort – you're still wearing the "lawyer" hat, not the "CEO" one.

2. They Never Wanted This

Some lawyers start firms just to get away from bad bosses or rigid workplaces. They never intended to run a business. So, when they're suddenly faced with hiring, financials, tech decisions and growth strategy – it feels overwhelming. Even annoying.

The internal script sounds like this:

"I just want to do good legal work."

"I didn't go to law school to manage spreadsheets and people."

Fair enough, but the reality is: if you don't take ownership of the business side, the business will own you.

3. They Don't Know How

No shame but law school didn't teach you how to run a firm. Most lawyers have never been taught how to lead a team, read a P&L, set a strategy or delegate without micromanaging. So, they stick to what they know: legal work.

Over time, the firm grows, but the business owner doesn't. That's when things start to break down.

Rethinking Your Role: You're Not Just a Lawyer Anymore

Here's the shift: **You are not simply a lawyer. You are the leader of a business that delivers legal services.**

That might feel uncomfortable. But it's the mindset required to create a law firm that's sustainable, profitable and healthy.

Being the CEO doesn't mean you stop practicing law. It means you lead with intention. You take the long view. You build systems so the firm doesn't fall apart without you. You stop defaulting to doing the work and start designing how the work gets done.

It's not about ego. It's about leverage.

What Does it Actually Mean To Be a Law Firm CEO?

"CEO" can feel like an intimidating title – something reserved for big firms or corporate giants. But in your small law firm, stepping into the CEO role doesn't mean giving yourself a fancy title or wearing a suit to Zoom calls. It means **owning the responsibility for your firm's direction, performance and health.**

No one else is going to lead your business for you. If you don't step into that role, the firm ends up leading you. That's when the chaos creeps in – when everything feels reactive, disorganized, and dependent on you working around the clock.

Being a law firm CEO means shifting from doing to designing – from producing all the legal work to building the business that delivers it well.

What does that actually look like?

A law firm CEO is responsible for:

- **Setting the vision:** Defining where your firm is going and how it will grow over time.
- **Making strategic decisions:** Choosing what to prioritize, what to stop doing and where to invest resources.
- **Overseeing finances:** Understanding your revenue, profit margins, and cash flow and using that data to make informed choices.

“ No one else is going to lead your business for you. ”



“ If you're not doing these things, ask yourself: Who is? ”

- **Building the team:** Hiring the right people, defining roles clearly and creating a culture that supports great work.
- **Designing systems:** Ensuring the firm runs smoothly, consistently and without relying on your constant presence.
- **Driving growth:** Developing marketing strategies, identifying opportunities and staying focused on long-term goals.

A CEO's week might include:

- Reviewing your firm's KPIs (consultations booked, revenue collected, leads generated).
- Meeting with your assistant or paralegal to refine workflows.
- Updating your pricing structure to reflect value and profit margins.
- Blocking time to write a job description or design a new intake system.
- Thinking strategically about which services you should double down on, or which ones you should let go.

You don't need to do all of this at once. But you do need to make sure these responsibilities are being handled – because they don't go away just because you're busy with client work.

If you're not doing these things, ask yourself: **Who is?**

And if the answer is “no one,” your firm isn't being led – it's just being managed day to day. That's the difference between a law practice that survives and a law firm that thrives.

Now that you've got a clearer picture of what being a law firm CEO really means, let's break down how to start stepping into that role.

How To Step Into the CEO Role – Even if You're Not Sure You're Ready

You don't need an MBA or a vision board. You just need to start treating your firm like the business it is.

Here's how to begin:

1. Block CEO Time on Your Calendar

Every week, set aside a protected block of time – no client work, no emergencies. Use that time to work on your business: review metrics, evaluate systems, set priorities, document processes. If you don't make time for it, it won't happen.

2. Clarify Your Vision

Where is your firm going in the next 1–3 years? What kind of work do you want to be doing? What kind of team do you want to build? Write it down. Even a simple, one-page roadmap gives your decisions more direction.

3. Know Your Numbers

You don't have to be a financial expert. But you do need to understand profitability, cash flow and pricing. Start with three questions:

- How much does it cost to run your firm each month?
- What's your average profit per case or client?
- What's your target take-home pay and is your firm supporting it?

4. Start Delegating – Imperfectly

You can't lead if you're buried in admin work. Start by making a list of everything you do each week. Identify what only you can do. Everything else? That's your delegation roadmap.

Use a virtual assistant. Hire part-time help. Leverage automation. It doesn't have to be perfect – it just has to start.

5. Use AI as Your Thought Partner

You don't have to build everything from scratch. Use AI to draft your firm vision, brainstorm pricing models or outline a marketing strategy. Let it help you think bigger and faster so you can lead more effectively.

Final Thought: You Don't Need To Be a Natural CEO, You Just Need To Decide To Be One

Being a reluctant leader is understandable. But staying stuck there will cost you time, energy and growth.

Michelle didn't become a CEO overnight. But when she started thinking differently – blocking strategy time, hiring her first assistant, shifting her mindset – the firm started running smoother. Clients were happier. And she finally got her weekends back.

You don't have to do it all at once. But you do have to own the fact that your firm needs a leader.

Not someday. Now.

About the Author



Stephanie Everett was a featured speaker at the Ohio Bar's annual Solo and Small Firm Institute. She helps

lawyers build law firms they don't secretly want to burn down – and prepares them to lead in an AI-powered future. A former BigLaw attorney turned founder, she scaled her own firm to 20 people before realizing most lawyers were never taught how to run (let alone innovate) a business. Now, as Chief Growth Officer at Lawyerist, she helps law firm leaders ditch the chaos, embrace smart systems and use AI to work less and lead better. She's the co-author of “The Small Firm Roadmap Revisited” and host of The Lawyerist podcast.



Advice of Counsel

Pick up the phone to resolve disputes.

Too often in this day and age, I find that lawyers, especially those younger members of the bar, rely almost exclusively on email/text messages in attempting to resolve discovery disputes as well as to negotiate the settlement of personal injury cases. After 40 years of practice and almost five years as a private mediator, I cannot stress enough the need to get back to the old-fashioned telephone call. Having an issue with discovery responses? Call your opponent directly and see if you can work out a time frame or other guardrail to resolve the problem. Even as adversaries, a personal touch goes a

long way in resolving issues. Candor in a personal discussion cannot be underestimated in moving toward a resolution. Remember, pick up the phone.



– **Roger H. Williams**
Years in Practice: 40

Roger is a private mediator with Vineyard Mediation LLC. He has 40 years of experience as a practicing attorney in the insurance defense industry and has tried to verdict an impressive 223 jury trials. In other words, he knows a thing or two about resolving disputes.



Your Turn, Counselor

“Advice of Counsel” was conceived by the Ohio Bar Content Advisory Board as a way to share bite-sized bits of handy advice, from lawyer to lawyer. Do you have a tip for fellow attorneys? Email editor@ohiobar.org with your words of wisdom.

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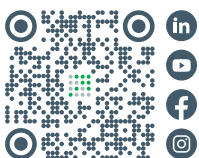


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The ABA Retirement Funds Program is available through the Ohio Bar as a member benefit. Please read the Program Annual Disclosure Document (April 2025) carefully before investing. This Disclosure Document contains important information about the Program and investment options. For email inquiries, contact us at: joinus@abaretirement.com. Registered representative of Voya Financial Partners, LLC (member SIPC). Voya Financial Partners is a member of the Voya family of companies (“Voya”). Voya, the ABA Retirement Funds, and the Ohio Bar are separate, unaffiliated entities, and not responsible for one another’s products and services. CN4115426_1226

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The Economics of Law Practice: A New Study for a New Age



For 35 years, the Ohio Bar has periodically surveyed its members to gain a clearer understanding of the legal profession. The first Economics of Law Practice survey was conducted in 1990. Today, we introduce the results of our tenth survey, sponsored by the Ohio Bar Solo, Small Firms and General Practice Section.

As you can imagine, much has changed since 1990. But even in the short period since our last survey, conducted in 2018, the legal profession has evolved considerably. In a post-covid world, Zoom, Teams and remote work have all entered the chat. As has artificial intelligence. And though the legal profession is overall more cautious than the general public when it comes to AI, one-fifth of lawyers today are using

AI tools to increase efficiency. Many of you are understandably concerned about how the profession is going to balance the growing use of tech with the maintenance of personal relationships over the next few years.

We also know that the legal profession these days is stressful. The vast majority of our survey respondents were solo or small firm practitioners. Many of you are out there on your own – with no paralegal or administrative support. And law offices are not immune to the effects of inflation. From 2018 to 2023, billing rates have seen their biggest spike since we've been conducting this survey. Dealing with difficult clients, however, remains one of your largest sources of stress (followed closely by affording health insurance and retirement.)

Still, most of you are happy to be lawyers. More than half report a great deal of satisfaction in your practices. And 90% get at least some satisfaction from your job.

Though the legal profession is in a state of constant change, the objective of the Economics of Law Practice Study has remained the same since that first survey more than three decades ago: to serve as a usable reference for attorneys. Whether you are negotiating a salary, hiring for a legal assistant or determining your billing rates – the study aims to help attorneys determine where they stand among their peers and how to better navigate the business of the profession at every stage in their careers.

Profile of a Private Practitioner

The majority of private practitioners believe their economic circumstances will remain the same over the next couple years.

PRIVATE PRACTITIONER SALARY & HOURLY RATES



SALARY

2023 \$97,000 | \$75,000
2018 \$73,500 | \$78,000



HOURLY RATE

2023 \$250/HR.
2018 \$200/HR.



3-5
YEARS IN PRACTICE

6-10
YEARS IN PRACTICE



SALARY

2023 \$130,000 | \$125,000
2018 \$90,000 | \$67,500



HOURLY RATE

2023 \$300/HR.
2018 \$215/HR.



AVERAGE PRIVATE PRACTITIONER LAW SCHOOL DEBT

Overall: \$73,106
 Gen Z: \$73,500
 Millennials: \$104,649
 Gen X: \$79,777
 Baby Boomers: \$31,488

More than 40% of private practitioners have been able to reach new clients on virtual platforms, but the profession remains worried about the impact of virtual platforms on personal relationships.



SALARY

2023 \$130,000 | \$102,000
2018 \$120,000 | \$82,000



HOURLY RATE

2023 \$300/HR.
2018 \$250/HR.



11-15
YEARS IN PRACTICE

Figures represent median values. Values are based on Ohio Bar member responses to the 2019 and 2024 Economics of Law Practice surveys.

● = Male ● = Female



16-25 YEARS IN PRACTICE

Most attorneys practice in solo or small firms and one-third of them do not use administrative or paralegal support.



SALARY

2023 \$184,000 | \$127,500

2018 \$111,000 | \$115,000



HOURLY RATE

2023 \$303/HR.

2018 \$250/HR.



SALARY

2023 \$160,000 | \$150,000

2018 \$150,000 | \$85,000



HOURLY RATE

2023 \$278/HR.

2018 \$250/HR.



26-35 YEARS IN PRACTICE

This is the first year the bar surveyed paralegals and included a separate segment for legal aid/nonprofit attorneys.

A LOOK AT OTHER SEGMENTS



IN-HOUSE SALARY

2023 \$200,000 | \$141,000

2018 \$125,000 | \$109,000

Average Law School Debt:
\$73,667



GOVERNMENT ATTORNEY SALARY

2023 \$100,000 | \$100,000

2018 \$77,000 | \$71,000

Average Law School Debt:
\$69,521



LEGAL AID/NONPROFIT SALARY

2023 \$85,000 | \$72,250

Average Law School Debt:
\$87,667



PARALEGAL SALARY

2023 \$69,540 | \$65,565

Average Student Debt:
\$25,052

Access the report in its entirety at ohioabar.org/economicsoflaw to learn more, including data based on geographic location, legal assistant hourly rates and technology trends.



ESTATE PLANNING GUIDED BY CLIENT VALUES

Always a partner, Johnson Trust Company works in concert with attorneys and other advisors to ensure communication, consistency, and innovation in client estate plans.

As part of an independent company owned by its employees, Johnson Trust Company attracts and retains trust and investment professionals with long-term experience and expertise in developing and implementing innovative wealth and trust plans. Our professionals are proactive in applying expertise, generating solutions, and determining the best approach to achieve client goals.



JOHNSONINV.COM

Reflections on the Life and Service of Thomas J. Moyer, 15 Years Later

By William K. Weisenberg and Stephan W. Stover



Key Moment | March 2016
With the Ohio Civility Consortium, hosted a town hall meeting bringing 150 people together to focus on civility in public discourse.



Chief Justice Thomas J. Moyer

It is often said that you can best describe a person by the words that emanate from the soul, from the heart, that leave an everlasting imprint.

“Civility requires respect — respect for ideas, respect for persons, and respect for the institutions that have held together our nation in times of revolution, civil war and economic uncertainties. Civility is not a quaint notion ... civility requires no operator’s manual, no updates to download, no complicated set of rules. It is simple; it is easy; and it produces positive and constructive human interaction. Civility may be the forum for our civic conversation, but that discussion is captured in all its colorful hues in our laws and in our constitutions.”

Such were the words of Chief Justice Thomas J. Moyer at the 2009 commencement at The Ohio State University. A person of honor, integrity and compassion, Thomas J. Moyer lived his life committed and dedicated to the rule of law, the Constitution and the cause of justice. Among his many contributions to society and all persons regardless of background, Chief

Justice Moyer served as president of the Columbus Board of Education, executive assistant to Governor James A. Rhodes, president of the Columbus Bar Association, judge on the 10th District Court of Appeals, president of the Conference of Chief Justices, chair of the board of directors of the National Center for State Courts and almost 24 years as Chief Justice of the Supreme Court of Ohio. In addition, Chief Justice Moyer served as an emissary to foreign countries to promote the rule of law and to advance their judicial systems.

Chief Justice Moyer exemplified civility and collaboration in bringing together persons with diverse backgrounds, life experiences and disciplines to examine how to improve and enhance our justice system. He often said that winds of change will challenge us, but that we must not be fearful of change. We should take that as a guidepost to steer our own future to best serve our citizenry and preserve and protect the rule of law.

When a challenging issue presented itself, Chief Justice Moyer convened a broad-based group of individuals and encouraged them to work together and find common ground and to not be averse to change. He welcomed diverse, even disparate views and opinions, and encouraged vigorous and constructive civil debate. He often reminded us that just because we disagree does not mean we have to be disagreeable.

As we reflect on the life of Chief Justice Thomas J. Moyer and the 15 years since his passing, let us carry forth his

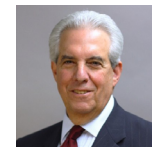
legacy of commitment to the rule of law, respect for the constitutions of the United States and the State of Ohio, and promote civility in our daily lives. And to the lawyers, please remember the words in his address at the 2007 annual meeting of the Ohio State Bar Association: “No other profession directs so much of its energy to promote the general well-being and the advancement of a civilized society.”

And to all of us today, he would smile and say: “Go forth and just do it!” 🇺🇸

About the Authors



Steve Stover served as administrative director of the Supreme Court of Ohio and Bill Weisenberg as assistant executive director of the Ohio Bar during the Moyer era. They continue to give back and honor the late



Chief’s memory as proud members of the Moyer Legacy Committee.



Justice Moyer (left) is sworn in to the Ohio Supreme Court.



Chief Justice and to continue to advance the most important tenets for which he stood:

- Legal and civic education.
- Dispute resolution.
- Personal integrity.
- Ethics.
- Civility.
- Judicial independence.
- The rule of law.



Retired U.S. Supreme Court Justice Sandra Day O'Connor meets with students.

**The Legacy Endures.
The Work Continues.**

Fifteen years ago, the Ohio State Bar Association, Ohio State Bar Foundation, The Ohio State University Moritz College of Law and the Ohio Judicial Conference collaboratively established the Thomas J. Moyer Legacy Fund to create a lasting memorial to the late

Through the generous contributions of donors over the years, the Moyer Legacy Committee (MLC) carries on this mission and continues to have an impact.

Key Moment | March 2023
 Welcomed retired U.S. Supreme Court Justice Sandra Day O'Connor to Ohio to speak on the importance of civics education. She met with high school and law school students during her visit.

3 Endowed Professorships

Since February of 2012, three distinguished professors of law have been appointed to the MLC's Chief Justice Thomas J. Moyer Professorship for the Administration and the Rule of Law at The Ohio State University Moritz College of Law, Justice Moyer's alma matter.

31 Sponsored Fellows at All 9 Law Schools

The MLC annually awards fellowships to top Ohio law students to support projects and research that advance Chief Justice Moyer's key tenets. Topics have included: access to justice, the rule of law, legal aid, criminal reentry, immigration, housing, court technology, licensing board compliance, the federal arbitration act, alternative dispute resolution and special ed. and remote access to courts.

8 Moyer Lecture Series Events

In conjunction with area civics organizations, Moyer lectures inform and educate the public, bench and bar and foster public discussion. Speakers have included former members of congress, attorneys general, judges, as well as former White House counsel John Dean on the legacy of Watergate. Other timely topics have included civility, states' rights and constitutionality, the independence of the judiciary and behind the scenes of the Supreme Court of Ohio.

7 Lesson Curriculum

With support from the MLC, the Ohio Center for Law-Related Education developed a seven-lesson package of activities designed to help middle school students learn civility, tolerance and problem solving.

Key Moment | 2022
 Fellow Ernest Olesky created an Ohio Constitution app, which you can download, free of charge through your Apple or Google Play store.



Chief Justice Moyer speaks at an Ohio State Bar Association annual meeting.

Support the Work of the Moyer Legacy Committee

To see the current roster of members and learn more their work, visit: ohioabar.org/moyerlegacycommittee.

Make a donation via osbf.org. Select "Giving," then choose "Chief Justice Moyer Legacy Fund" as the fund you wish to support.

Thank you in advance for your generosity!

Congratulations to the current class of the Ohio Bar College

Many outstanding Ohio attorneys are members of the Ohio Bar College or are recognized by the OSBA as Certified Specialists in their preferred areas of practice, or both!

For those who go above and beyond, we invite you to apply to become a member of the Ohio Bar College.

Application deadline for the 2024 class of the Ohio Bar College is December 31, 2025.



Scan this QR code to apply to become a member of the Ohio Bar College.

For more information on becoming an OSBA certified specialist, visit ohio-bar.org/specialization

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District Community Service Award for Newer Attorneys



This award is presented to attorneys, under age 40 or for less than 15 years of practice, who contribute substantial time and effort in service to a local social service, or a local civic, artistic or cultural organization. The service must be outside the recipients' practice of law and must be given without compensation. Emphasis is placed on current service. Recipients should represent the ideals of the legal profession and, by example, be a credit to the profession. Regional awardees are selected from district awardees.

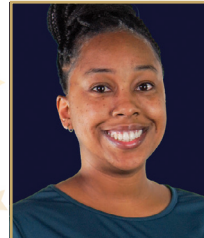
Congratulations to the 2024 recipients!



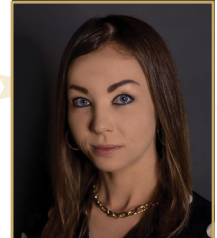
NW - District 3
Sarah Corney
Findlay
Nominated by Sarah Skow



NW - District 4
Kayla Henderson
Toledo
Nominated by Sarah Skow



NW - District 16
Ja'Mesha Williamson*
Lima
Nominated by Tabitha Justice



NE - District 10
Kimberly Hall
Wooster
Nominated by Tricia Pycraft



NE - District 11
Imokhai Okolo*
Akron
Nominated by Drew Odum



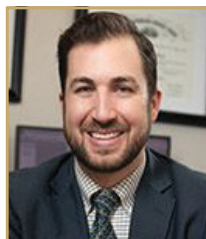
NE - District 12
Delante Spencer Thomas
Cleveland
Nominated by Drew Odum



NE - District 13
Nils Peter Johnson
Canfield
Nominated by Mark Hutson



NE - District 18
Joseph Cindric
Painesville
Nominated by Anna Parise & Joshua Strickland



SW - District 1
Adam Turner*
Cincinnati
Nominated by Kent Wellington



SW - District 2
Jessica Salisbury-Copper
Dayton
Nominated by Tabitha Justice



SE - District 17
Laura Silwani*
Marietta
Nominated by Mindy Yocum



Central - District 7
Michelle Thompson*
Columbus
Nominated by Cassie Ferguson

*Regional Award Recipient

In Honor Of...

Consider making a tribute gift to celebrate an awardee. Unless otherwise specified, 100% of your contribution will support our grant-making efforts. Your name will be featured in the event program, and we'll ensure the individual or organization you've honored is notified of your thoughtful gift.

FELLOWS SPOTLIGHT: KIKO YEE - DRIVING CHANGE, SERVING WITH PURPOSE

Purpose



Yukiko (Kiko) Yee always knew she wanted to help people. But it wasn't until college, when she worked as a canvasser for the New York State Public Interest Research Group, that she realized just how many people were struggling with financial, medical, and legal hardships. One conversation, in particular, stuck with her—an older woman listened to her talk about public policy issues, and said, “You know what, you should be a lawyer or something. You could do us a world of good.”

That simple statement became a guiding principle in Kiko's career. Today, as General Counsel and Chief Operating Officer for the Ohio Access to Justice Foundation, she leads the charge in ensuring Ohioans—especially those most vulnerable—can access the legal help they need. Kiko is deeply involved in the legal community, using her skills and passion to advocate for fairness and equity.

In 2016, she was selected for the Ohio State Bar Foundation's Fellowship Program—an experience she describes as an incredible honor and a natural extension of her work. “I chose a career in public service to make a difference,” she said. “The OSBF Fellows program was the perfect opportunity to expand upon my career's central tenets: serving the public, championing women and minorities in the legal profession, and improving access to justice.”



As part of her Fellowship, Kiko contributed to the development of an interactive “mini mock trial” for middle school students at Camp Oty'Okwa, a program through Big Brothers Big Sisters of Central Ohio. This project offered hands-on experience that would make the legal system more tangible for the kids. “I had a blast, and I think the students learned a lot that day,” she recalls.

That spirit of engagement has been a hallmark of Kiko's career. After prosecuting complex financial fraud cases at the Ohio Attorney General's Office, she transitioned to her current role, where she manages the day-



today operations of the Ohio Access to Justice Foundation. Her work includes overseeing human resources and technical teams, leading the Foundation's financial team, and ensuring that funding for Ohio's civil legal aids is maximized.

For Kiko, being part of the OSBF Fellowship didn't just provide an opportunity to serve—it also built lasting professional relationships. “It is so important that we step out of our comfort zones and engage with one another,” she said. “Through the OSBF Fellows Program, I met friends and accomplished attorneys in the public and private sectors. These are often the first people I turn to in times of need.”

Community engagement has always been at the heart of Kiko's work, and she hopes to leave a legacy of service. From a young age, she's always wanted to help people. Kiko is grateful that her career and position have allowed her to make a positive impact.

In 2015, the Ohio Women's Bar Foundation (OWBF) selected Kiko for their Leadership Institute. She later served on the OWBF board, where she helped launch scholarships to champion women lawyers and law students with diverse backgrounds and experiences. She also mentors new attorneys through the Ohio Supreme Court Mentoring Program and supports law students in the Asian Pacific American Law Student Association at The Ohio State University Moritz College of Law.

Outside of work, Kiko channels her creativity into cake decorating—her favorite creation being an intricate Rapunzel tower for her daughter's birthday. She also loves traveling with her family and simply enjoying time together.

Kiko Yee is a true example of what it means to be an OSBF Fellow—hardworking, community-focused, and committed to making the legal system more accessible and inclusive. Through her work, she continues to prove that the law isn't just about rules and regulations—it's

about people, and the power to make the world a better place. The Ohio State Bar Foundation is proud to count Kiko among its Fellows and celebrate her many contributions to justice and equity in our state. We're honored to be a part of her story—and excited to see where her passion and leadership will take her next.





Ohio case law summaries from Dec. 1, 2024 – Mar. 31, 2025

The following are selected summaries of cases decided by Ohio courts between Dec. 1, 2024 – Mar. 31, 2025. To view all of the decisions issued in this time period or to read the selected cases in their entirety, please visit ohioabar.org/greenbook where you can search by case name or view by date.

Administrative and Regulatory

Appeal/Dismissal/Timeliness.

[Robertson v. Lorain Cty. Bd. of Mental Health, Addiction & Recovery Servs. | 2025-Ohio-224 | 9th Appellate District | 01/27/2025](#) In appellant's administrative appeal of county board's decision denying her disability accommodation after her housing assistance subsidy expired and lease was terminated, the trial court erred in granting board's motion to dismiss for lack of subject matter jurisdiction based on untimeliness of the appeal where the board first made its timeliness argument in its reply brief, new arguments cannot be made in a reply brief, and appellant's sur-reply was not allowed before the trial court dismissed the appeal.

Board decision/Preliminary/

Appeal. [Colt's Neck Homeowners Assn. v. Franklin Cty. Bd. of Commsr. | 2025-Ohio-113 | 5th Appellate District | 01/16/2025](#) In homeowners association's appeal of decision by the joint board of county commissioners to proceed with a survey and design phase of a ditch improvement project, the trial court's Civ.R. 12(B)(6) dismissal of association's appeal is affirmed where board's first hearing was conducted in compliance with R.C. 6131.101, but the board's decision was preliminary, involving only the preparation of plans and estimates with no final determination or assessments, association's property owners were not yet affected, and the issues presented were not yet ripe for appellate review.

Banking and Commercial

Credit card account/Summary

judgment/Test. [JPMorgan Chase Bank, N.A. v. Houlihan | 2025-Ohio-218 | 9th Appellate District | 01/27/2025](#) In bank's action against credit cardholder, alleging default under terms of agreement and seeking balance due on account, summary judgment in favor of bank is reversed where cardholder

argued that the card was not issued to him in his individual capacity but as an agent of a corporation, prompting bank to file a reply in which it referenced for the first time, without an authenticating affidavit, a copy of the application for credit at issue, cardholder was not afforded the opportunity to respond to the additional evidence referenced in bank's reply, and the trial court's role was to determine if there were disputed facts—not to weigh the evidence, Civ.R. 56(C).

Credit card charge/Refund/Card

authorization. [Lewis v. Value Plus Furniture | 2025-Ohio-194 | 2nd Appellate District | 01/24/2025](#) In plaintiff's action against defendant-furniture store seeking refund of amount charged to her credit card for furniture purchased by friend, judgment in favor of plaintiff is reversed where plaintiff admitted that her friend had explicit authorization to use plaintiff's credit card for purchase of furniture, and because plaintiff was not a party to the contract between friend and defendant, plaintiff had no contractual remedies to request delivery or receive a credit and was liable for the amount charged on her credit card.

Credit card account/Nonpayment.

[Discover Bank v. Wyley | 2025-Ohio-104 | 8th Appellate District | 01/16/2025](#) In bank's action against credit cardholder seeking a judgment for outstanding credit card balance, summary judgment in favor of bank is affirmed where cardholder argued that bank failed to prove that she applied for the credit card account or that she made all the transactions on the account, but cardholder presented no evidence that she did not apply for the card or that the charges on card were unauthorized, while use of the credit card resulted in cardholder's being bound by agreement, and bank submitted an affidavit with copies of monthly billing statements for cardholder's account as well as a copy of the cardmember agreement.

Contract/Breach/Negligence/

Economic loss doctrine. [Yeckley Ents., Inc. v. Huntington Natl. Bank | 2024-Ohio-5812 | 8th Appellate District | 12/12/2024](#) In business' breach of contract and negligence action against bank, alleging that it changed the mailing address for the business' accounts without authorization and failed to send written notice of the change, resulting in business' losses, summary judgment in favor of bank is affirmed where evidence showed that any losses claimed by business were not due to the address change but rather due to cashing checks that were dishonored, bank refunded any fees that business had incurred as a result of the dishonored checks, and the account agreement absolved bank of liability for dishonored checks; business' negligence claim was barred by the economic loss doctrine where business failed to allege any negligent conduct that was "independent and separate" from any alleged breach of contract.

Construction

Tort claims/Contract/Arbitration.

[Barnhart v. Stanley | 2025-Ohio-997 | 6th Appellate District | 03/21/2025](#) In plaintiffs-building contractor and individual business owner's action against defendant-homeowners, alleging tort claims where the parties had entered into a contract for construction of a home, the trial court did not err in granting defendants' motion to stay proceedings pending arbitration where, although individual plaintiff argued that his tort claims were not subject to arbitration, R.C. 2711.02(B) provides that the entire action should be stayed pending arbitration, even if it contained non-arbitrable controversies, and the stay applied to plaintiff who was a non-signatory to the arbitration agreement between business and defendant; as well, only the individual plaintiff appealed trial court's decision regarding a stay for arbitration, and since the

individual plaintiff is not an attorney, he is precluded from representing the business in court, including on appeal.

Contract/Breach/Arbitration. [Feed Fat Co., L.L.C. v. Custom Agri Sys., Inc. | 2025-Ohio-897 | 5th Appellate District | 03/14/2025](#) In plaintiff's breach of construction contract against defendant-contractor, asserting lost profits because of defendant's delay in completing construction of facility, where the parties agreed to arbitration that resulted in arbitrator's decision granting summary judgment to defendant on reasoning that plaintiff was not entitled to damages as it was not a third-party beneficiary under the unambiguous construction contract, the trial court's judgment vacating the arbitration award is reversed since the trial court improperly substituted its judgment for the arbitrator's and failed to adhere to the limited grounds for vacating awards under R.C. 2711.10(D), which requires that arbitrators must have exceeded their powers; differing interpretations of a contract, alone, does not justify vacating an arbitration award, and the arbitrator's original ruling is reinstated.

Contract/Breach/Apparent authority/ Personal liability. [Caldwell v. Custom Craft Builders, Inc. | 2025-Ohio-828 | 8th Appellate District | 03/13/2025](#)

In homeowner's action alleging breach of contract, conspiracy to commit fraud, and violations of the Consumer Sales Practices Act (CSPA) against HVAC contractor and owner, trial court's ruling that, under the doctrine of apparent authority, homeowner entered into a valid contract for furnace installation is affirmed, even though contractor denied that the individual who signed the contract with homeowner was ever an employee, where contractor's issuance of a permit and owner's testimony provided sufficient evidence that the individual appeared to act on contractor's behalf, so the trial court properly awarded damages for the breach of contract; however, the joint and several liability judgment against owner personally is reversed on reasoning that no grounds to pierce the corporate veil existed, and the case is remanded to recalculate damages for the breach of contract claim only.

Contract/Breach/Regulatory compliance/Partial performance. [Mt. Pleasant Blacktopping Co., Inc. v. Inverness Group, Inc. | 2025-Ohio-284 | 1st Appellate District | 01/31/2025](#) In breach-of-contract dispute in which plaintiff-contractor sued defendant-developer, after a new county policy retroactively required stricter sewer compliance, leading to rejection of plaintiff's work, the trial court's ruling in favor of plaintiff, holding that the unforeseeable regulatory change excused performance and that plaintiff had substantially performed its contractual obligations, was reversed on reasoning that plaintiff failed to substantially perform because the installed sewer lines did not meet regulatory approval, which was a contractual requirement, unforeseeability alone does not excuse performance, and the trial court failed to analyze whether compliance was legally impossible or just financially burdensome, so the case is remanded to determine whether performance was truly impossible and whether plaintiff took reasonable steps to comply or seek relief; as well, the breach-of-contract damages award is reversed since, if performance was excused, plaintiff is only entitled to restitution for partial performance, rather than full contract damages.

Consumer

Violation/Damages/Attorney fees/ Prevailing party/Dissent. [Goomai v. H&E Ent., L.L.C. | 2024-Ohio-5711 | Supreme Court of Ohio | 12/09/2024](#) In property owners' action for violation of the Deceptive Trade Practices Act (DTPA), R.C. 4165.03(B), and related claim against renovation company for failure to perform as promised under the parties' contract, where the jury found in favor of owners on their DTPA claim but awarded them \$0 damages and the trial court denied owners' motion for attorney fees on reasoning that owners were not the "prevailing party," the court of appeals erred in reversing the trial court's denial since a plaintiff must obtain actual damages or injunctive relief to qualify as a "prevailing party" under the DTPA, and prevailing-party status requires a material change in the legal relationship between the parties, which a \$0 damages award fails to achieve; the trial court's judgment is reinstated, and there is a dissenting opinion.

Contracts

Storage agreement/Fees/Inventory access/Summary judgment. [Megalight, Inc. v. Reliable Final Mile Transport, L.L.C. | 2025-Ohio-841 | 8th Appellate District | 03/13/2025](#) In parties' dispute about a warehouse storage agreement in which plaintiff alleged that defendant unilaterally increased storage fees without notice and unlawfully withheld access to plaintiff's inventory, pending payment of disputed invoices, where trial court granted plaintiff's motion for summary judgment and awarded possession of inventory and damages to plaintiff, the judgment is reversed on reasoning that there were genuine issues of material fact regarding whether defendant unjustifiably refused to release plaintiff's inventory, whether the fee increases were properly noticed under R.C. 1307.206(A), whether defendant retained a valid warehouse lien, R.C. 1307.209(A) & (E), and, inter alia, whether invoices were accurate; trial court did not err in denying defendant's Civ.R. 56(F) motion for additional discovery, finding that plaintiff's submitted affidavits sufficiently contested defendant's claims, but further discovery is necessary on remand.

Breach/Arbitration award/Application to vacate/Timeliness. [Dorset Twp. Bd. of Trustees v. T-Line EV, L.L.C. | 2024-Ohio-6002 | 11th Appellate District | 12/23/2024](#) In plaintiff-township's breach of contract claim against defendant-contractor, alleging failure to complete construction of a fire engine, where plaintiff submitted its claim to arbitration pursuant to the parties' contract, resulting in an award in favor of plaintiff that ultimately filed a complaint in the trial court seeking to confirm the arbitration award, R.C. 2711.09, the trial court erred in declining to confirm the arbitration award and in revising damages from the arbitration order where defendant's application to vacate the arbitration award was untimely, R.C. 2711.13, and the court was required to confirm the award in favor of plaintiff, even if it found that the facts had changed significantly and that damages were no longer equitable.

Corporate and Business

Fiduciary duty/Dissolution/Dismissal/Limitations. [Knisley v. Knisley | 2025-Ohio-147 | 10th Appellate District | 01/21/2025](#) In plaintiff-partner's action against defendants-members of family partnership formed to hold property and share rental income, alleging, inter alia, exclusion from management decisions and breach of fiduciary duty and seeking dissolution of partnership, the trial court erred in granting defendants' Civ.R. 12(B)(6) motion to dismiss based on the statute of limitations where plaintiff's alleged harms related to his current status as a member of family partnership and not from his removal from family law practice years earlier, and question remains whether the alleged harms are ongoing and not subject to the statute of limitations, R.C. 2305.07.

Criminal

Sentencing/Jail-time credit. [State v. Cherry | 2025-Ohio-1152 | 10th Appellate District | 03/31/2025](#) In a conviction by plea of guilty to trafficking in a fentanyl-related compound, although defendant and the state had jointly recommended 172 days of jail-time credit in both this case and a separate unrelated case, the trial court erred by applying 352 days of credit to the unrelated case, resulting in a time-served sentence, with the court of appeals holding that it violated the statutory mandate because at least part of defendant's pretrial confinement was attributable solely to the earlier case, but since the appeal from the time-served sentence in the second case was moot because defendant has completed his sentence of time served in that case, the court of appeals dismissed that appeal but reversed and remanded the other case for the trial court to determine and apply the appropriate amount of jail-time credit attributable solely to that case, Moody.

Grand jury proceedings/Exculpatory evidence/Full transcript/Specific remedy. [State v. Flannery | 2025-Ohio-1074 | 1st Appellate District | 03/28/2025](#)

In a prosecution for felonious assault and child endangerment where defendant sought disclosure of grand jury proceedings on the ground that the state failed to present exculpatory medical evidence to the grand jury,

allegedly violating due process, the trial court's order finding a "particularized need" for disclosure, Crim.R. 6(E), and requiring the state to disclose the entire grand jury transcript to defendant's counsel, is reversed because the court ordered full disclosure of the transcript rather than narrowly tailoring the remedy to the specific need, and given the importance of grand jury secrecy, the case is remanded for the trial court to consider less intrusive options, such as a factual finding or state stipulation confirming whether the exculpatory medical evidence was presented.

Menacing/Insufficiency of evidence. [State v. Szafranski | 2025-Ohio-1104 | 6th Appellate District | 03/28/2025](#) Defendant's conviction of menacing under R.C. 2903.22(A)(1), which requires proof that the defendant knowingly caused the victim to believe he would suffer physical harm, is reversed where the conviction stemmed from a road-rage incident in which defendant displayed a holstered firearm during a heated exchange in a parking lot, and while showing the gun could be argued to imply a threat, the conviction was unsupported by sufficient evidence, as the state failed to prove that the alleged victim subjectively believed that defendant would cause him physical harm, and the alleged victim testified that he was angry and later experienced anxiety, but never stated that he was afraid or feared for his safety, and even remained at the scene during and after the incident.

Weapons offense/Second Amendment/Factual record. [State v. Elam | 2025-Ohio-1092 | 6th Appellate District | 03/28/2025](#) In a prosecution for improperly handling firearms in a motor vehicle under R.C. 2923.16(B) and (I), and R.C. 2923.111, in which defendant moved to dismiss the indictment, asserting that the statutes were unconstitutional as applied to him under the Second Amendment, citing *New York State Rifle & Pistol Assn. v. Bruen*, 597 U.S. 1 (2022), and other federal precedents, resulting in the trial court granting the motion, finding that defendant was protected by the Second Amendment and that the state failed to provide historical justification for disarming individuals with warrants for traffic violations, the trial court's judgment is reversed, and the case is remanded on reasoning that the trial court erred by resolving a constitutional challenge without establishing a

sufficient factual record, and unlike in similar cases such as *State v. Latham*, 2025-Ohio-495, and *Toledo v. Eischen*, 2008-Ohio-653, where evidentiary hearings or factual stipulations were present, no such record existed in the instant case, Crim.R. 12(C) and 12(F), and the court found that it lacked adequate evidence to review the as-applied constitutional issue, so the court remanded the case for development of the factual record.

Sentencing/Speaker at sentencing/Discretion. [State v. Todd | 2025-Ohio-1066 | 8th Appellate District | 03/27/2025](#) Defendant's convictions of felonious assault and related charges and sentences are affirmed where defendant's argument that trial court's decision to allow the victim's mother to speak at sentencing, in violation of Marsy's Law, because she was not a designated victim representative under R.C. 2930.02 is without merit on reasoning that under R.C. 2929.19(A), trial courts have discretion to permit nonvictims to address the court at sentencing, and courts can consider relevant information from third parties during sentencing; the trial court acknowledged the mother's lack of formal status and limited the scope of her statement, and the record showed no indication that her remarks improperly influenced the sentence.

Speedy trial/Tolling. [Columbus v. DeWitt | 2025-Ohio-1067 | 10th Appellate District | 03/27/2025](#) Court of appeals reverses the trial court's dismissal of OVI-related charges on speedy trial grounds, R.C. 2945.71 and 2941.401, the applicable statutory deadlines, because pursuant to R.C. 2941.401, the 180-day period to try an incarcerated defendant begins only after the defendant delivers a proper written request for final disposition to the trial court and prosecutor, but defendant's request was filed without the required certificate from the correctional institution, and thus the 180-day period had not expired at the time of the trial court's dismissal; also, under R.C. 2945.71(B)(2), the 90-day speedy trial period was tolled by multiple continuances requested by defense counsel, and defendant was given a recognizance bond, not incarcerated, and although he was incarcerated during the period leading up to the trial on other charges, and since he was not being held solely on the charges in this case, the triple-count

provision in R.C. 2945.71(E) did not apply, Coleman; case remanded for further proceedings.

Housing code violations/Property inspections/Relation to offense. [State v. Johnston | 2025-Ohio-1061 | 8th Appellate District | 03/27/2025](#)

Housing court's order requiring interior inspections of defendant's two properties as a condition of community control is reversed where defendant had pleaded no contest to 50 counts of failing to comply with exterior property maintenance requirements under city ordinance, which mandates that exterior areas be free of debris, junk vehicles, and similar nuisances, and although the court initially imposed exterior cleanup conditions, it later added mandatory interior inspections—despite no evidence of interior code violations—which were not reasonably related to rehabilitation, lacked a connection to the offense (which involved only exterior violations), and were not related to any criminal or potentially criminal conduct, being overbroad and inconsistent with the goals of community control under R.C. 2929.21(A), which in housing cases aim to achieve code compliance, not punishment.

Speedy trial violation/Obstructing official business/Sufficiency of evidence. [Akron v. Ragsdale | 2025-Ohio-1048 | 9th Appellate District | 03/26/2025](#) In an appeal of convictions in two consolidated misdemeanor cases for resisting arrest and obstructing official business, the court of appeals in the resisting arrest case reversed the trial court's denial of defendant's motion to dismiss for a violation of his statutory speedy trial rights violation, R.C. 2945.71(B), since more than 90 days had passed from arraignment to trial, and the state failed to establish tolling under R.C. 2945.72(H) because no continuances were clearly attributable to defendant; however, sufficient evidence supported the obstructing official business conviction since officers lawfully attempted to tow a vehicle for public safety concerns during a protest, and defendant obstructed their efforts by physically blocking the vehicle and following officers to multiple locations that delayed officers in performing official duties; resisting arrest case remanded with instructions to discharge defendant.

Rape/Substantial impairment/Evidence/Hearsay/Ineffective assistance. [State v. McClain | 2025-Ohio-962 | 8th Appellate District | 03/20/2025](#) Conviction of substantial impairment rape, R.C. 2907.02(A)(1)(c), was not supported by sufficient evidence that the alleged victim was substantially impaired where defendant was convicted of raping the victim in 2010 after DNA evidence from a rape kit linked him to sexual contact with the alleged victim, with the court of appeals reasoning that the state failed to prove beyond a reasonable doubt that the alleged victim was substantially impaired at the time of the sexual conduct and that defendant knew or had reasonable cause to believe she was impaired, with the court of appeals stating that while the alleged victim testified to memory loss and physical injuries, that evidence alone did not establish substantial impairment; conviction vacated and case remanded, with a dissenting opinion filed.

Sufficiency of evidence/Restitution. [State v. Goldsby | 2025-Ohio-967 | 8th Appellate District | 03/20/2025](#) Appellate court (1) affirmed defendant's conviction and sentencing for felonious assault, R.C. 2903.11(A)(1), strangulation, R.C. 2903.18(B)(3), and related charges, and (2) reversed and remanded defendant's restitution order where the charges stemmed from a domestic violence incident in which defendant assaulted his girlfriend, who texted 911 for help; the appellate court found that, although the victim later recanted, there had been sufficient corroborating evidence, including medical records, police testimony, and photographs, rejecting defendant's arguments that (1) the convictions were against the manifest weight of evidence and (2) his counsel was ineffective for failing to raise merger, nonetheless reversing the trial court's order requiring defendant to pay restitution to the city for police overtime, finding that a law enforcement agency is not a "victim" eligible for restitution under R.C. 2929.18(A)(1), Centerville v. Knab, 2020-Ohio-5219.

Indictment/Delay/Prejudice. [State v. Turner | 2025-Ohio-892 | 11th Appellate District | 03/17/2025](#) Dismissal of defendant's indictment for aggravated possession of drugs under R.C. 2925.11 is affirmed since defendant suffered actual prejudice due to unjustifiable pre-indictment

delay, violating his due process rights, where defendant was not indicted for two years after he was stopped, crucial dash-cam video evidence was destroyed, impairing defendant's ability to challenge the legality of the stop and the attribution of the contraband, and unjustifiable delay causing actual prejudice violates due process.

Theft. [State v. Faircloth | 2025-Ohio-878 | 12th Appellate District | 03/17/2025](#) Appellate court affirmed defendant's conviction for first-degree misdemeanor theft under R.C. 2913.02(A)(3) but reversed and remanded for resentencing due to a violation of Crim.R. 32(A)(1) (right to allocution prior to sentencing), where defendant was convicted after a bench trial in which evidence showed that defendant engaged in a deceptive scheme to obtain a refund or exchange for an area rug she never purchased; the evidence (viewed in the light most favorable to the prosecution) was sufficient to support the conviction, as defendant knowingly engaged in deception to obtain control over the rug, although the appellate court nevertheless found reversible error in sentencing because the trial court failed to provide defendant an opportunity for allocution, as required by Crim.R. 32(A)(1).

Corrupt activity/Sufficiency of evidence/Sentencing/Advisement. [State v. Lawson | 2025-Ohio-934 | 5th Appellate District | 03/17/2025](#) Defendant's conviction of engaging in a pattern of corrupt activity under R.C. 2923.32(A)(1) is vacated as not being supported by sufficient evidence where the prosecution failed to prove two or more separate incidents of corrupt activity exceeding \$1,000 each, as required by R.C. 2923.31(E) and (I)(2)(c); as well, defendant's sentence for aggravated trafficking is reversed on reasoning that the trial judge failed to fully advise defendant at sentencing about Ohio's indefinite sentencing structure under R.C. 2929.19(B)(2)(c), specifically, the trial court did not inform defendant that his sentence could be extended more than once, constituting plain error.

Criminal (Continued)

Distracted driving/Exception/Phone placement/Lenity. [State v. Scarberry | 2025-Ohio-933 | 5th Appellate District | 03/17/2025](#) Defendant's conviction of distracted driving under R.C. 4511.204(A) is reversed on reasoning that her conduct fell within an exception to the statute where defendant was cited after a trooper observed her holding her phone approximately four to five inches from her ear while using speakerphone, but R.C. 4511.204(B)(4) permits drivers to hold a phone "directly near" their ear for a call, provided they do not manually enter data into the device, and defendant's phone position met the "directly near" requirement, rejecting the trial court's interpretation that the phone must be pressed against the ear; as well, the rule of lenity under R.C. 2901.04(A) applied, requiring ambiguous statutes to be construed in favor of the accused.

Plea/No contest/Validity/Crim.R. 11(C)(2)(c). [State v. Shropshire | 2025-Ohio-881 | 12th Appellate District | 03/17/2025](#) In a conviction by plea of no contest to rape and pandering sexually-oriented matter involving a minor, the court of appeals reverses, holding that defendant's no contest plea was not knowingly and intelligently entered because the trial court failed to inform him during the plea colloquy of his constitutional right to compulsory process as required by Crim.R. 11(C)(2)(c), Dangler, defendant was not required to show he was prejudiced by the trial court's failure to advise him, and state's argument that defendant understood his right to compulsory process since he subpoenaed a witness was rejected by the court of appeals; plea vacated and cause remanded, with a dissenting opinion filed.

Obstructing official business/Overt act. [State v. Dalton | 2025-Ohio-862 | 2nd Appellate District | 03/14/2025](#) Defendant's conviction for obstructing official business, R.C. 2921.31(A), having been arrested after he refused to provide identification to a police officer investigating a vague report of possible car break-ins, is vacated where the appellate court found that defendant's failure to provide identification did not constitute an overt or affirmative act required to sustain a conviction under the statute; mere failure to cooperate with police does not amount to obstructing official business absent an

affirmative act that hampers or impedes law enforcement, and the state's argument that because defendant failed to provide identification, law enforcement had to overtly take defendant to jail to identify him constituting an overt act hampering and impeding the duties of law enforcement is without merit since the statute requires an overt act by the defendant, not by law enforcement.

Motions/Irregular/Recast. [State v. Boyle | 2025-Ohio-860 | 2nd Appellate District | 03/14/2025](#) In case in which defendant, who had previously pleaded guilty to six counts of rape and was serving a prison sentence, filed a "Manifest Weight of the Evidence Motion" and a "Motion for Change of Venue," trial court erred in granting the state's motion to strike, deeming the two motions legal nullities, since the motions, although irregular, were not legal nullities and should have been treated as petitions for post-conviction relief under R.C. 2953.21; courts may recast irregular motions to fit the appropriate legal framework, and cases should be decided on their merits whenever possible, so the case is remanded for the trial court to adjudicate the motions on the merits.

Jury waiver/Acknowledgment not made in open court/Retrial/Double Jeopardy. [State v. Lucas | 2025-Ohio-845 | 10th Appellate District | 03/13/2025](#) In a conviction of felonious assault and having a weapon while under disability, the court of appeals holds the jury waiver was invalid because it failed to meet the statutory requirement of being made in open court, R.C. 2945.05, even though a written waiver was filed and signed, the trial court failed to establish on the record that defendant personally acknowledged his waiver in open court; also, since the appellate court found sufficient evidence was presented to sustain the felonious assault conviction, including the victim's testimony that defendant threatened him, struck him multiple times with a firearm, and caused visible injuries that were corroborated by photographs, a retrial would not violate double jeopardy.

Community-Control Violation/Conflict of Interest. [State v. Davis | 2025-Ohio-840 | 8th Appellate District | 03/13/2025](#) Imposition of a 24-month prison sentence for defendant's community-control violation conviction is reversed on reasoning that defendant's constitutional right to effective, conflict-free, assistance of counsel was violated where defendant's counsel had previously served as the prosecuting attorney in defendant's original case, creating a clear conflict of interest, prohibited by Prof.Cond.R. 1.11 without informed, written consent (which was absent in this case), so the case is remanded for a new hearing with conflict-free defense counsel.

Sentencing/Consecutive sentences/ Allied offenses/Ineffective assistance. [State v. Scott | 2025-Ohio-806 | 11th Appellate District | 03/10/2025](#) In a conviction by guilty plea to multiple offenses, including possession of a fentanyl-related compound, R.C. 2925.11, and having weapons while under disability, R.C. 2923.13, the court of appeals upholds the plea as validly made, but the trial court erred by failing to address whether the possession offenses merged as allied offenses, R.C. 2941.25, and defense counsel provided ineffective assistance by failing to file an affidavit of indigency that could have exempted defendant from a \$5,000 mandatory fine under R.C. 2929.18(B)(1); also, although the trial court made the required R.C. 2929.14(C)(4) findings to impose consecutive sentences, it failed to impose post-release control at the sentencing hearing; sentence reversed and case remanded for resentencing to impose post-release control.

Sentencing/Consecutive sentences/ Findings. [State v. Little | 2025-Ohio-768 | 2nd Appellate District | 03/07/2025](#) In three consolidated appeals involving community control violations in two aggravated drug possession convictions in a prior action after defendant was convicted of a new felony in a subsequent action for having a weapon while under disability, with the trial court revoking community control and imposing concurrent 24-month prison sentences for the prior aggravated drug possession offenses, the trial court erred by failing to make the required consecutive sentence findings before imposing a consecutive sentence in the weapons

case conviction with the two other cases since the trial court failed to advise defendant of that option when it originally imposed community control in the drug cases; case remanded for the trial court to either make the required R.C. 2929.14(C)(4) statutory consecutive sentences findings or to impose a concurrent sentence in the conviction for weapon-under-disability case.

Restitution/Evidentiary hearing/ Ability to pay. [State v. Wallace | 2025-Ohio-770 | 2nd Appellate District | 03/07/2025](#) In a conviction by plea of no contest to operating a vehicle under the influence of alcohol and three counts of aggravated vehicular assault, and imposition of an aggregate term of two to three years in prison, a ten-year driver's license suspension and \$10,000 in restitution, with defendant appealing solely the trial court's restitution order for failing to hold an evidentiary hearing on the amount of restitution, the court of appeals reversed and remanded the restitution order because it was imposed without an evidentiary hearing as required by R.C. 2929.19(B)(5), and the trial court failed to consider defendant's ability to pay; remanded for an evidentiary hearing on defendant's present and future ability to pay.

Sealing/Multiple cases/Eligibility. [State v. M.F. | 2025-Ohio-747 | 8th Appellate District | 03/06/2025](#) Grant of application to seal the records of convictions for drug possession, R.C. 2925.11, in one case, and for OVI, R.C. 4511.194(B), in a second case, was error because the applicant was not eligible for record sealing under R.C. 2953.32 and 2953.61 where the trial court sealed the records of the dismissed case and partially sealed the record in the other case, excluding the OVI physical control conviction because it is ineligible for sealing under R.C. 2953.32(A)(1)(a), but the court of appeals held that when multiple offenses arise from the same act, none can be sealed unless all are eligible, Futral, and because the physical control offense was not sealable, neither was the entire case under R.C. 2953.61(A); sealing orders vacated and the trial court directed to maintain the records as unsealed.

Court costs/Dismissed case. [State v. Morgan | 2025-Ohio-821 | 4th Appellate District | 03/06/2025](#) In prosecution for domestic violence where defendant was indicted, but the state later moved to dismiss the charge and the trial court dismissed the case without prejudice, the trial court erred in ordering costs to be taxed to the prosecutor's office since, under R.C. 2947.23, court costs in a criminal case are generally assessed to a convicted defendant, and while courts may waive or modify costs, they cannot arbitrarily assign costs to a legal representative, such as the prosecutor's office, unless there is evidence of bad faith or sanctionable conduct, and that type of assessment requires notice and an opportunity to be heard, which did not occur in this case, and there was no evidence of bad faith by the prosecutor and no agreement regarding costs existed between the parties.

Discovery. [State v. Wagner | 2025-Ohio-707 | 11th Appellate District | 03/03/2025](#) In convicting defendant of felonious assault and related offenses, the state did not violate Crim.R. 16, as no willful discovery violation was found since the prosecution promptly provided a requested police report when it became available, defendant's failure to request a continuance undermined his claim of prejudice. As per State v. Joseph, Crim.R. 16 violations require willful nondisclosure and demonstrable prejudice, neither of which were present; thus, the defendant's conviction was affirmed.

Criminal record/Expungement/ Sealing/Hearing. [State v. Myrick | 2025-Ohio-694 | 5th Appellate District | 02/27/2025](#) Denial of defendant's application to expunge or, in the alternative, seal her record pursuant to R.C. 2953.32, after defendant entered a no contest plea to an amended misdemeanor theft charge under R.C. 2913.02(A)(1), is reversed since the trial court denied her application without a hearing, citing her five-year probation term, and R.C. 2953.32(C) expressly requires a hearing before ruling on a record-sealing application.

Felonious assault/Mistrial/Retrial/ Double jeopardy. [State v. Sullivan | 2025-Ohio-643 | 8th Appellate District | 02/27/2025](#) In prosecution of defendant for eight counts, including felonious assault and firearm-related offenses, where defendant claimed

self-defense, arguing that he fired his weapon because he believed victim was reaching for a gun, resulting in acquittal on three counts and deadlock on the remaining five and leading to a mistrial on those counts, the state's plan to retry defendant would not violate double jeopardy because the jury's acquittals did not necessarily determine the ultimate facts that would preclude a retrial; the jury may have acquitted defendant based on the state's failure to prove certain elements, rather than a definitive finding of self-defense, and because each count was considered separately, retrying defendant on the remaining charges would not constitute double jeopardy, so the case is remanded.

Sentencing/Parole violation/Due process. [State ex rel. West v. Hoying | 2025-Ohio-660 | 10th Appellate District | 02/27/2025](#) The court of appeals adopts the magistrate's order and grants relator's petition for a writ of mandamus to order the Ohio Parole Board to vacate the Board's sanction committing appellant to a community-based correctional facility (CBCF) without a hearing for allegedly violating his parole conditions and to enter a new order finding insufficient evidence was presented to find appellant violated the conditions of his post-release control since confinement in the CBCF constitutes a deprivation of liberty similar to incarceration, requiring due process protections, but appellant was placed in the facility without proper procedural safeguards, including a hearing, as required by Ohio Adm. Code 5120:1-1-17(D)(2), Matthews; also discussed, mootness.

Post-conviction relief/Untimely and successive petition/Exceptions. [State v. Anderson | 2025-Ohio-629 | 9th Appellate District | 02/26/2025](#) After a conviction in 2006 of, inter alia, four counts of rape that was affirmed, the trial court erred by dismissing, on the basis of res judicata, a 2024 pro se successive petition for post-conviction relief where petitioner argued ineffective assistance of counsel in filing a speedy trial waiver and the trial court dismissed the petition as barred by res judicata without first determining whether petitioner met the jurisdictional requirements under R.C. 2953.23(A)(1) (a) and (b) for the filing of an untimely and successive petition where petitioner claimed he was unaware of defense counsel's filing of the speedy trial

Criminal (Continued)

waiver and that he was unavoidably prevented from discovering that fact; remanded for the trial court to decide whether petitioner met the jurisdictional requirements for the filing of an untimely petition.

Drug offenses/Sufficiency and weight of evidence/Forfeiture. [State v. Weil | 2025-Ohio-657 | 4th Appellate District | 02/24/2025](#) In convictions of three counts of aggravated trafficking in methamphetamine and two counts of aggravated possession of methamphetamine and imposition of a prison sentence for a total term of 7 to 9 years, with defendant's real property ordered forfeited pursuant to R.C. 2981.02, convictions were supported by sufficient evidence based on testimony, video recordings of controlled buys, and corroborating law enforcement reports; however, the court of appeals found plain error in the trial court's forfeiture order since the jury received incorrect instructions on the burden of proof under R.C. 2981.04(B), and the trial court failed to conduct a required proportionality review under R.C. 2981.09 and to provide the required sentencing notifications under the Reagan Tokes Law, R.C. 2929.19(B)(2)(c); forfeiture order reversed and vacated, and case remanded for resentencing.

Mandamus/Sentencing/Respondent court/Mandate. [State ex rel. Wise v. Belmont Cty. Common Pleas Court | 2025-Ohio-992 | 7th Appellate District | 02/21/2025](#) Relator-criminal defendant's petition for a writ of mandamus to compel respondent-trial court to comply with the appellate court's prior mandate in *State v. Wise*, 2024-Ohio-2465, reversing the trial court's imposition of a prison term following the revocation of petitioner's community control, holding that the trial court failed to properly notify petitioner at sentencing of the specific term he faced upon violation, as required by R.C. 2929.19(B)(5), is dismissed on procedural grounds, reasoning that the trial court, named as respondent, is not sui juris and thus not a legal entity capable of being sued; the appellate court did recognize that its mandate did not dictate the precise timeframe in which a resentencing must occur, but judicial efficiency and the interests of justice generally favor the prompt resolution of remanded proceedings.

Appeal/Reopening. [State v. Finklea | 2025-Ohio-926 | 8th Appellate District | 02/21/2025](#) Court of appeals grants defendant-appellant's application for reopening his appeal, App.R. 26(B), with the court finding a genuine issue as to whether appellant was deprived of effective assistance of appellate counsel in his appeal of a conviction of, inter alia, aggravated murder, since his appellate counsel had raised a single assignment of error contending that the trial court erred in not removing a biased juror, with the court of appeals stating that the evidence presented of defendant's sudden decision to shoot the victim as the victim fled shortly after defendant entered the apartment of another person that the victim was in could indicate a "sudden eruption of events" that would negate the required element of "prior calculation and design" to commit aggravated murder, Walker; case reinstated to the court of appeals' regular docket.

Mistrial/Retrial/Double jeopardy/Prosecutorial misconduct. [Cleveland v. Lombardo | 2025-Ohio-551 | 8th Appellate District | 02/20/2025](#) In prosecution of defendant for OVI and speeding, denial of defendant's motion to dismiss his case on double jeopardy grounds is affirmed where a mistrial was declared because the city inadvertently played a video containing inadmissible references to defendant's prior offenses after city assured the court and defense that such references had been removed, with the result that city intended to retry the case, the trial court did not err in denying defendant's motion to dismiss his case on double jeopardy grounds where the court found no prosecutorial misconduct—only inadvertence—and double jeopardy does not bar retrial unless the prosecution's conduct was intended to provoke a mistrial, which was not the case here.

Firearms/Handling firearm in a motor vehicle/Second Amendment. [State v. Latham | 2025-Ohio-495 | 6th Appellate District | 02/14/2025](#) In state's appeal of the trial court's dismissal of an indictment in a prosecution for improperly handling a firearm in a motor vehicle, R.C. 2923.16(B) and 2923.111, the court of appeals affirms since prohibiting defendant from transporting a firearm based on his past misdemeanor drug convictions violated his U.S. Constitution Second Amendment rights, Bruen, with the

court of appeals distinguishing the state's reliance on *Daniels* since that case dealt with laws that prohibited weapons possession while intoxicated, while this case did not involve that situation, and the state presented no precedent that identified historical prohibitions against firearm possession based on a prior misdemeanor conviction for an attempted drug offense unrelated to contemporaneous facts.

Venue/Marsy's Law/Lack of final order. [State v. Wagner | 2025-Ohio-542 | 4th Appellate District | 02/14/2025](#) In a prosecution of a multiple-murder case, the court of appeals did not err by dismissing an appeal by an alleged victim challenging the trial court's decision to grant defendant's motion for change of venue, with the alleged victim arguing the venue change violated the alleged victim's constitutional and statutory rights under Marsy's Law by potentially preventing them from being present at trial, with the appellate court holding the trial court's decision was not a final, appealable order since the trial court had not yet formally changed the venue but had only indicated an intent to do so once a suitable location was identified, and also the alleged victim had not objected nor provided input before the decision was made, and thus because the trial court had not denied a request for relief, the Marsy's Law claims were not yet ripe for appellate review, and the appeal was dismissed for lack of jurisdiction.

Sentencing/Jail-time credit. [State v. Palmer | 2025-Ohio-523 | 5th Appellate District | 02/13/2025](#) In a conviction of aggravated robbery and theft and imposition of a four to six years prison sentence to run concurrently with a prior sentence in another county, the trial court erred in finding defendant was not entitled to 99 days of jail-time credit since he was entitled to the jail-time credit for time served in another county before his sentencing in this case for the time he was incarcerated on both charges before his sentencing in the other county, but once he was sentenced in the other county, his incarceration was solely due to that sentence, and he was not entitled to credit beyond that date; cause remanded for the trial court to correct the sentencing entry nunc pro tunc to reflect the 99-day jail-time credit.

Sentencing/Allied offenses/Domestic violence and felonious assault/ Evid.R. 404(B). [State v. Cioffi | 2025-Ohio-423 | 3rd Appellate District | 02/10/2025](#) In a conviction of multiple counts of domestic violence and felonious assault, the trial court erred in part by failing to merge the domestic violence and felonious assault on two dates as allied offenses of similar import, R.C. 2941.25, since the offenses arose from the same conduct with a single animus; however, the court of appeals rejected defendant's argument on the admissibility of prior conduct evidence, holding that testimony about defendant's abusive and controlling behavior was relevant to explain the victim's delayed reporting and decision to remain in the relationship, Evid.R. 404(B), and the court of appeals found no error in allowing testimony about defendant's extramarital affair since he raised it as part of his defense; remanded for resentencing on the merged counts.

Domestic violence/Victim testimony of a protection order/Lay opinion. [State v. Barefield | 2025-Ohio-433 | 11th Appellate District | 02/10/2025](#)

In a conviction of two counts of domestic violence, although the trial court erred by allowing improper victim testimony of a protection order that she obtained, the error was harmless since it did not prejudice the outcome in light of the corroborating evidence, including the victim's testimony, body camera footage, and audio recordings, with the court of appeals also holding that a deputy's testimony that defendant was the primary aggressor was admissible lay testimony under Evid.R. 701 since his opinion helped explain why defendant was charged with domestic violence and was based on the deputy's own perception in investigating the incident.

Habeas corpus/Excessive bail. [Cowherd v. McGuffey | 2025-Ohio-387 | 1st Appellate District | 02/07/2025](#)

Relator's petition for a writ of habeas corpus, accompanied by a motion to modify bail, alleging that he was being held on excessive pretrial bail, is granted where imposition of bail is security for appearance of accused, R.C. 2937.22(A), and in response to relator's motion to modify bail, the state cited public safety concerns, but there was no actual evidence that relator threatened a witness or posed any greater risk to public safety than

when he was bailed in an earlier case; also, the state could have sought to hold relator without bail under R.C. 2937.222, rather than try to achieve the same result with excessive bail, and seeking to hold the relator without bail under R.C. 2937.222 would have afforded relator the procedural protections mandated by that provision.

Jail-time credit/Calculation/Separate cases. [State v. Houston | 2025-Ohio-370 | 8th Appellate District | 02/06/2025](#)

Award of defendant's jail-time credit by the trial court is reversed since the calculation of credit relating to the instant case improperly included pretrial detention time served for an unrelated earlier case for which defendant was unable to post bond, and subsequently defendant was indicted in the instant case; jail-time credit is offense-specific under R.C. 2967.191(A), meaning credit earned in one case cannot be applied to a sentence in a separate, unrelated case, and concurrent sentencing does not automatically entitle a defendant to credit for time served in a different case, so the case is remanded for recalculation of jail-time credit.

Ineffective assistance/Post-conviction relief/Findings of fact. [State v. Gray | 2025-Ohio-363 | 9th Appellate District | 02/05/2025](#)

Denial of defendant's petition for post-conviction relief petition is reversed where defendant pleaded guilty to felonious assault, after initially entering a plea of not guilty by reason of insanity, and rejected a plea deal on the basis of advice from counsel about expected testimony of expert testimony, later learning that the expert was unavailable; the trial court denied defendant's petition for post-conviction relief without an evidentiary hearing, stating that her affidavit was insufficient and that the state's evidence contradicted her claims, but the trial court's findings of fact and conclusions of law are too vague to allow for meaningful appellate review, and because the trial court failed to explain why it rejected defendant's claims, the judgment is reversed and the case is remanded for proper findings of fact and conclusions of law, ensuring compliance with R.C. 2953.21.

Jury/Verdict form/Appellate review. [State v. Shockey | 2025-Ohio-328 | 3rd Appellate District | 02/03/2025](#)

On remand from the Supreme Court of Ohio, in a conviction of obstructing official business, R.C. 2921.31(A), and two counts of assault against a peace officer, R.C. 2903.13(C)(5), the court of appeals applies the Ohio Supreme Court's holding in Mays, and after a plain-error review of the entire record in defendant's challenge to the verdict form for the offenses under R.C. 2945.75(A)(2), the court of appeals affirms, holding that defendant failed to show that any deficiency in the verdict forms in failing to specify the aggravating elements or offense degrees affected his substantial rights since the appellate court found overwhelming evidence in the record that defendant assaulted peace officers in their official capacity and that his actions created a risk of physical harm.

Plea/Crim.R. 11(B), (C)(2)(b)/Effect of guilty plea. [State v. Howard | 2025-Ohio-340 | 11th Appellate District | 02/03/2025](#)

In a conviction by plea of guilty to possession of a fentanyl-related compound, having weapons while under disability, and tampering with evidence, the court of appeals vacates plea for the trial court's failure to comply with Crim.R. 11(C)(2)(b) since it did not advise defendant that a guilty plea constitutes a complete admission of guilt, as required by Crim.R. 11(B)(1), with the court of appeals holding the omission constituted a complete failure to comply with the rule, eliminating the need for defendant to show prejudice; plea vacated and cause remanded for a new plea hearing.

Vehicular homicide/Traffic stop/Sentencing. [State v. Garcilaso | 2025-Ohio-352 | 4th Appellate District | 01/31/2025](#)

Defendant's conviction and sentence for aggravated vehicular homicide following a crash that killed a homeowner is affirmed in part and reversed in part where the trial court properly denied defendant's motion to suppress the field sobriety test results, finding that the trooper substantially complied with NHTSA standards and that bodycam footage supported the lawful administration of the tests, and there was probable cause for arrest based on erratic driving, collision with multiple vehicles, physical unsteadiness, the odor of alcohol and marijuana, and defendant's admission to drinking; however, the

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state conceded that the trial court failed to provide all required sentencing advisements under R.C. 2929.19(B) (2)(c) regarding how state department could extend his sentence under the Reagan-Tokes Law.

Sentencing/Appellate review. [State v. Rivera | 2025-Ohio-314 | 6th Appellate District | 01/31/2025](#)

In a conviction of aggravated vehicular homicide, R.C. 2903.06(A)(2)(a), and vehicular assault, R.C. 2903.08(A) (2)(b), defendant's arguments on appeal that the trial court erred by imposing a 60-month prison sentence instead of community control and that R.C. 2929.14(A)(3)(a), authorizing a 60-month sentence, was unconstitutionally vague, are without merit since the trial court considered the statutory criteria in R.C. 2929.11 and 2929.12, the sentence is within the authorized statutory range, and the trial court is not required to make any findings or give its reasons for imposing a maximum or more than minimum sentence, Jones; also, since defendant failed to raise his constitutional vagueness claim at trial, he waived that argument on appeal, Awan.

Suppression/Custody/Impairment/Miranda warning. [State v. Logsdon | 2025-Ohio-298 | 2nd Appellate District | 01/31/2025](#) In prosecution of defendant for vehicular homicide and related offenses, the trial court's order granting defendant's motion to suppress statements he made during an interview with police when defendant was hospitalized following a fatal car accident, is reversed on reasoning that defendant was not in custody for purposes of Miranda when he was interviewed by police, as he was in the hospital for medical treatment rather than for police detention, and there were no restrictions on his movement imposed by law enforcement; as well, defendant's waiver of his Miranda rights was valid since there was no evidence that he was impaired by pain or medication during the interview, and defendant's statement, "that's what I need," was not an unambiguous request for an attorney.

Ineffective assistance/Self-defense/Failure to file timely notice. [State v. Smith | 2025-Ohio-311 | 6th Appellate District | 01/31/2025](#) In a bench conviction of two defendants for assault, R.C. 2903.13(A), the state concedes defense counsel provided ineffective assistance by failing to file a timely notice of self-defense under Crim.R. 12.2, that precluded defendants from presenting self-defense at trial, with the court of appeals finding defense counsel's failure constituted deficient performance under Strickland that prejudiced the defense by denying defendants a fair trial because the record showed evidence was admitted that could support a self-defense claim, including testimony and surveillance footage suggesting the complainant initiated the altercation; case remanded for further proceedings.

Trial/Motion to quash/Marsy's Law. [State v. O'Neill | 2025-Ohio-287 | 12th Appellate District | 01/30/2025](#) In a domestic violence prosecution, the trial court erred by denying the alleged victim's motion to quash and by ordering the disclosure of the victim's privileged medical records from a prior incident between defendant and the victim, with the court of appeals holding, pursuant to Marsy's Law (Ohio Const. Art. I, Sec.10a) and R.C. 2317.02 and 2930.071, the trial court failed to properly balance victim's privacy rights and privilege against defendant's constitutional rights, as required by R.C. 2930.071(A)(4), and defendant had other means to challenge the victim's credibility and did not show that the records were essential to his defense; case remanded for further proceedings.

Bond/Forfeiture. [State v. Lambert | 2025-Ohio-208 | 5th Appellate District | 01/24/2025](#) In a conviction of two counts of OVI, R.C. 4511.19(A)(1) (a) and (i), and subsequent violation of probation, the trial court erred by revoking bond and ordering forfeiture of \$5,000 bond for defendant's failure to appear for a show cause hearing for a charged probation violation since defendant had been arrested and returned to court custody before the bond forfeiture hearing, notwithstanding that the bond company failed to attend the show cause hearing or provide prior notice of defendant's arrest, since defendant was in custody prior to the show cause hearing, and it was error for the trial court to order forfeiture of a bond under those circumstances,

Arrington; remanded for further hearing to allow the state to present evidence of costs it incurred in arresting defendant and to allow appellant to present evidence as to remission of all or a portion of the forfeited bond.

Post-conviction relief/Findings of fact and conclusions of law. [State v. Alexander | 2025-Ohio-236 | 4th Appellate District | 01/23/2025](#) Following a conviction of drug offenses, that was affirmed, the trial court erred in part by denying a pro se petition for post-conviction relief since, although petitioner provided no evidence showing that his attorney failed to investigate and his claim that law enforcement's alleged deception to bring him within the scope of a search warrant was barred by res judicata because it was previously raised in his motion to suppress, the trial court's dismissal of the petition is reversed on petitioner's claims that the state failed to disclose impeachment evidence, that police lied at trial to convict him, and that police manufactured false narratives in police reports to mislead counsel, since the trial court failed to provide sufficient findings of fact and conclusions of law for the court of appeals to conduct a meaningful review on these claims, R.C. 2953.21(D); remanded in part for findings of fact and conclusions of law.

Post-conviction relief/Successive petition/Intellectual disability. [State v. Martin | 2025-Ohio-144 | 11th Appellate District | 01/21/2025](#) After a conviction of aggravated murder with three death specifications, that was affirmed in a direct appeal to the Ohio Supreme Court, petitioner filed a successive post-conviction relief petition that challenged his death sentence in which petitioner argued he was intellectually disabled and ineligible for execution under the U.S. Constitution Eighth Amendment, claiming that new retroactive federal rights, ineffective assistance of trial and post-conviction counsel, and his intellectual disability justified the successive petition, but the appellate court held that the U.S. Supreme Court decisions in Moore did not create new retroactive rights applicable to his case and that he failed to demonstrate he was 'unavoidably prevented' from discovering evidence supporting his claims as required by R.C. 2953.23, with the court emphasizing his intellectual disability claims could have been raised in earlier proceedings and

that the procedural requirements for successive petitions were constitutional; dissenting opinion filed.

New trial/Newly discovered evidence/Police report. [State v. Little | 2025-Ohio-130 | 9th Appellate District | 01/21/2025](#)

Following a 2009 conviction of, *inter alia*, aggravated murder that was affirmed, the trial court's denial of two pro se consolidated motions for leave to file motions for a new trial based on newly discovered evidence was error in part since the state suppressed a 2007 police report containing a witness account potentially favorable to the defense, with the court of appeals holding that defendant provided sufficient evidence to warrant a hearing to assess whether the report constituted Brady material, but as to the other motion relating to police misconduct and a Miranda waiver form, it could have been raised in prior proceedings and thus barred by *res judicata*; dissenting opinion in part.

Trial/Jury empanelment/Challenge for cause. [State v. Dennison | 2025-Ohio-139 | 4th Appellate District | 01/15/2025](#)

In a conviction of three counts of sexual imposition, R.C. 2907.06(A)(4), the trial court erred by denying defendant the opportunity to challenge jurors for cause during voir dire, and that error combined with the court's improper handling of peremptory challenges by making defense counsel exercise his peremptory challenges, even though 12 jurors had not been passed for cause, violating R.C. 2313.17(C) because defense counsel had at least one challenge under that statute, and the statute mandated the trial court consider it as a principal challenge and try its validity, requiring reversal to preserve defendant's right to an impartial jury; remanded for a new trial.

Sentencing/Post-release control. [State v. Hawkey | 2025-Ohio-73 | 3rd Appellate District | 01/13/2025](#)

In a conviction of aggravated possession of drugs, defendant argues on appeal that the trial court failed to properly impose post-release control (PRC) because it did not verbally notify him at sentencing that the Adult Parole Authority (APA) would supervise his PRC, the court of appeals holds that a trial court is not required to specifically mention that the APA administers PRC since this information can be included in the judgment entry, Cass, and the

trial court's notification met statutory requirements.

Jury instructions/Lack of specificity/Due Process/Double jeopardy. [State v. Rodriguez | 2025-Ohio-53 | 1st Appellate District | 01/10/2025](#)

In a conviction of multiple counts of child endangerment, R.C. 2919.22(B)(2), the trial court's error in failing to provide the jury with instructions or verdict forms that specified which act corresponded to each count left the jury unable to distinguish between the charges, and the court of appeals holds that the trial court's omission to do so, with the error compounded by jury questions during deliberations seeking clarification, constituted plain error since the lack of specificity deprived defendant of her right to meaningful appellate review and risked retrial on acquitted conduct, violating defendant's due process rights and the Fifth Amendment Double Jeopardy Clause, with the court of appeals discharging defendant from further prosecution for the charges.

Preindictment delay/Actual prejudice. [State v. Hahaj | 2025-Ohio-52 | 1st Appellate District | 01/10/2025](#)

Trial court's dismissal of a gross neglect charge, R.C. 2903.34(A)(2), was error where the charge arose from a 2021 incident in which a nursing home patient sustained injuries allegedly due to defendant's failure to follow a two-person turn procedure, with defendant arguing that state's preindictment delay caused actual prejudice due to the loss of records and unavailability of witnesses, the court of appeals holds defendant failed to demonstrate "actual prejudice" since, although some evidence was unavailable, defendant did not sufficiently explain how the missing records or witnesses would have bolstered her defense or undermined the state's case, and without a showing of prejudice, the burden did not shift to the state to justify its delay; judgment reversed and cause remanded for further proceedings.

Sealing/Eligible offender/Restitution. [State v. H.M. | 2025-Ohio-46 | 8th Appellate District | 01/09/2025](#)

In an application to seal criminal record of a former attorney convicted of theft in 2010, claiming he was an eligible offender under R.C. 2953.32, the trial court erred by approving the motion without addressing whether the applicant had fulfilled the restitution

order in the case that he sought to seal the record since restitution is a prerequisite for achieving "final discharge," Aguirre, because a final discharge requires completing all sentencing obligations, including restitution, and although applicant executed a cognovit note for the restitution amount payable to the Lawyers Fund for Client Protection, the record lacked evidence confirming full payment to the victim; case remanded with instructions to hold a hearing to determine if the restitution was paid and if the applicant qualifies as an eligible offender, and the state is directed to notify the victim in compliance with Marsy's Law.

Judgment/Final/Reconsidered judgment/Exceptions. [State v. Brandon | 2025-Ohio-49 | 8th Appellate District | 01/09/2025](#)

In a case in which defendant had pleaded guilty to misdemeanor assault and was sentenced to two years of probation, followed by issuance of a *capias* warrant after defendant allegedly failed to appear at a probation violation hearing, where the trial court granted defendant's motion to recall the *capias* and terminate his probation, the trial court erred in subsequently issuing a new order conditioning the termination of probation on the payment of all financial obligations and an additional fine for failure to appear at the probation hearing since the trial court cannot reconsider its own final judgment in a criminal case unless the sentence was void or a clerical error needed correction, and neither exception applied.

Sentencing/Community control/Termination/Marsy's Law/Notice. [State v. Gaiters | 2025-Ohio-30 | 5th Appellate District | 01/06/2025](#)

In a conviction of assault, tampering with evidence, and falsification, the trial court erred by terminating defendant's community control without notifying the victim since defendant had been sentenced to two years of community control and, although defendant complied with most community control terms, the probation officer recommended terminating community control because of defendant's alleged inability to meet financial obligations, but the court of appeals held that the trial court failed to comply with Marsy's Law and R.C. 2930.161, mandating that victims be notified and provided an opportunity to be heard in proceedings

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involving the modification or termination of community control, and the victim had completed an Ohio Victim's Rights Request Form, entitling him to such notice; case remanded for further proceedings.

Sentencing/Allied offenses. [State v. Birchell | 2025-Ohio-26 | 5th Appellate District | 01/06/2025](#) In convictions by plea of guilty to aggravated burglary, violation of a protection order, and assault after breaking into his former girlfriend's home and assaulting her, despite an active protection order, the trial court committed plain error by failing to merge the conviction for violating the protection order with the aggravated burglary and assault convictions for sentencing as allied offenses of similar import since the violation of the protection order was not distinct in harm or import from the other offenses since it arose from the same conduct and targeted the same victim, Ruff; case remanded for resentencing.

Sentencing/Allied offenses. [State v. McIntyre | 2024-Ohio-6094 | 9th Appellate District | 12/31/2024](#) After defendant's 2009 conviction of tampering with evidence, petty theft, tampering with records, and obstructing justice with the court of appeals determining that the trial court had failed to properly analyze whether the offenses were allied offenses subject to merger for sentencing under R.C. 2941.25, and on remand, the trial court merged the tampering offenses but sentenced defendant separately for the other charges, the court of appeals holds that the trial court failed to analyze the potential merger of all offenses, emphasizing that imposing concurrent sentences does not satisfy the requirement to merge allied offenses, Damron, and the court of appeals remands for a hearing to determine whether additional offenses should merge for sentencing.

Housing code/Failure to comply/ Inspection. [Cleveland v. Sopjack | 2024-Ohio-6018 | 8th Appellate District | 12/26/2024](#) In a conviction for city housing code violations at defendant's vacant property for failure to comply with notices to repair her property, the court of appeals upholds the city's financial document disclosure requirement, finding the challenge

barred by res judicata since it was part of the original sentencing order, but the appellate court reversed the housing court's order for an interior inspection of defendant's personal residence because it was unrelated to the cited property violations and was overly broad and not reasonably related to rehabilitating the offender, the offense, or preventing future criminality, Jones; remanded for proceedings consistent with the appellate court's opinion, with instructions to limit sanctions to those addressing the actual offense and offender rehabilitation.

DNA testing/Post-conviction. [State v. Lash | 2024-Ohio-6025 | 8th Appellate District | 12/26/2024](#) Conviction of, inter alia, aggravated murder, the trial court erred by summarily denying an application for post-conviction DNA testing because the trial court failed to provide an explanation of its decision after defendant presented evidence that new DNA testing could exclude him as a contributor and potentially identify another individual, that would be outcome-determinative under R.C. 2953.74(B), Connor; remanded for the trial court to provide its reasoning for denying the application as required by R.C. 2953.73(D).

Fair trial/Evidence/Hearsay/ Divorce decree. [State v. Baker | 2024-Ohio-5990 | 10th Appellate District | 12/23/2024](#) In a conviction of nonsupport of dependents, R.C. 2919.21, the trial court erred in admitting defendant's divorce decree in its entirety as evidence since, although the portion of the decree establishing defendant's child support obligation was relevant to prove nonsupport, the decree also included extensive inadmissible hearsay, irrelevant findings, and prejudicial character evidence, violating Evid.R. 401, 403, and 404, including statements and findings within the decree of criticisms of defendant's credibility, mental health, and behavior during his divorce proceedings, amounting to testimonial hearsay that was not subject to cross-examination; remanded for a new trial.

Evidence/Other acts/Evid.R. 403 and 404(B)/Rebuttal testimony. [State v. Haslam | 2024-Ohio-6073 | 7th Appellate District | 12/19/2024](#) In a conviction of drug possession and trafficking, the trial court's admission of "other acts" testimony concerning a prior traffic stop where narcotics were

found did not prejudice the jury under Evid.R. 404(B) because the testimony was admissible as rebuttal evidence since the defense suggested defendant had never been found with drugs during prior to traffic stops, creating an inference that the challenged testimony sought to rebut, and thus the testimony was relevant to establish defendant's knowledge, intent, and plan to traffic drugs, as well as his use of his vehicle in the offense, and the testimony was not unfairly prejudicial under Evid.R. 403, since the trial court gave a specific jury instruction limiting its purpose to rebutting the defense's claims.

Sentencing/Consecutive/Findings/ On the record. [State v. Weber | 2024-Ohio-5901 | 9th Appellate District | 12/18/2024](#) In defendant's convictions of four counts of telecommunications harassment and one count of resisting arrest, the trial court failed to make the required findings under R.C. 2929.14(C) (4) during the sentencing hearing to justify consecutive sentences; under State v. Bonnell, a trial court must make specific findings regarding the necessity, proportionality, and severity of the offenses before imposing consecutive sentences, and while the trial court included these findings in its written sentencing entry, it did not state them on the record during the hearing, necessitating reversal, so the case is remanded for resentencing consistent with statutory requirements.

Criminal gang participation. [State v. Lathon | 2024-Ohio-5886 | 10th Appellate District | 12/17/2024](#) In an appeal of convictions of two joined defendants of multiple offenses arising from gang-related offenses and firearm violations, although trial court did not err in convicting defendants of, inter alia, participating in a criminal gang, aggravated riot, and inducing panic since the state established gang status, with the court noting repeated assaults, firearm offenses, and social media posts displaying gang symbols and references promoting the gang; however, as to one defendant, the trial court made procedural errors by not merging certain firearm-related charges, violating double jeopardy protections, and the trial court also failed to merge similar offenses pursuant R.C. 2941.25; dissenting opinion on the convictions for participating in a criminal gang.

Sentencing/Community control/Prior felony conviction. [State v. Eutsler | 2024-Ohio-5866 | 3rd Appellate District | 12/16/2024](#) In convictions in two cases of violating a protection order, R.C. 2919.27(A)(1), (B)(3)(c) (fifth-degree felonies), the prison sentence imposed in one case did not fall within the statutory range set by R.C. 2929.14(A)(5), but since defendant had already served the sentence in that case, the appeal was dismissed as moot, and in the other case, the court of appeals held that although the six-month prison term was within the statutory range, the trial court improperly ordered the sentence to be served locally through a community program because since defendant had previous felony convictions for domestic violence under R.C. 2929.34, he was ineligible for that program, and thus the trial court's sentence was contrary to law, and as to that case the court of appeals reversed and remanded for resentencing.

Plea/Failure to inform/Crim.R. 11(B), (E). [State v. Sanchez | 2024-Ohio-5868 | 11th Appellate District | 12/16/2024](#) In a conviction by guilty plea to attempted breaking and entering, assault on a police dog, and resisting arrest, trial court failed to inform defendant of the effect of his guilty plea, Crim.R. 11(B) and (E), since the trial court did not explain that a guilty plea constitutes a complete admission of guilt, and the pre-signed documents from a prior hearing did not cure this deficiency since they were unrelated to the plea hearing; plea vacated and cause remanded to the point of error.

Sentencing/Post-release control. [State v. Giesige | 2024-Ohio-5863 | 3rd Appellate District | 12/16/2024](#) In a conviction by plea of guilty to aggravated possession in drugs, R.C. 2925.11(A) and (C)(1)(c), with the trial court sentencing defendant to a five- to seven-and-a-half-year prison term and imposing three years of discretionary post-release control, the trial court erred in its imposition of the post-release sentence at the sentencing hearing since the controlling statute provides for 18 months to three years of mandatory post-release control for the offense, R.C. 2967.28(B)(3), Jordan; remanded for resentencing to correct the post-release control notification error.

Sentencing/Allied offenses. [State v. Scott | 2024-Ohio-5849 | 6th Appellate District | 12/13/2024](#) In convictions in three consolidated cases for drug trafficking, weapons charges, tampering with evidence, vandalism, and disrupting public services, the court of appeals reversed and vacated convictions for tampering with evidence and disrupting public services because the offenses were allied offenses of similar import pursuant to R.C. 2941.25, and case is remanded for state to elect one charge to proceed on; also discussed: sufficiency and weight of evidence was met on offenses of having weapons under disability and receiving stolen property; text messages were non-testimonial, defense counsel did not provide ineffective assistance, separate sentences for weapons and stolen property offenses were warranted based on distinct harms, and consecutive sentences were supported by the record.

Drug trafficking/Enhancement/ Vicinity of juvenile/Dissent. [State v. Dunn | 2024-Ohio-5742 | Supreme Court of Ohio | 12/10/2024](#) Defendant's drug trafficking conviction "in the vicinity of a juvenile" enhancement under R.C. 2925.03(C)(1)(b) is affirmed, reversing the court of appeals which held that there was insufficient evidence of the enhancement, since circumstantial evidence allowed a reasonable jury to conclude that defendant prepared methamphetamine for distribution within 100 feet of a four-month-old child residing in the same house where detective's testimony established that defendant was found in the basement near drugs and paraphernalia linked to trafficking, so jurors could infer from the compact house layout and the child's constant presence that defendant's drug activities occurred within 100 feet of the child; there is a dissenting opinion.

New trial/Crim.R. 33(B)/Newly discovered evidence. [State v. White | 2024-Ohio-5789 | 10th Appellate District | 12/10/2024](#) Following a 2005 conviction of murder, R.C. 2903.02, and felonious assault, R.C. 2903.11, that was affirmed following remand for resentencing, the trial court's denial of motion for leave to file a motion for a new trial based on newly discovered evidence was error since the trial court improperly addressed the merits of appellant's new trial claim

before determining whether he had been "unavoidably prevented" from discovering the evidence as required by Crim.R. 33(B), Hatton; however, the trial court did not err by rejecting appellant's legal arguments regarding the indictment and jury instructions since *res judicata* barred those arguments.

Evidence/Confrontation Clause. [State v. Wilcox | 2024-Ohio-5719 | Supreme Court of Ohio | 12/10/2024](#) In convictions of murder, having weapons under disability and tampering with evidence, the Supreme Court of Ohio holds that although the court of appeals did not err in holding that admission of police body-camera recording of an absent from trial witness' statements was error in part because although the admission of the statements made by the absent witness before the suspect's apprehension were nontestimonial since police were responding to an ongoing emergency, once the police confirmed the suspect's arrest, the witness's continued statements became testimonial, requiring her availability for cross-examination under the Confrontation Clause; case remanded to evaluate admissibility under the Ohio Rules of Evidence and to conduct a harmless-error analysis.

Sentencing/Judicial release/Multiple cases. [State v. Kennedy | 2024-Ohio-5728 | Supreme Court of Ohio | 12/10/2024](#) In an appeal by the state of court of appeals affirmance of the trial court's grant of judicial release of defendant following convictions by pleas in three cases by different judges involving multiple armed robberies, the Supreme Court of Ohio reverses, holding that judicial-release eligibility under R.C. 2929.20 must be determined separately for each stated prison term, but informed by the aggregate of all nonmandatory prison terms imposed on the offender since eligibility is governed by R.C. 2929.20(C), requiring courts to calculate both the aggregate nonmandatory prison terms and the specific time served under each stated term; however, since the lower courts failed to determine whether defendant served the required time on her specific terms, the court remands case for further findings on defendant's eligibility for judicial release under R.C. 2929.20(C)(4) and (5).

Aggravated murder/Mental health facility/Conditional release. [State v. Hickman | 2024-Ohio-5747 | Supreme Court of Ohio | 12/10/2024](#) In case in which defendant entered a plea of guilty by reason of insanity to two counts of aggravated murder and was committed to a mental health facility, the trial court's disapproval of behavioral healthcare facility manager's recommendation for conditional release of defendant from the facility to a non-secured group home, affirmed by the court of appeals, is affirmed on reasoning that the trial courts have broad discretion to approve, disapprove, or modify a mental health facility's recommendation to change a defendant's commitment status through the court's evaluation of all relevant factors listed in R.C. 2945.401(E), including the defendant's risk to public safety, mental health status, history of compliance with treatment, and likelihood of continued treatment adherence.

Evidence/Confrontation Clause. [State v. Smith | 2024-Ohio-5745 | Supreme Court of Ohio | 12/10/2024](#) In a bench conviction for domestic violence in one case and a conviction for felonious assault and domestic violence in a second case, statements made by witness-victim who did not appear at the trial that were recorded on police body-camera footage following a shooting were both testimonial and nontestimonial under the U.S. Constitution Sixth Amendment Confrontation Clause since statements made by the witness to emergency medical technicians before defendant's apprehension were nontestimonial because police were responding to an ongoing emergency, but once police confirmed the suspect's arrest, the witness's continued statements became testimonial, requiring her availability for cross-examination, with the Ohio Supreme Court reversing the court of appeals' blanket determination that all statements were testimonial and remanding to evaluate admissibility under the Ohio Rules of Evidence, to conduct a harmless-error analysis, and to address the defendant's remaining assignments of error as necessary.

Habeas corpus/Sentence calculation mistake/Res judicata/Dissent. [Reese v. Davis | 2024-Ohio-5755 | Supreme Court of Ohio | 12/10/2024](#)

Petitioner's petition for a writ of habeas corpus is granted, ordering the immediate release of petitioner, after determining that he had already served the maximum prison sentence imposed under his sentencing entry where petitioner was convicted of multiple felony offenses and sentenced to prison terms totaling 23 years, but trial court's miscalculation of petitioner's sentence was recorded as a term of 25 years, the state's argument that petitioner's claim is barred by res judicata is without merit since petitioner was not challenging the legality of his sentence but instead seeking enforcement of the valid sentence, R.C. 2725.01, and continuing imprisonment beyond the legally imposed sentence violates the constitutional right to liberty; there is a dissenting opinion.

Appeal/Dismissal/Dissent. [State v. Alley | 2024-Ohio-5746 | Supreme Court of Ohio | 12/10/2024](#)

The appeal is dismissed as having been improvidently accepted; there is a dissenting opinion.

Post-conviction DNA/Independent assessment/Dissent. [State v. Riley | 2024-Ohio-5712 | Supreme Court of Ohio | 12/09/2024](#) In defendant's conviction of felony murder and related offenses, court of appeals' decision affirming trial court's denial of defendant's application for post-conviction DNA testing is reversed since the trial court failed to comply with R.C. 2953.73(D), requiring specific findings of fact and conclusions of law when ruling on DNA testing applications, where trial court initially denied the application without explanation and later adopted the state's proposed findings verbatim; as well, the trial court did not exercise independent judgment when it issued its findings of fact and conclusions of law but instead rubberstamped the state's proposed findings of fact and conclusions of law, which does not comply with R.C. 2953.73(D), so the case is remanded for the trial court to reconsider the application, conduct a review under R.C. 2953.73(D), and issue findings based on its independent assessment of the evidence and applicable legal standards; there is a dissent.

Felonious assault/Child endangering/Medical evidence/Dissent. [State v. Grad | 2024-Ohio-5710 | Supreme Court of Ohio | 12/09/2024](#)

In defendant's convictions of felonious assault and child endangering, based on medical expert's use of a process-of-elimination diagnosis to conclude that defendant intentionally caused his infant son's bone fractures, the trial court, affirmed by court of appeals, erred in denying defendant's motion for a new trial without a hearing where defendant asserted newly discovered evidence under Crim.R. 33(A)(6) consisting of scientific advancements postdating defendant's conviction, so the case is remanded to the trial court to hold a hearing to determine whether the new scientific evidence significantly altered the scientific basis underlying the original trial's conclusions that could have changed the trial's outcome; there is a dissenting opinion.

Sentencing/Firearm specifications/Concurrent/Dissent. [State v. Beatty | 2024-Ohio-5684 | Supreme Court of Ohio | 12/09/2024](#)

In defendant's convictions of four counts of felonious assault and four attendant firearm specifications, as well as other related charges, the trial court, affirmed by the court of appeals, erred in imposing consecutive sentences for two discretionary firearm-specification prison terms—specifications are not "offenses" under Ohio law—since, under R.C. 2929.41(A), prison terms must be served concurrently unless an exception applies, R.C. 2929.14(B)(1)(g) authorizes mandatory prison terms for two firearm specifications but leaves additional firearm-specification terms discretionary, and R.C. 2929.14(C)(1)(a) mandates consecutive terms only for mandatory prison terms, so the discretionary terms imposed on defendant should run concurrently; the case is remanded, and there is a dissenting opinion.

Contempt/Complaint/Two cases/Fines/Costs. [State v. Brown | 2024-Ohio-5703 | 2nd Appellate District | 12/06/2024](#) Defendant's conviction for criminal contempt for failing to appear in court after not paying fines and court costs related to two prior cases, a traffic case and a dog at large case, is reversed on reasoning that the contempt complaint was unclear and improperly conflated defendant's obligations from the separate cases; as well, the state failed to demonstrate

whether the unpaid balance included fines (a criminal sanction) or court costs (a civil obligation), and defendants cannot be jailed for unpaid court costs.

Sentencing/Judicial release/

Multiple cases. [State v. Kennedy | 2024-Ohio-5728 | Supreme Court of Ohio | 12/06/2024](#) In an appeal by the state of the court of appeals affirmance of the trial court's grant of judicial release of defendant following convictions by pleas in three cases by different judges involving multiple armed robberies, the Supreme Court of Ohio reverses, holding that judicial-release eligibility under R.C. 2929.20 must be determined separately for each stated prison term, but informed by the aggregate of all nonmandatory prison terms imposed on the offender since eligibility is governed by R.C. 2929.20(C), requiring courts to calculate both the aggregate nonmandatory prison terms and the specific time served under each stated term; however, since the lower courts failed to determine whether defendant served the required time on her specific terms, the Court remands case for further findings on defendant's eligibility for judicial release under R.C. 2929.20(C) (4) and (5).

Appeal/Jurisdiction/Dissent. [State v. Thornsely | 2024-Ohio-5726 | 5th Appellate District | 12/06/2024](#)

In defendant's convictions of theft and breaking and entering, in which the court sentenced defendant to community control and ordered restitution, defendant's appeal is dismissed for lack of jurisdiction where the trial court did not establish the amount of restitution but scheduled a future hearing on the issue, so the trial court did not issue a final appealable order under R.C. 2505.02; however, there is a dissenting opinion.

Robbery/Reasonable suspicion/ Search and seizure/Limited remand. [State v. Mathis | 2024-Ohio-5707 | 8th Appellate District | 12/05/2024](#)

In prosecution for robbery in which officers initially stopped defendant for suspected involvement in the robbery, the trial court's order granting defendant's motion to suppress evidence obtained at traffic stop is affirmed since there was no reasonable suspicion once the officers verified that defendant's vehicle did not match the robbery suspect's vehicle description, and the prolonged

detention and subsequent search violated defendant's Fourth Amendment rights; however, the trial court lacked jurisdiction to dismiss the case during a limited remand to rule on the state's motion for findings of fact and conclusions of law.

Sentencing/Age/Warnings. [State v. Williams | 2024-Ohio-5708 | 8th Appellate District | 12/05/2024](#)

Defendant's prison sentence after entering plea to second-degree drug trafficking under the Reagan Tokes Law is affirmed as being within the statutory range, the trial court properly considered the required sentencing factors under R.C. 2929.11 and 2929.12, and defendant did not demonstrate that the court failed to consider mitigating factors, including his youth and lack of adult criminal history; as well, the trial court admonished defendant at the plea hearing that he needed to stay out of trouble and show up for sentencing, but he failed to attend interview with the probation department and failed to show up for the originally scheduled sentencing hearing.

Sexual imposition/Sexual contact/ Sentencing/Mootness. [State v. Alanani | 2024-Ohio-5660 | 1st Appellate District | 12/04/2024](#)

In a bench conviction of assault, aggravated menacing, and sexual imposition, arising from an incident in which defendant threatened a 17 year-old store employee, grabbed the minor's genitals, and attempted to strike him, the court of appeals holds the evidence was insufficient to sustain the sexual imposition conviction since the state concedes it failed to prove defendant's conduct involved "sexual contact" for the purpose of sexual arousal or gratification as required by R.C. 2907.01(B); the court of appeals dismisses as moot defendant's challenge to the imposition of maximum sentences for misdemeanor assault and aggravated menacing since he had completed his sentences.

Plea/Validity/Sentencing/Consecutive sentences. [State v. Stephens | 2024-Ohio-5653 | 11th Appellate District | 12/02/2024](#)

In a conviction by guilty plea to four counts of rape and two counts of sexual battery, all counts involving minors, with concurrent and consecutive prison terms imposed, totaling 25 years to life, court of appeals holds: 1) plea was validly

made pursuant to Crim.R. 11(C); 2) the sentence, including consecutive terms, was supported by statutory findings under R.C. 2929.14(C)(4) and was not contrary to law under R.C. 2953.08(G)(2); and 3) the sentence was not cruel and unusual punishment under the Eighth Amendment, was not improperly calculated nor based on errors in applying the Reagan Tokes Law since the parties' plea agreement was fashioned to avoid the application of indefinite sentences under the Reagan Tokes Law; also discussed, any alleged deficiencies in defense counsel's performance did not prejudice defendant since plea negotiations significantly reduced the charges and avoided additional penalties.

Property maintenance code/Double jeopardy/Jail sentences/Fines/

Dissent. [Willowick Bldg. Dept. v. Shoregate Towers NS, L.L.C. | 2024-Ohio-5650 | 11th Appellate District | 12/02/2024](#) Judgment finding defendant guilty of 15 violations of the property maintenance code with imposition of fines and suspended jail terms for each count is affirmed where defendant's arguments that the convictions violated double jeopardy, that it was improper to sentence an organization to suspended jail terms, and that the fines were excessive and cruel and unusual punishment, were without merit since resentencing after a prior remand did not constitute multiple punishments, the applicable municipal ordinance authorized the sentences, and the fines and sentences were neither excessive nor unconstitutional; there is a dissenting opinion.

Education

Tax revenue/Settlement agreement/ Breach/Immunity. [Beachwood City School Dist. Bd. of Edn. v. Warrensville Hts. City School Dist. Bd. of Edn. | 2025-Ohio-830 | 8th Appellate District | 03/13/2025](#)

In dispute between school districts over how to share tax revenue from a tract of land, which resulted in a settlement agreement between the two districts, where plaintiff-district asserted noncontract claims against defendant-district—promissory estoppel, fraud, conversion, and unjust enrichment—arising out of the parties' settlement agreement, the trial court did not err in denying defendant-district's governmental immunity-based motion for summary judgment since defendant's alleged breach of

Education (Continued)

the settlement agreement, related to plaintiff's noncontract claims, was not related to the governmental function of providing public education, and therefore defendant was not entitled to political subdivision immunity under R.C. 2744.02(A)(1).

Transportation/Constitutional rights.

[Swiech v. Sylvania City School Dist. Bd. of Edn. | 2025-Ohio-405 | 6th Appellate District | 02/07/2025](#) In action by plaintiff-parent of parochial school students, asserting that school district defendants' bussing scheme violated her constitutional rights to equal protection and free exercise of religion, summary judgment in favor of defendants is affirmed where, although the transportation plan increased the amount of time plaintiff's children would be on the bus and involved a transfer and layover, the bussing plan was rationally related to legitimate government interest under R.C. 3327.01, and it did not violate plaintiff's ability to practice religion; the "rationally related" test for constitutionality was appropriate since there is no fundamental right to an education or transportation to school and the children are not members of a "suspect class," so the higher level of scrutiny is not warranted.

State university/Breach of contract/ Closed facilities/Discretionary immunity.

[McDermott v. Ohio State Univ. | 2025-Ohio-396 | 10th Appellate District | 02/06/2025](#) In student's breach of contract action against state university, alleging damages in the amount of a prorated portion of fees paid for the period in which the facilities were closed during the pandemic, where the case was appealed to the Ohio Supreme Court, which remanded the case to the instant court to determine whether discretionary immunity barred the student's claims, the instant court ordered the case to be remanded to the trial court with instructions to dismiss the action because the court finds that discretionary immunity applies where any reimbursement of fees to student would constitute damages from university's breach of contract by closing facilities, and university's decision to close the facilities was subject to discretionary immunity because it was based on health and safety considerations.

Disability program/Complaint/Federal regulations/State regulations. [State ex rel. Governing Bd. of Warren Cty. Edn. Serv. Ctr. v. Ohio Dept. of Edn. & Workforce | 2024-Ohio-6061 | 12th Appellate District | 12/30/2024](#)

In complaint by public agency against state department related to the Individuals with Disabilities in Education Act (IDEA), seeking declaratory and injunctive relief and a writ of mandamus, asserting that state department lacked legal authority to receive disability organization's complaint against agency, to investigate the complaint, or to issue corrective action against agency, arguing that the complaint procedure of Adm. Code 3301-51-05(K)(5) and (6) applied to a disabled child's "school district of residence" and that the agency is not a "school district of residence," trial court's denial of state department's motion to dismiss is affirmed where state department's argument that Ohio Adm. Code 3301-51-05(K)(5) and (6) is in conflict with, and is pre-empted by, federal law in 34 C.F.R. 300.152 and 300.153, is without merit since the state and federal provisions are not in conflict, and the federal regulations are intended to provide flexibility to the states in adopting regulations to implement the IDEA and accommodate the particularities of the state's educational system.

Elections and Campaign Finance

Referendum/Decertification/ Misleading information/Missing information. [State ex rel. Shamro v. Delaware Cty. Bd. of Elections | 2025-Ohio-941 | Supreme Court of Ohio | 03/19/2025](#)

Relator's petition for a writ of mandamus to compel county board of elections to place a zoning referendum on upcoming primary-election ballot is denied where the board decertified the zoning referendum on reasoning that the referendum petition contained a misleading summary of the amendment, an inaccurate name for the amendment, and a misleading map, violating R.C. 519.12(H), and the court upholds the board's determination that the petition's summary omitted critical modifications approved by the township, including restrictions on agritourism, noise limitations, dust mitigation, and tree planting; there is a dissenting opinion.

Nominating petition/Signatures/Invalidation/Discretion. [State ex rel. Porteous v. Franklin Cty. Bd. of Elections | 2025-Ohio-939 | Supreme Court of Ohio | 03/19/2025](#) Candidate's petition for a writ of mandamus to compel county board of elections to place his name on upcoming primary-election ballot is denied where, along with declaration of candidacy, candidate filed a nominating petition that did not have the number of signatures required by city charter after the board's review and invalidation of a number of signatures, the board did not abuse its discretion, R.C. 3501.11(K)(1), when it invalidated non-matching signatures, as R.C. 3501.011(C) mandates that signatures must match voter registration records, and candidate attempted to submit unsworn statements affirming the authenticity of disqualified signatures, but the board was not required to accept extrinsic evidence; as well, candidate's claim that he had a right to a public hearing for reconsideration is without merit since election boards have discretion in handling signature disputes.

City ordinance/City council approval/ Placement on ballot. [State ex rel. New Carlisle v. Clark Cty. Bd. of Elections | 2025-Ohio-814 | Supreme Court of Ohio | 03/10/2025](#)

City's petition for a writ of mandamus to compel county board of elections to place proposed municipal income tax continuation on the ballot for upcoming election is granted where the board's earlier rejection of city's request, asserting that R.C. 718.04(C)(2) required city council to pass the ordinance authorizing the tax increase before submitting it for voter approval, was in error since R.C. 718.04(C)(2) requires only that the city timely file with the board a resolution specifying the election date and a copy of the ordinance to be submitted for voter approval, and where the ordinance could not be effective without elector approval, it need not be passed by the council prior to submission.

Environmental and Natural Resources

Property/Restore/Mandamus/Proper party. [Keil v. Ohio Atty. Gen. | 2025-Ohio-1034 | 10th Appellate District | 03/25/2025](#) Relators-taxpayers' petition for a writ of mandamus seeking to compel respondent-attorney general to restore property belonging to them as successor beneficiaries and to award

damages is dismissed, Civ.R. 12(B)(6), where R.C. 1506.10 which provides that Lake Erie and its resources are held in trust by the state—the statute expressly designates the department of natural resources, rather than the attorney general, as the agency responsible for enforcing the state's rights in those lands—and relators failed to show that respondent had the legal duty enforceable through mandamus; only the legislature can impose a duty enforceable in mandamus.

Administrative order/Due process. [Minerva Dairy, Inc. v. Minerva | 2025-Ohio-902 | 5th Appellate District | 03/14/2025](#) Trial court's reversal of defendant-village's administrative disconnection order that revoked dairy's industrial wastewater discharge permit, which resulted in suspension of dairy's operations, is affirmed on reasoning that the administrative proceedings violated dairy's constitutional due process rights and failed to comply with the village's own ordinance, rendering the disconnection order arbitrary, capricious, and unsupported by substantial, reliable, and probative evidence, R.C. 2506.04, where key due process violations included inadequate notice, denial of counsel, lack of sworn testimony or cross-examination, and failure to conduct the hearing publicly; as well, the court also found that the village could not rescind the order during the pending appeal.

Commission decisions/Appeal/Jurisdiction. [Save Ohio Parks v. Oil & Gas Land Mgt. Comm. | 2025-Ohio-847 | 10th Appellate District | 03/13/2025](#) In appellants-environmental groups' administrative appeal of oil and gas commission's decisions pursuant to R.C. 155.33 approving nominations for oil and gas exploration on state lands for the purpose of leasing, the trial court did not err in granting commission's motion to dismiss appeal for lack of subject-matter jurisdiction where commission's decisions were not adjudicatory orders subject to appeal under R.C. 119.12 because they did not involve licensing, and appellants lacked standing because their claims were speculative and did not establish direct injury.

Mineral interests/Royalty/Reconsideration. [Mineral Development, Inc. v. SWN Production \(Ohio\), L.L.C. | 2025-Ohio-827 | 7th Appellate District | 03/12/2025](#)

In dispute about royalty interests from oil and gas production in which the instant court affirmed summary judgment for plaintiff, holding that three horizontal wells traversing beneath the surface qualified as "wells drilled on the premises" pursuant to 1918 deed provision, entitling plaintiff to royalty interests, and also holding that 2012 lease's pooling and unitization clauses effectively bound the premises to royalties from production, including from a fourth well not directly beneath the surface, defendant-landowner's application for reconsideration, App.R. 26, is denied where defendant's argument that the court improperly relied on extrinsic evidence—namely the 2012 lease—to interpret the 1918 deed and ignored his expert's affidavit, asserting that horizontal drilling did not exist in 1918, is without merit since the instant court's decision reiterating that its decision relied solely on the plain, unambiguous language of the deed, was consistent with established contract interpretation principles.

Mineral interests/Royalty payment/Horizontal drilling. [Mineral Dev., Inc. v. SWN Prod. Co., L.L.C. | 2025-Ohio-395 | 7th Appellate District | 02/06/2025](#) In plaintiff-mineral interest holder's action against defendants-property owner and oil and gas companies, seeking royalty payments under a reservation in a prior deed, summary judgment in favor of plaintiff is affirmed where wells drilled beneath the property using horizontal drilling qualified as wells drilled "on the premises" under the plain language of the prior deed, rejecting the argument that only wells with a surface wellhead on the premises should qualify; as well, defendant-property owner's voluntary pooling and unitization agreement extended the royalty obligation to all wells within the designated unit, meaning that even a well that did not physically traverse the premises was still subject to the reserved royalty interest.

Mineral interests/Royalty interests/Extinguishment. [Clausus Family Farm & Forests, L.P. v. Piatt | 2025-Ohio-291 | 7th Appellate District | 01/30/2025](#) In surface owner's action seeking a declaration that two fractional royalty interests held by defendants were extinguished under the Marketable Title Act, the trial court's order granting summary judgment is affirmed in part and reversed and

vacated in part where one group of defendants' fractional royalty interest was preserved through recorded wills with residuary clauses, but another group of defendants' fractional royalty interest was extinguished because the original conveyances were to separate individuals with distinct chains of title, so the title transactions preserving one group of defendants' interest did not prevent the extinguishment of the other group's interest.

Mineral interests/Earlier judgment/Vacated/Service. [Menges v. Strunk | 2025-Ohio-252 | 7th Appellate District | 01/28/2025](#) In plaintiff-surface owner's quiet title action, alleging abandonment of oil and gas rights and extinguishment of defendants' interest, the trial court erred in denying defendants' motion to vacate an earlier judgment entry which divested them of oil and gas rights where the earlier judgment entry was void to the extent it applied to plaintiffs' property because plaintiffs failed to properly serve defendants with intervenors' complaints, which introduced new claims and damages, requiring service under Civ.R. 5(A), which mandates service for pleadings asserting additional claims or damages, and defendants' actual notice of claims cannot resurrect a void judgment, R.C. 5301.56; defendants' delay in challenging earlier judgment did not bar relief since a void judgment is subject to challenge at any time.

Mineral interests/Administrative appeal/Timeliness. [Simballa v. Ohio Dept. of Natural Resources, Div. of Oil & Gas Resources Mgt. | 2024-Ohio-5888 | 10th Appellate District | 12/17/2024](#) In property/mineral rights owner's dispute with lessee of mineral rights that declined to renew lease under the terms offered, and the oil and gas commission's chief forcibly pooled owner's mineral rights into another unit and authorized lessee to conduct drilling operations in that unit, prompting owner to appeal, commission's dismissal of the appeal for failing to timely file the appeal, R.C. 1509.36, affirmed by the trial court, is affirmed since owner was the person "adversely affected" by the order, which provides for a shorter filing deadline than for an appellant who is "the person to whom the order was issued;" as well, there was no constitutional violation since the statute is not unconstitutionally vague and different deadlines did not deny equal protection.

Management dispute/Dismissal/Sanctions/Relief from judgment.

[Lower v. Lower | 2025-Ohio-1111 | 5th Appellate District | 03/28/2025](#)

In action by plaintiff-son of decedent, asserting multiple claims against defendants-brother (executor of estate) and attorney, including fraud and civil conspiracy, and seeking a declaration that mortgage on estate's real property was improperly managed, resulting in Civ.R. 12(B)(6) dismissal for failure to state a claim, that was affirmed in an earlier appeal, trial court's ruling that defendant-attorney was entitled to award of attorney fees as sanctions for plaintiff's frivolous complaint and denial of plaintiff's Civ.R. 60(B) motion for relief from judgment are affirmed since plaintiff's arguments for vacating the sanctions were barred by the law-of-the-case doctrine where those issues were already raised or could have been raised in the prior appeal; as well, plaintiff failed to satisfy the three-pronged test under GTE Automatic Elec., as he did not demonstrate a meritorious defense or valid grounds under Civ.R. 60(B).

Final account exception/Will/Vehicle selection.

[In re Estate of Carter | 2025-Ohio-1073 | 10th Appellate District | 03/27/2025](#)

In dispute about distribution of decedent's vehicles, provided for in his will, where daughter filed an exception to the final account, trial court's order sustaining the exception and allowing daughter to claim a specific truck for herself is affirmed since the third paragraph of the will entitled daughter to a vehicle of her choice, excluding only a vehicle bequeathed to her brother and the one used by decedent's wife at the time of decedent's death, and while wife transferred the truck to herself, which prevented daughter from selecting it, evidence reflected that wife was not using the truck at the time of decedent's death, so the truck remained a valid option for daughter.

Guardianship/Diet restrictions/

Evidence. [In re Guardianship of A.K. | 2025-Ohio-917 | 10th Appellate District | 03/18/2025](#)

In a mother's challenge to decisions regarding her adult daughter's guardianship—including objections to the daughter's dietary restrictions and a request to remove the guardian—trial court did not err in adopting the magistrate's decision

that properly relied on unauthenticated reports, as hearsay rules do not apply in guardianship proceedings, and witness testimony about the ward's dietary response was appropriately admitted under Evid.R. 701 since it was based on firsthand observations rather than medical conclusions; as well, the magistrate had discretion to modify the daughter's diet from a "required" to a "recommended" guideline, consistent with the guardian's role in determining dietary parameters.

Construction claim/Rejection/

Timeliness/Settlement. [G.H. Bldg., L.L.C. v. Breving | 2024-Ohio-6041 | 1st Appellate District | 12/27/2024](#)

In an effort to recover payment for work done on decedent's properties, plaintiff-contractor's action against defendant-estate executor after plaintiff signed releases of mechanics liens on the properties and plaintiff's claim against the estate was rejected by defendant, summary judgment in favor of defendant is reversed where trial court ruled that evidence as to parties' alleged settlement was inadmissible, the credibility determination as to whether plaintiff was truthful in claiming that the complaint was timely filed, R.C. 2117.12, was not appropriate at the summary judgment stage, and the question remains whether defendant wrongfully rejected plaintiff's probate claim; also, one of the mechanics liens had been extinguished where the property was sold to a bona fide purchaser without notice of lien.

Will contest/Statutory requirements.

[Rogers v. Rogers | 2024-Ohio-5951 | 2nd Appellate District | 12/20/2024](#)

In appellant-decedent's daughter's will contest action, probate court's judgment admitting alleged "lost" will and dismissing appellant's complaint is reversed since the alleged will did not meet statutory requirements under R.C. 2107.03, as it was not signed at the end, and its contents could not be proven because a page was missing; as well, trial court's reliance on metadata to conclude that the will was complete was speculative and unsupported by evidence, and there was no valid basis to apply R.C. 2107.24 or Evid.R. 901 and 1003 to circumvent statutory requirements.

Conversion/Fiduciary duty breach/

Undue influence. [Daddario v. Rose | 2024-Ohio-5882 | 5th Appellate District | 12/16/2024](#)

In plaintiffs-heirs' action against defendant-sister, executrix of mother's estate and trustee after mother's death, alleging, inter alia, conversion and breach of fiduciary duty for improper distribution of trust assets to herself, trial court did not err in finding that defendant failed to rebut the presumption of undue influence by a preponderance of the evidence where mother was a susceptible testator due to her failing health, and evidence showed that transfer of assets to defendant was not an inter vivos gift but rather was done pursuant to a shelter plan for the purpose of protecting mother's assets and avoiding probate, and the family gift presumption was rebutted by clear and convincing evidence as to each transfer performed by defendant.

Trust accounting/Trustee's power/Contingent beneficiaries/Standing.

[Collins v. Flannery | 2024-Ohio-5822 | 10th Appellate District | 12/12/2024](#)

In action by plaintiffs-children of decedent-father for a trust accounting and removal of defendant-trustee, the trial court's ruling that plaintiffs, contingent beneficiaries of the trust, had standing to seek an accounting is affirmed since R.C. 5808.13(C) entitles beneficiaries to a trust accounting, which applied where the trust became irrevocable upon father's death, the trust's irrevocability cemented beneficiaries' rights, regardless of future distributions, and under R.C. 5807.06(A), even contingent beneficiaries have standing to request trustee removal due to potential breaches of trust; trustee's power was not unfettered, as her discretion was subject to specific standards under the trust.

Family Law and Domestic Relations

Divorce/Trial by affidavit/Language barrier.

[Kochaliyeva v. Kochaliyeva | 2025-Ohio-1140 | 12th Appellate District | 03/31/2025](#)

In divorce action, the trial court did not err in conducting the trial by affidavit where neither party spoke English as a first language and problems arose when interpreters attempted to both interpret and transcribe testimony into the record, husband did not object to the use of affidavits to present evidence

and closing arguments, he had the opportunity to consult with counsel and sufficient time to consider wife's affidavit, and he did not raise objections in his closing arguments.

Divorce/Default judgment/Contested. [Wilkes v. Wilkes | 2025-Ohio-1031 | 10th Appellate District | 03/25/2025](#)

In divorce action, the trial court erred in not allowing wife to participate in the final hearing where, although wife failed to file an answer, she appeared at the hearing, and her presence—along with her statements—should have alerted the court that she intended to contest some issues; however, the court treated the case as uncontested, did not permit wife to present evidence or cross-examine witnesses, and granted the divorce without her participation, effectively entering a default judgment against wife and denying her meaningful participation, which violated Civ.R. 75(F), explicitly providing that Civ.R. 55(A)'s default judgment procedure does not apply in divorce proceedings.

Spousal support/Request. [Evans v. Evans | 2025-Ohio-1010 | 12th Appellate District | 03/24/2025](#)

In divorce action in which appellant-husband challenged the award of spousal support to appellee-husband, the trial court erred in granting the award of support where spousal support must be requested before it is awarded, R.C. 3105.18(B), and although both parties requested spousal support in their pleadings, they agreed prior to the final hearing that neither would pursue support, so the court was statutorily barred from issuing award in final decree of divorce because appellee withdrew his request for support and appellant relied on the withdrawal.

Civil protection order/Divorce decree. [Tromler v. Tromler | 2025-Ohio-931 | 5th Appellate District | 03/18/2025](#)

In petitioner's action seeking a domestic violence civil protection order against respondent-former husband, trial court did not err in granting the order where the court was not precluded from issuing the order, R.C. 3113.31, even though the parties' divorce decree already prohibited the parties from harassing each other, and there was sufficient evidence of respondent's violence toward petitioner to support the order of protection; as well, petitioner properly dismissed the initial complaint and refiled it in the

county in which she resided, Civ.R. 3(C) (10).

Dissolution/Survivor benefits/Statutory entitlement. [Plymale v. Plymale | 2025-Ohio-911 | 4th Appellate District | 03/12/2025](#) In plaintiff-decedent's former spouse's action against defendant-decedent's surviving spouse, alleging that plaintiff and decedent's earlier separation agreement and dissolution decree required decedent to designate her as partial beneficiary of public retirement system survivor benefits, arguing for imposition of a constructive trust to recover a portion of those benefits, summary judgment in favor of defendant is affirmed where divorce proceedings could not circumvent the statutory provisions for distribution of death benefits from public pensions, and defendant was statutorily entitled to receive decedent's survivor benefits, R.C. 145.43(D)(1) and 145.45(A)(1).

Divorce/Separation agreement/New version/Nunc pro tunc. [Mannion v. Mannion | 2025-Ohio-544 | 8th Appellate District | 02/20/2025](#)

In divorce action in which the parties entered into a separation agreement that was attached to the judgment entry, followed by wife's filing of a Civ.R. 60(B) motion for relief from judgment, the trial court erred in issuing a nunc pro tunc entry to replace an incorrect version of the parties' separation agreement with a later version where there was no evidence that the court had decided to attach the later separation agreement to the divorce decree, and the judgment entry constituted an improper use of a nunc pro tunc order, Civ.R. 60(A).

Child support/Income calculation/Imputed income. [Dunn v. Dunn | 2025-Ohio-584 | 10th Appellate District | 02/20/2025](#)

In dissolution of marriage action in which husband filed a motion for modification of his child support obligation, the trial court erred in its calculation of husband's gross income where husband's prior earnings were nonrecurring or unsustainable and therefore should not have been considered part of his income, and the court erred in imputing income to him without first making a finding that he was voluntarily underemployed, R.C. 3119.01(C).

Divorce/Separation agreement/Breach/Limitations. [Gauthier v. Gauthier | 2025-Ohio-501 | 12th Appellate District | 02/18/2025](#) In divorce action in which husband was the sole member of a company that owned patents, the trial court erred in denying husband's claim for a lump-sum payment for wife's share of patent costs under the parties' separation agreement on the basis that the claim was asserted outside the statute of limitations where wife's ultimate liability for her share of patent costs could not be determined until all costs were incurred and all settlement, judgments, and licensing fees had been received, and whether the cause of action accrued at that time or on earlier date when husband invoiced wife for her share, the claim was filed within the statute of limitations under R.C. 2305.06 regarding the statute of limitations for written contracts, because it accrued before amendment to the statute reducing the limitations period; as well, the court determined that judicial estoppel did not bar husband's claim where husband did not take a contrary position in previous litigation regarding the costs.

Divorce/Financial misconduct/Property division. [Hunter v. Troutman | 2025-Ohio-366 | 8th Appellate District | 02/06/2025](#)

In divorce action in which the trial court found that the wife engaged in financial misconduct by concealing assets and misleading the court regarding her finances, including using a bank checking account in her father's name to make payments, the trial court properly ruled that this misconduct justified awarding a greater portion of the marital estate to the husband, including the proceeds from the sale of his residence which was subject to foreclosure, but the trial court erred in classifying the parties' business as an illegitimate entity and refusing to treat its assets as marital property subject to division, and while this misclassification affected the property division analysis, the trial court's overall division of assets was affirmed due to the wife's broader financial misconduct; as well, the trial court's attorney fee award was vacated and remanded due to procedural deficiencies in the record regarding the calculation and admission of those fees.

**Parenting time/Termination/
Extraordinary circumstances/
Recorded statement.** [Facemyer v. Facemyer | 2025-Ohio-205 | 7th Appellate District | 01/16/2025](#)

In divorce case in which the trial court terminated father's parenting time and restricted contact to text messages and emails, the judgment is reversed on reasoning that the court failed to make the required finding of "extraordinary circumstances" supported by clear and convincing evidence before terminating parenting time, as required under Ohio law related to R.C. 3109.051(D), and the court improperly accepted and considered the child's recorded statement about parenting concerns, violating R.C. 3109.051(C), which prohibits courts from relying on recorded statements of a child's concerns regarding visitation, and the case is remanded for further proceedings consistent with these legal standards.

Custody/Change in circumstances. [Moore v. Moore | 2025-Ohio-88 | 7th Appellate District | 01/14/2025](#)

In divorce action, the trial court erred in modifying the parties' shared parenting plan where, although the parenting plan was not part of a final appealable order and the court was free to revise the parenting plan without finding a change in circumstances, the trial court improperly modified the shared parenting plan by adopting the guardian ad litem's (GAL) recommendations without providing the parties an opportunity to cross-examine the GAL or object to the report, violating due process; as well, the trial court failed to adequately address and explain certain financial matters, including credits awarded to father for expenses like well-pad reclamation, property taxes, and the issue of money withdrawn by the father from a joint account before the divorce, and the court also failed to account for health insurance payments made by the mother.

**Property division/Amount/Duration/
Security.** [Oakes v. Oakes & Leadwise, Inc. | 2024-Ohio-6051 | 2nd Appellate District | 12/27/2024](#) In divorce action, the trial court erred in not providing security for husband's significant financial obligation to be paid to wife over a period of seven years to equalize

division of their assets and liabilities since the amount of the obligation and the duration of the payment period required some form of security for the debt because husband controlled the successful business and could transfer the company's shares in ways that would undermine his repayment obligation to wife, and future events could complicate wife's ability to collect the amount owed.

**Civil protection order/Records/
Unsealing.** [N.S. v. M.S. | 2024-Ohio-6020 | 8th Appellate District | 12/26/2024](#) In a civil protection order case in which plaintiff filed a motion to unseal the records of a denied civil protection order to assist in prosecuting defendant for allegedly violating an ex parte protection order, the trial court's order granting the motion to unseal the records, characterizing the unsealing as a "ministerial act," is reversed since R.C. 2903.214(G)(2), requires courts to seal records when a protection order is denied and no appeal is filed, and the statute provides no exceptions for unsealing records, unlike expungement statutes that explicitly allow limited unsealing in specific circumstances.

**Property division/Accident
settlement funds/Gifts.** [Shields v. Shields | 2024-Ohio-5979 | 9th Appellate District | 12/23/2024](#) In divorce action, the trial court erred in its classification of property where settlement funds husband received from an accident that occurred before marriage were designated as his separate property, but the record supported the conclusion that at least a portion of the settlement proceeds was to compensate husband for lost wages so a portion of the settlement was necessarily marital property, husband failed to adequately trace the separate property portions of homes purchased during the marriage with settlement proceeds, and gifts from husband to wife should have been characterized as wife's separate property, R.C. 3105.171.

**Parenting time/Contempt/Children's
wishes.** [Hammond v. Hammond | 2024-Ohio-5946 | 2nd Appellate District | 12/20/2024](#) In divorce action, trial court did not err in overruling magistrate's decision holding wife in contempt for interfering with husband's parenting time where parenting time failed because children refused to go with husband, even though wife

prepared them for visitation, husband refused to go inside drop-off facility to get children, and although wife did not employ disciplinary tactics to force visitation, she was under no written order to do so and testified she that was willing to impose reasonable consequences if required.

**Property division/Appeal/
Jurisdiction.** [Ryan v. Ryan | 2024-Ohio-5691 | 10th Appellate District | 12/05/2024](#)

In a divorce action, the trial court's classification of property in the U.K. and the parties' former marital home is affirmed where the court properly classified the U.K. property as the wife's separate property because the purchase funds were traced to a gift from her father, and the court also classified the former marital home's sale proceeds as the wife's separate property because funds from her father were used to pay off the mortgage during foreclosure; as well, in a related case, the trial court's denial of the husband's motion for a new trial is vacated for lack of jurisdiction because the husband had already filed a notice of appeal in the divorce decree.

**Property division/Ownership of
property .** [Johnson v. Johnson | 2024-Ohio-5663 | 11th Appellate District | 12/03/2024](#) In divorce action, trial court erred in characterizing real property as marital property and ordering its sale where nonprofit church held interest in the subject property, husband and wife as pastor and overseer of church did not pay real estate taxes on the property, and even if the church was no longer conducting business, its articles of incorporation provided for distribution of assets such that property did not simply become property of husband or wife in their individual capacities, R.C. 3105.171 so the case is remanded for further proceedings concerning the ownership and, if necessary, distribution of the church property.

Health Care

**Billing practices/Emergency medical
care/Contract.** [Rupp v. Premier Health Partners | 2025-Ohio-985 | 2nd Appellate District | 03/21/2025](#) In plaintiffs-patients' consumer, contract, and fraud claims against defendants-medical organization and individual surgeon, arising from emergency medical care at defendant-affiliated hospital, where surgeon filed

a counterclaim asserting breach of contract for plaintiffs' failure to pay his invoices, trial court's order granting a directed verdict to plaintiffs on the breach of contract counterclaims is reversed where trial court erred in finding that the agreements were unconscionable as a matter of law, having weighed credibility and resolved factual disputes, contrary to Civ.R. 50(A)(4), and although the trial court expressed concern over the surgeon's billing practices—particularly balance billing and failure to disclose out-of-network status—genuine issues of material fact remained as to whether the contract terms were substantively unconscionable, so the case was remanded for further proceedings.

Legislation/Gender-affirming medical care/Constitutionality. [Moe v. Yost | 2025-Ohio-914 | 10th Appellate District | 03/18/2025](#) In action by plaintiffs-transgender adolescents with gender dysphoria diagnoses—by and through their parents—seeking injunctive and declaratory relief from enforcement of H.B. 68 (the law), which bans gender-affirming medical care for minors, trial court's ruling that the law does not violate any of the constitutional provisions cited by plaintiffs is reversed on reasoning that the law unlawfully restricts access to medical care by prohibiting puberty blockers and hormone therapy solely for the purpose of gender transition, while allowing the same treatments entirely unrestricted if they are prescribed to minors for any other purpose and if they are prescribed to adults for any purpose, including assisting with gender transition, the law improperly classifies individuals based on sex and transgender status without a sufficiently compelling government interest, and in light of prevailing medical standards from medical organizations, the law fails constitutional scrutiny; the case is remanded to the trial court to impose a permanent injunction as to enforcement of the law's provisions banning the use of puberty blockers and hormones "for the purpose of assisting the minor individual with gender transition."

Insurance

Motor vehicle/Policy ambiguity/ Dissent. [Turner v. Pontones | 2025-Ohio-253 | 7th Appellate District | 01/28/2025](#) In plaintiffs' wrongful death action against defendants-farm owners for death of daughter who

was a passenger on a utility task vehicle being operated off the farm property, the trial court erred in granting intervenor-insurer's motion for summary judgment where defendants' policy was ambiguous regarding coverage involving the task vehicle because, although coverage was excluded for recreational vehicles, an exception applied to reinstate coverage for non-owned autos used in farm operations, and the utility task vehicle may qualify under this exception, so the ambiguity must be construed against the insurer and in favor of coverage; there is a dissenting opinion.

Motor vehicle/Commercial/Use of vehicle. [Pekin Ins. Co. v. West | 2025-Ohio-210 | 5th Appellate District | 01/23/2025](#) In insurer's action seeking a declaration regarding its duty to defend or indemnify under commercial policy for accident involving vehicle titled to insured-sole proprietorship used-car business—continued by executor of deceased business owner—summary judgment in favor of insurer is reversed where the question remains whether driver was a potential customer test driving the vehicle or a permissive user of vehicle to drive wife to work; as well, garage operations coverage under the policy did not apply since driver's personal use of the vehicle was not in connection with operations incidental to or relating to the garage.

Coverage/Damages/Abatement fund payments/Future harm. [Sherwin-Williams Co. v. Certain Underwriters at Lloyd's London | 2024-Ohio-5773 | Supreme Court of Ohio | 12/10/2024](#) After a California court ordered insured-paint company to pay into an abatement fund to mitigate the hazards of lead paint used in residences, in insured's action to declare coverage under applicable insurance policies for monies it paid into the abatement fund, the trial court's summary judgment to insurers on reasoning that there were no recoverable damages because an abatement order is an equitable remedy, while damages are a legal remedy, was reversed by the court of appeals in error since insured's payments did not constitute "damages" under its insurance policies because insured's payments were intended to prevent future harm, rather than compensate for past injuries, and the policies required indemnification only for sums paid as "damages" for "bodily injury" or "property damage."

Juvenile

Delinquency/Court costs/Waiver/ Indigency. [In re D.L.M. | 2025-Ohio-988 | 2nd Appellate District | 03/21/2025](#) In case in which juvenile admitted to the charge of obstructing a official business, the trial court erred in imposing a court cost under R.C. 2743.70(A)(2), related to Marsy's Law, where the juvenile court failed to exercise its discretion in considering juvenile's indigency, and although the trial court concluded that the cost was mandatory, R.C. 2151.54 permits waiver of such costs upon a finding of indigency, provided that all court costs are waived or none are taxed, so the case is remanded to evaluate whether juvenile is indigent for purposes of paying the court cost.

Custody/Jurisdiction/Home state/ Transcript/Dissent. [S.P. v. B.M. | 2025-Ohio-778 | 6th Appellate District | 03/07/2025](#) In father's action seeking to establish a parent-child relationship between himself and the parties' minor child and seeking custody of child after child had moved with mother to another state for a period of time, the trial court erred in denying mother's motions to dismiss for lack of subject-matter jurisdiction and to transfer jurisdiction over this interstate custody action to the state in which mother lived since, under R.C. 3127.01(B)(7), home state jurisdiction is established where a child has lived for at least six consecutive months, and the child had resided in the other state for more than six months before father filed his complaint, negating Ohio's jurisdiction under R.C. 3127.15(A); as well, even though mother failed to file a transcript, transcripts of the hearings are unnecessary to the jurisdictional determination in the instant case, and there is a dissenting opinion.

Delinquency/Competency/Ineffective assistance. [In re J.D. | 2025-Ohio-746 | 8th Appellate District | 03/06/2025](#) Adjudication of juvenile as delinquent for aggravated robbery and commitment to the Ohio Department of Youth Services was error, with the court of appeals holding that juvenile court failed to comply with statutory competency procedures since the competency of juvenile, a 14 year-old with significant mental health and cognitive impairments, became an issue after juvenile's admission to delinquency,

Juvenile (Continued)

triggering multiple evaluations under R.C. 2152.51, et seq., with the third evaluation deeming him competent without proper statutory justification, and the court of appeals holds the trial court violated R.C. 2152.58(A) by failing to hold a timely competency hearing, improperly relied on a later evaluation, despite prior findings of incompetency, and failed to order residential treatment for competency restoration, despite evidence supporting that option; also, juvenile's trial counsel was ineffective for failing to challenge juvenile's competency at the time of his plea; cause reversed and remanded for further proceedings consistent with competency standards.

Custody/Temporary/Delinquency. [In re S.H. | 2025-Ohio-655 | 8th Appellate District | 02/27/2025](#) In custody action, the trial court erred in denying agency's motion to terminate temporary custody of child where child was placed in temporary legal custody of agency, R.C. 2151.011(B)(57), but was subsequently found to be delinquent and was committed to the legal custody of the department of youth services, R.C. 5139.01(A)(3), and the agency's motion to terminate temporary custody should have been granted because juvenile court did not have authority to place child in the legal custody of agency and youth services simultaneously.

Custody/Post-hearing report/Due process. [In re B.R. | 2025-Ohio-599 | 3rd Appellate District | 02/24/2025](#) Award of permanent custody of dependent and/or neglected children to agency is reversed on reasoning that the trial court's reliance on a post-hearing supplemental report violated the mother's due process rights where, after the custody hearing, the agency filed a supplemental report detailing the mother's lack of stable housing and employment, which the court considered in its decision, but admitting this post-hearing report without allowing the mother an opportunity to respond or to challenge its contents was plain error and an abuse of discretion under *In re McLemore*, so the case is remanded for further proceedings.

Custody/Mandatory transfer of case/Venue.

[In re G.R.B. | 2025-Ohio-556 | 1st Appellate District | 02/21/2025](#)

In father's action seeking custody of child, trial court's order granting mother's motion for mandatory transfer to a second county is reversed where the court ruled that Juv.R. 11(B) required transfer on reasoning that the mother and child resided in the second county and that mother's custody action was pending there, but the proper venue is determined at the time the complaint is filed, and since the father filed his custody action in the first county before mother's case was filed in the second county, Juv.R. 11(B) did not apply, transfer could still be considered discretionary under Juv.R. 11(A), but because the trial court did not evaluate discretionary transfer, the case is remanded for further proceedings.

Custody/Jurisdiction/General division.

[In re C.D. | 2024-Ohio-6047 | 6th Appellate District | 12/27/2024](#)

In grandmother's action seeking visitation with child, the trial court erred in granting visitation where grandmother sought visitation pursuant to R.C. 3109.12, but the juvenile court lacked original jurisdiction because there was no related juvenile court case involving the child to implicate jurisdiction pursuant to R.C. 2151.23; on remand, the matter should be transferred to general division for further proceedings.

Abused child/Prenatal duty/Drug use.

[In re A.P. | 2024-Ohio-5985 | 3rd Appellate District | 12/23/2024](#)

Adjudication of child as an abused child under R.C. 2151.031(C) where mother admitted to using THC during pregnancy, allegedly endangering child in utero, is reversed since the agency failed to allege abuse under R.C. 2151.031(E), which provides in part that an "abused child" includes a child who, because of the acts of the child's parents, suffers physical or mental injury, which would apply when a newborn's toxicology screen shows drug exposure, and the trial court's order granting protective supervision to the agency and ordering mother be subject to certain restrictions are vacated as improper under the circumstances; the agency's abuse claim under R.C. 2919.22(A), incorporated by R.C. 2151.031(C), does not establish a parental duty breached by prenatal drug use, *State v. Gray*.

Labor and Employment

Discrimination/Failure to accommodate/Certified orders/Appeal.

[Pascoe v. Clearview Local School Dist. Bd. of Edn. | 2025-Ohio-1134 | 9th Appellate District | 03/31/2025](#)

In teacher's disability discrimination case against a school board in which she alleged adverse employment actions (e.g., increased teaching load, budget cuts) and failure to accommodate her disability, where the trial court granted partial summary judgment to the school board on the discrimination claim but denied summary judgment on the failure-to-accommodate claim, certifying its orders under Civ.R. 54(B), the appeal is dismissed for lack of jurisdiction as there was no final appealable order since the trial court erred in granting certification because the claims were factually intertwined, arising from a common set of occurrences and involving overlapping factual issues and witnesses, and because the two claims were interdependent—particularly where the adverse action claim was partially premised on the alleged failure to accommodate—the trial court's order did not qualify as a final, appealable order under Civ.R. 54(B), and the appellate court lacked jurisdiction to review it.

Certificate of qualification/Presumption.

[Hopkins v. Certificate of Qualification for Emp. | 2025-Ohio-1072 | 10th Appellate District | 03/27/2025](#)

In petitioner's action seeking a certificate of qualification (CQE) to help him become employed in transportation industry after having been convicted of felonies, trial court's denial of the petition is reversed where the court reasoned that petitioner did not demonstrate a collateral sanction, a substantial need for the CQE, or that the CQE would not pose an unreasonable safety risk, but the trial court applied the wrong legal framework since R.C. 2953.25(C)(5) provides a rebuttable presumption of eligibility for a CQE if certain criteria are met, and the trial court failed to apply this presumption, so the case is remanded for the trial court to reconsider the petition, first determining whether petitioner was subject to a collateral sanction and then applying the rebuttable presumption to assess rehabilitation.

Discrimination/Age/Pretext.

[Zacharias v. State | 2024-Ohio-5925 | 10th Appellate District | 12/19/2024](#)

After well-qualified employee's position at training academy was abolished as part of reorganization and employee was not rehired when a position did open up, in employee's age discrimination case, summary judgment in favor of state is reversed in part concerning two instructor positions where the state did provide legitimate, nondiscriminatory reasons for declining to hire employee, but discrepancies between prior positive evaluations and lower interview ratings, coupled with repeated references to employee's potential retirement, raised a genuine issue of material fact regarding a pretext for age discrimination, so the case is remanded for further proceedings; the trial court's judgment is affirmed regarding other roles due to insufficient evidence of discrimination.

Contract/Nonrenewal/Retaliation/Whistleblower/Summary judgment.

[State ex rel. Stoicoiu v. Stow-Munroe Falls City School Dist. Bd. of Edn. | 2024-Ohio-5799 | 9th Appellate District | 12/11/2024](#)

In plaintiff-school district employee's retaliatory discharge and related claims action against defendant-school board, alleging violation of whistleblower statute, R.C. 4113.52(A), for her report alleging superintendent's improper expenditures, summary judgment in favor of defendant is reversed where, although defendant met initial burden to show nondiscriminatory reason for not renewing plaintiff's contract, plaintiff presented sufficient evidence supporting her claim of disparate treatment to demonstrate a question as to whether nonrenewal was pretextual and plaintiff was a whistleblower.

Wrongful discharge/Retaliation/Safety complaint/Dissent. [Johnson v. Cincy Automall, Inc. | 2024-Ohio-5749 | 12th Appellate District | 12/09/2024](#)

In employee's wrongful discharge in violation of public policy action against former employer, alleging that she had been fired after filing federal safety and health complaints, summary judgment in favor of employer is reversed where employee took steps in good faith to address concerns through internal and then external channels, employer was prohibited from firing employee in retaliation, 29 U.S.C. 660(c), and employer's alternative arguments on appeal regarding the causation and

justification elements of discharge were not raised by employer in its summary judgment motion so were not analyzed by the court; there is a dissenting opinion.

Procedure

Judge disqualification. [In re Disqualification of Triggs | 2025-Ohio-983 | Supreme Court of Ohio | 03/24/2025](#) In a breach of contract action involving a restaurant lease and related real estate development, defendants' attorney's affidavit of disqualification of judge was granted out of an abundance of caution, even though two prior affidavits had been denied, where the law requires not only an impartial judge but also one who appears impartial to the parties and the public, and there was evidence that the judge granted a directed verdict without allowing the presentation of additional evidence, despite the court of appeals' holding that there were triable issues for the jury; as well, the appellate court had reversed a sanctions order awarding attorney fees to the plaintiff, R.C. 2701.03.

Magistrate's decision/Objections. [Bromer v. Wyman | 2025-Ohio-823 | 9th Appellate District | 03/12/2025](#)

In complex action involving claims by plaintiffs-son of decedent, estate, and trust against defendant-bank and multiple other defendants where magistrate determined that bank was entitled to summary judgment on reasoning that there was no evidence that bank breached a duty regarding accounts connected to decedent and plaintiffs objected to magistrate's decision, the trial court was required to conduct an independent review of the objections, which it failed to do, Civ.R. 53(D)(4)(d), and the court failed to address whether bank had presented evidence establishing that joint account contained a right of survivorship or, in the alternative, whether the survivorship interest in the account was triggered as a matter of law; as well, the trial court did not address plaintiffs' core assertion, which was that the magistrate erroneously placed the burden on the non-moving party during the summary judgment proceedings.

Default judgment/Service/Relief from judgment. [Schmidt v. Patriot Concrete, L.L.C. | 2025-Ohio-428 | 3rd Appellate District | 02/10/2025](#)

In plaintiffs-property owners' action

against defendant-concrete company alleging, inter alia, trespass for dumping debris on neighboring property which created a berm in violation of setback requirements, resulting in a default judgment, the trial court erred in denying defendant's motion to set aside the default judgment where defendant argued it never received service of key court orders and filings, including the order striking its response, the motion for default judgment, and the default judgment itself, and the court found that multiple court mailings were returned as undeliverable, supporting defendant's claim, so defendant was entitled to an evidentiary hearing to verify whether relief was warranted under Civ.R. 60(B).

Appeal/Dismissal/Nunc pro tunc order. [Glavic v. Weltman Weinberg Reis Co. | 2024-Ohio-6029 | 8th Appellate District | 12/26/2024](#)

In plaintiff's action against defendants-law firms alleging violation of federal Fair Debt Practices Act and the Consumer Sales Practices Act for obtaining a default judgment against him in a case in which defendants represented the plaintiff and the judgment was obtained without plaintiff's knowledge, where the trial court dismissed plaintiff's complaint without prejudice, the trial court erred in issuing a nunc pro tunc order converting the prior dismissal without prejudice into dismissal with prejudice; plaintiff had filed an appeal challenging the "without prejudice" dismissal, and once the appeal was filed, the trial court lacked jurisdiction to modify the substance of the judgment by issuing the nunc pro tunc order, so the judgment entry must be vacated.

Attorney fees/Prejudgment/Postjudgment/Remand. [Phoenix Lighting Group, L.L.C. v. Genlyte Thomas Group, L.L.C. | 2024-Ohio-5729 | Supreme Court of Ohio | 12/10/2024](#)

In plaintiff-sales agency's action alleging tortious interference with business relationships and related claims, resulting in a jury verdict for plaintiff and award of compensatory and punitive damages, on remand the trial court erred in awarding plaintiff postjudgment attorney fees and expenses after the Ohio Supreme Court's prior appellate mandate instructing the trial court to issue a final judgment solely on prejudgment attorney fees, the instant court settled the attorney fee issue by directing the trial court to enter a final judgment awarding plaintiff a specific amount of

Procedure (Continued)

attorney fees, based on the lodestar calculation, and the instant court rejects the court of appeals' reasoning that the instant court's earlier mandate left open the possibility of awarding additional attorney fees under R.C. 1333.64(C) of the Uniform Trade Secrets Act.

Counterclaim/Responsive pleading/ Default judgment.

[Schafer v. Levey | 2024-Ohio-5658 | 1st Appellate District | 12/04/2024](#) In plaintiff-property owner's action against defendant-neighbor, alleging damages from landscaping work performed in defendant's yard, where defendant filed a counterclaim for abuse of process, trial court erred in granting default judgment on defendant's counterclaim where court's order violated the notice and mandatory hearing requirements pursuant to Civ.R. 55(A), and plaintiff's pleadings in response to the counterclaim denied factual allegations against her and raised the statute of limitations defense sufficiently to be construed as a defense to defendant's counterclaim.

Public and Public Finance

City council/Quo warranto/Burden of proof.

[State ex rel. Nguyen v. Lawson | 2025-Ohio-507 | Supreme Court of Ohio | 02/20/2025](#) After one of the relators sent city council a resignation letter, followed by that relator's letter rescinding her resignation, laches-based dismissal of relators' petition for a writ of quo warranto, seeking to reclaim their positions on city council and arguing that their seats were unlawfully occupied by respondents, is reversed and remanded for further proceedings where the lower court erred by improperly shifting the burden to the relators to prove they acted with "utmost diligence," a standard applicable only in election-related cases, and since quo warranto actions do not involve the statutory election deadlines justifying such a burden shift, the general rule that respondents must prove laches applies; as well, the complaint did not conclusively establish an unreasonable delay by relators.

Intruder in school/Discrimination/ Immunity.

[W.H. v. Akron City School Dist. Bd. of Edn. | 2025-Ohio-531 | 9th Appellate District | 02/19/2025](#) In plaintiffs-students' multi-claim action

against defendants-school district and school board, alleging various statutory violations and negligence for allowing an intruder posing as police officer access to school and allowing intruder to discipline students, and further alleging that intruder's actions disproportionately affected African-American students and students with disabilities, the trial court erred in denying defendants' governmental immunity-based motion for summary judgment on the discrimination claims under R.C. 4112.02(G) where the exception to immunity under R.C. 2744.02(B)(5) for unlawful discrimination practices based upon race and disability did not apply because R.C. 4112.02(G) does not expressly impose liability on defendants to constitute an exception to immunity.

Body camera footage/Delay/

Redactions.

[Kearns v. Nelsonville Police Dept. | 2025-Ohio-736 | Court of Claims | 02/06/2025](#) In public records request case in which requester asked for incident reports and body camera footage concerning the DUI arrest of an individual, where respondent-police department failed to provide the footage until after litigation began—more than a year after the request—special master finds that respondent unreasonably delayed producing requested records, R.C. 149.43(B)(1) requires public offices to provide records within a reasonable time, and respondent's year-long delay was unjustified, so special master recommends that the court order production of the records within a certain timeframe; as well, special master finds that respondent improperly redacted arrestee's phone number, but that the redactions of minors' identities under R.C. 149.43(A)(17)(a) is proper, so special master also recommends that the records be properly unredacted.

Public records/Equivalent to public office/Contracting with public entities.

[Newman v. Greater Columbus Arts Council | 2025-Ohio-471 | Court of Claims | 01/23/2025](#) In public records requester's action to obtain records of arts council related to an organization acquired by arts council, the court determined that the arts council was not the functional equivalent of a public office, as it failed to meet all four factors in *State ex rel. Oriana House, Inc. v. Montgomery*; however, the court determined that the arts council was subject to R.C. 149.431, which applies

to nonprofits contracting with public entities, and since the arts council distributed city grant funds, it was required to disclose financial records related to those contracts, so the arts council is ordered to produce certain financial records and contracts for a certain period; access to non-financial records is denied.

Taxpayers' action/Ordinance/Public right/Actual controversy.

Donovan v. Lebanon | 2024-Ohio-6059 | 12th Appellate District | 12/30/2024

Denial of city's motion to dismiss taxpayers' complaint seeking to enjoin the enforcement of an ordinance permitting concealed firearms in city building during non-court hours is reversed where taxpayers alleged that the ordinance conflicted with state laws prohibiting firearms in buildings with courtrooms, but the court failed to determine that taxpayers were enforcing a public right, as required for taxpayer standing under R.C. 733.59; as well, personal opposition to the ordinance and generalized allegations of discomfort did not constitute a public right, and taxpayers' complaint for declaratory judgment claim lacked an actual controversy or justiciable issue, as it was based solely on the taxpayers' personal beliefs and sought an advisory opinion, which courts are not authorized to provide.

Public records/Email addresses/ Administrative function.

Doe v. Ohio State Univ. | 2024-Ohio-5891 | 10th Appellate District | 12/17/2024

In public records requester-ticker reseller's action alleging that respondent-state university violated the Public Records Act by failing to respond to his requests for records containing contact information of faculty and donors, the trial court's ruling that university employees' and donor ticket purchasers' email addresses and phone numbers were public records subject to disclosure is reversed where the requested information was used to administer sales of tickets but did not serve to document respondent's policies or activities or provide insight into its operation, and therefore the requested records did not qualify as public records under R.C. 149.011(G).

Public records/Employee investigation/Student information. [Maleky v. Ohio State Univ., Office of Compliance & Integrity | 2024-Ohio-5825 | 10th Appellate District | 12/12/2024](#) In public records request case in which request was for records related to state university employee investigation/discipline, the trial court's judgment requiring university to provide unredacted disciplinary records requested under the Public Records Act, R.C. 149.43 and 2743.75(D), is reversed on reasoning that the records contained personally identifiable student information, which qualifies as "education records" protected by the Family Educational Rights and Privacy Act (FERPA), and FERPA explicitly protects records containing information directly related to students, even if the records also pertain to employees, so records must "relate exclusively" to non-student employees to be exempt under FERPA, and the case is remanded.

Public records/Sign-in sheet/Responsible personnel/Dissent. [State ex rel. Teagarden v. Igwe | 2024-Ohio-5772 | Supreme Court of Ohio | 12/10/2024](#) Inmate's petition for a writ of mandamus to compel production of public records, R.C. 149.43, is granted in part to compel production of computer terminal sign-in sheets where respondents-library employees' denial of production of records, asserting that they were not the specific officials charged with a duty to oversee public records or to respond to public records requests, is without merit since the library keeps and uses the sign-in sheet, it is a public record, and the library staff is responsible for it, entitling inmate to statutory damages; the writ is denied for other requests on the basis that recreation schedules were not proven to be created or maintained by the specific prison officials contacted, requests for medical protocols were ambiguous due to incorrect numbering, and library records were not clearly identifiable as public records; there is a dissenting opinion.

Public records/Law enforcement/Information. [State ex rel. Copley Ohio Newspapers, Inc. v. Akron | 2024-Ohio-5677 | Supreme Court of Ohio | 12/06/2024](#) In public records request case, requester-newspaper's petition for a writ of mandamus to compel production of records related to three police-involved shootings is granted for records of administrative leave notices

and reinstatement notices, under R.C. 149.43(B), and city is ordered to provide unredacted versions of those records, but regarding one shooting, redactions are granted for officers' names under the confidential law enforcement investigatory records (CLEIR) exception in R.C. 149.43(A)(2), which protects the identities of "uncharged suspects;" requests for personnel files and internal investigation records of unidentified officers are improper as they are essentially requests for information rather than specific records, and statutory damages and attorney fees are denied on the basis that city's responses are reasonable under existing law.

Public Utilities

Service rate dispute/Jurisdiction/Dismissal. [Myers v. First Energy | 2025-Ohio-589 | 12th Appellate District | 02/24/2025](#) Dismissal, Civ.R. 12(B)(1), of plaintiff's action against defendant-electric company, alleging overcharges for electric service over several years, is affirmed on reasoning that the trial court lacked subject-matter jurisdiction because the public utilities commission (PUCO) has exclusive authority over utility rate disputes, requiring administrative expertise under R.C. 4905.30, and since R.C. 4905.22 mandates that utilities charge rates in accordance with PUCO-approved tariffs, the trial court could not adjudicate the claim; as well, plaintiff's attempt to frame the case as a tort or breach of contract did not alter the fundamental nature of the dispute, which remained within PUCO's jurisdiction.

Municipality/Rate setting/Unjust enrichment. [Dover Chem. Corp. v. Dover | 2025-Ohio-20 | 5th Appellate District | 01/03/2025](#) In chemical company's unjust enrichment action against city and its law director, the trial court erred in granting summary judgment in favor of the city where city's rate-setting process for imposing a surcharge lacked sufficient indicia of reasonableness and was arbitrary and capricious, Ohio Const. Art. XVIII, Sec. 6, which limits municipalities to reasonable profits and prohibits unjust discrimination against extraterritorial customers, so the surcharge imposed on chemical company was unreasonable and discriminatory, singling out the company without sufficient justification; as well, the trial

court's dismissal of chemical company's unjust enrichment claim is reversed and remanded for further proceedings to assess whether the company could substantiate its allegations that the city improperly failed to provide credits for equipment maintenance.

Real Property

Contract/Unpaid charges/Oral modification/Summary judgment. [Ohio Valley Mall Co. v. Dreamz Come True, L.L.C. | 2025-Ohio-888 | 11th Appellate District | 03/17/2025](#) In plaintiff-shopping mall's breach of contract action against defendants-retail businesses, alleging default on license agreements and seeking payment of unpaid charges, summary judgment in favor of plaintiff is reversed where defendants' equitable estoppel defense, asserting that defendants relied on plaintiff's oral agreement to remove certain charges, was not barred because defendants raised a genuine issue of material fact as to whether plaintiff waived the no-oral modification provisions in the parties' agreements, and plaintiff engaged in conduct subsequent to alleged oral modification that treated the modification as operative.

Fraudulent inducement/Pending assessment/Disclosure. [Bockelman v. Griffin | 2025-Ohio-807 | 11th Appellate District | 03/10/2025](#) In home buyers' fraudulent inducement action, R.C. 5302.30, against seller, asserting that seller failed to disclose a pending sewer assessment in the property disclosure form, despite receiving prior notices from the county engineer, the trial court's judgment for buyers on reasoning that seller's partial disclosure regarding the requirement to "tie into the sewer line" did not adequately inform the plaintiffs of the significant assessment is affirmed; as well, the seller's arguments invoking the doctrine of caveat emptor and the "as is" clause in the purchase agreement are without merit since the sewer assessment was a latent defect not discoverable through ordinary due diligence.

Contract/Breach/Summary judgment/Specific performance. [Link v. Kelly | 2025-Ohio-711 | 3rd Appellate District | 03/03/2025](#) In real estate buyer's breach of contract action against seller, alleging that seller refused to complete the sale despite signing a valid purchase agreement, and seeking

Real Property (Continued)

specific performance and monetary damages, where the trial court denied plaintiff's motion for summary judgment and conducted a bench trial, ruling in favor of seller, the court erred in denying buyer's motion for summary judgment because buyer provided undisputed evidence of a binding contract, including a signed agreement and a clear meeting of the minds, and seller's claims of mutual mistake and incapacity are without merit since there was no credible evidence that he was mentally incompetent at the time of the contract, and mutual mistake did not apply; the case is remanded for the trial court to grant summary judgment for buyer on the issue of specific performance.

Housing code violations/Appeal/Basis of decision. [Cronos Properties, Ltd. v. Akron Dept. of Neighborhood Assistance | 2025-Ohio-631 | 9th Appellate District | 02/26/2025](#)

In property owner's administrative appeal of decision of city housing inspector requiring eradication of rodents and rodent-proofing owner's premises, the trial court erred in finding that the orders of the housing appeals board did not comply with the city code where the property owner specifically claimed that it had not violated city ordinances, as alleged by housing inspector, owner made no argument that it was unclear which ordinances it was charged with violating, and the court's order was based on an issue not raised by either party, R.C. 2506.04.

Foreclosure/Receiver appointment/Mortgage agreement. [WVJP 2021-4, LP v. Loef, Ltd. | 2025-Ohio-463 | 8th Appellate District | 02/13/2025](#)

In plaintiff-successor property interest holder's foreclosure action against defendant-commercial property owner after plaintiff acquired the judgment and mortgage rights from original lender and then initiated foreclosure proceeding, resulting in foreclosure judgment and sheriff's scheduled sale in which there were no bids on the commercial property, prompting plaintiff to file a motion for appointment of receiver, the trial court erred in denying plaintiff's motion where defendant consented in the mortgage agreement to appointment of receiver upon default, R.C. 2735.01(A), defendant did not oppose the motion, and because the trial court had statutory discretion to make the appointment, its failure to do

so without explanation was arbitrary and unreasonable; the case was remanded for further proceedings consistent with this ruling.

Foreclosure/Judgment/Vacate/Appeal. [Huntington Natl. Bank v. Daly | 2025-Ohio-402 | 6th Appellate District | 02/07/2025](#)

In plaintiff-bank's foreclosure action against defendants-homeowners and priority interest holder, alleging default on its subordinate interest in the property, the trial court erred in granting priority interest holder's motion to vacate the court's order confirming sale of property and disbursing proceeds to plaintiff and homeowner where the priority interest holder had notice of the confirmation entry but failed to appeal, waiving its arguments regarding the order releasing its mortgage and distributing sale proceeds, a Civ.R. 60(B)(5) motion was not available as a substitute for timely appeal or to extend time requirements for filing an appeal, and the jurisdiction that priority interest holder seeks to challenge is not subject matter jurisdiction, but rather jurisdiction over this particular case, and any jurisdictional defect in the confirmation entry would render the entry voidable rather than void.

Contract/Breach/Acceptability checks/Attorney fees. [Tattershall One Condominium Unit Owners' Assn. v. Marks | 2025-Ohio-343 | 11th Appellate District | 02/03/2025](#)

In plaintiff-condominium association's breach of contract action against defendants, alleging circumvention of association rights by not submitting to "acceptability checks" when unit owner sold her unit to her son and his fiancé, summary judgment in favor of plaintiff is reversed in part where the unit owner was not subject to the requirement for acceptability checks because the unit owner inherited her unit, was not a purchaser under the bylaws, and sold it to her son without residing in it, and the son was not subject to plaintiff's acceptability checks because bylaws exempted family member purchasers from requirement for approval, but son's fiancé was not covered by the family exemption and was required to comply with the association's approval process; as well, the trial court's attorney fees award against unit owner and her son is reversed and the case is remanded for reconsideration of whether fiancé should bear the full attorney fees alone

or whether a modification of the amount is necessary.

Land contract/Statutory requirements/Partial performance. [Gingerich v. Gingerich | 2025-Ohio-78 | 3rd Appellate District | 01/13/2025](#)

In plaintiff's action seeking a declaration that he had entered into a land contract to purchase property, alleging promissory estoppel against defendant, who asserted that plaintiff was renting the property rather than buying it, judgment in favor of defendant is reversed in part where, although the alleged contract did not satisfy the statute of frauds or statutory requirements for land installment contracts, the instant contract was enforceable because plaintiff had taken on the responsibilities for the property in manner reflecting that a contract was present, plaintiff made large payment intended as a down payment on purchase, and there was partial performance by both parties.

Partition/Equitable mortgage. [Cowquill v. Hall | 2024-Ohio-6062 | 12th Appellate District | 12/30/2024](#)

In action for partition of property and sale filed by parents against daughter, asserting that they were co-owners due to a quitclaim deed, after parents financed daughter's acquisition of property where daughter asserted that parents' interest was limited to an equitable mortgage, the trial court did not err in ruling that the parties' arrangement constituted an equitable mortgage, not co-ownership, based on the parties' intent and agreement since a deed can be treated as a mortgage if it serves as security for a loan rather than a transfer of ownership, and parents lacked a legal basis to seek partition under R.C. 5307.04; however, the trial court's additional findings regarding the terms of the agreement and potential foreclosure rights are vacated on reasoning that these issues were beyond the scope of the case.

Zoning/Multifamily use/Accessory use. [Russell Twp. Bd. of Trustees v. 7722 Fairmount, L.L.C. | 2024-Ohio-5871 | 11th Appellate District | 12/16/2024](#)

In plaintiff-township board's injunctive relief action seeking to compel defendant-property owner to comply with regulations of zoning resolution, alleging improper multifamily use and noncompliance with accessory use regulations disallowing short-term rentals, summary judgment in favor of

plaintiff is reversed where the property's use as a short-term rental did not convert it into a multifamily dwelling, and defendant's short-term rentals constituted home occupations which were permissible as an accessory use under zoning resolution, overnight guests were not employed in renting the property in any way, and the rental space was permanently connected to home as required.

Taxation

Commercial activity/Location/Medical services/Support functions. [Total Renal Care, Inc. v. Harris | 2024-Ohio-5685 | Supreme Court of Ohio | 12/09/2024](#) Board of Tax Appeals' (BTA) decision that taxpayer's gross receipts from providing dialysis services in Ohio are subject to Ohio's commercial activity tax (CAT) is affirmed where, under R.C. 5751.033(I), gross receipts are situated to Ohio if the purchaser receives the benefit of the service in Ohio, and taxpayer's argument that administrative and laboratory services performed outside Ohio should reduce its Ohio tax liability is without merit since the dialysis services were performed entirely in Ohio and related administrative and laboratory functions merely supported these services, Ohio Adm. Code 5703-29-17(C)(28); there is no conflict between the statute and administrative rule.

Municipal/Mandamus/Jurisdiction/Standing. [State ex rel. Martens v. Findlay Mun. Court | 2024-Ohio-5667 | Supreme Court of Ohio | 12/05/2024](#) Dismissal for lack of standing of relator-citizen's petition for a writ of mandamus against respondents-various judges and courts, alleging that they lacked jurisdiction to decide certain municipal tax cases, is affirmed where relator sought to bypass the standing requirement by invoking the public-right doctrine under *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, but that case is expressly overruled, precluding relator from relying on its exception to the standing requirement, and litigants must demonstrate personal injury to establish standing; as well, relator failed to establish taxpayer standing, as he did not assert a special interest in the use of public funds or meet statutory requirements under R.C. 733.59 or 309.13.

Income/Increase/Recovery/Prohibition/Procedural issues. [State ex rel. Rittman v. Spittler | 2024-Ohio-5668 | Supreme Court of Ohio | 12/05/2024](#) After taxpayers filed underlying class action lawsuit to recover municipal income taxes from city that collected taxes at increased rate after the expiration of voter-authorized tax rate increase and city filed original action in prohibition to prevent judge from presiding over taxpayers' lawsuit, the writ is denied since judge had jurisdiction under R.C. 2723.01 to address claims involving the illegal collection of taxes and to entertain actions to recover improperly collected funds; although taxpayers avoided directly invoking R.C. 2723.01 to circumvent its one-year statute of limitations, their claims substantively fall within the statute's scope, the judge's jurisdiction exists regardless of potential statutory limitations or procedural hurdles, and the city's arguments are more appropriately framed as defenses to the underlying claims, not grounds for prohibition.

Torts

Replevin/Dog ownership/Evidence/Parties' intent. [Dukuzumuremyi v. Martin | 2025-Ohio-508 | 11th Appellate District | 02/18/2025](#) In plaintiff's replevin action against defendant-former romantic partner seeking return of dog after relationship ended, judgment in favor of plaintiff is affirmed where, although plaintiff's sales receipt for the dog did not comply with the requirements of R.C. 955.11(B), which provides legal definitions related to dog ownership and liability under Ohio's dog laws, the receipt was admissible as evidence to show the parties' intent regarding ownership of the dog, defendant's argument that it was in the dog's best interest to stay with her was not relevant to the replevin claim, and defendant's bond with the dog did not give her superior property rights.

Wrongful imprisonment/Lesser-included offenses. [Richter v. State | 2025-Ohio-268 | 6th Appellate District | 01/24/2025](#) In plaintiff's wrongful imprisonment, R.C. 2743.48, action prompted by a judgment overturning plaintiff's convictions, including inciting to violence, on the basis of insufficient evidence, the trial court's order granting summary judgment to the state on reasoning that plaintiff failed to establish that he did not commit any lesser-

included offense is reversed in part and remanded where the trial court found that plaintiff's conduct met the elements of disorderly conduct, inducing panic, assault, and menacing but did not determine whether these offenses were lesser-included offenses of his original charge—inciting to violence—which would disqualify him from wrongful imprisonment status, so the case is remanded to properly determine whether plaintiff's conduct constituted a lesser-included offense; the trial court's ruling that minor misdemeanors can prevent wrongful imprisonment claims is affirmed.

Medical malpractice/Immunity/Pandemic legislation. [Samadder v. Ohio State Univ. Wexner Med. Ctr. | 2024-Ohio-6104 | 10th Appellate District | 12/31/2024](#) In plaintiff-patient's medical negligence action against defendant-medical center alleging that delayed diagnosis and treatment led to permanent damage where defendant filed a motion for summary judgment, arguing qualified civil immunity based on Am.Sub.H.B. No. 606, related to the pandemic, summary judgment in favor of defendant is reversed since plaintiff was not required to plead an exception to immunity in her complaint, and the question remains whether delayed treatment and alleged subsequent injury was "as a result of or in response to a disaster or emergency" as required for immunity under the legislation and also whether the delay constituted reckless disregard or willful or wanton misconduct.

Dog bite/Harbinger/Strict liability/Dissent. [Hipshire v. Oakwood Village | 2024-Ohio-5948 | 2nd Appellate District | 12/20/2024](#) In plaintiff-mother of minor's action against defendant-owner of a manufactured-home community, arising from injury to minor when he was bitten by a dog, defendant, as the owner of the common area where the bite occurred, could be considered a "harbinger" of the dog under dog-bite statute, R.C. 955.28, because it controlled the premises and permitted tenants' dogs in the playground, strict liability applied to defendant since there was no statutory exception or evidence showing that it did not acquiesce to the dog's presence, and the case is remanded with instructions to grant partial summary judgment for the plaintiff; there is a dissenting opinion.

Torts (Continued)

Public nuisance/Product liability statute/Dissent. [In re Natl. Prescription Opiate Litigation | 2024-Ohio-5744 | Supreme Court of Ohio | 12/10/2024](#)

In national opiate litigation in which plaintiffs assert that the actions of companies involved in the manufacture and distribution of opioids constitute a public nuisance where cases brought by two Ohio counties raise the certified question of whether the Ohio Product Liability Act, R.C. 2307.71, abrogates common-law claims of public nuisance resulting from the sale of products, the court answers in the affirmative, barring the counties' public nuisance claims, since R.C. 2307.71(A)(13) provides that product-based public nuisance claims fall within the definition of product liability claims, which include any public nuisance claim related to the design, manufacture, distribution, or sale of a product, regardless of whether the relief sought is compensatory damages or equitable remedies; there is a dissenting opinion.

Medical malpractice/Discovery/Peer review. [Stull v. Summa Health Sys. | 2024-Ohio-5718 | Supreme Court of Ohio | 12/10/2024](#) In plaintiff-patient's guardian's medical malpractice action against defendants-hospital and related defendants, alleging that their treatment made patient's injuries more severe, trial court's decision, affirmed by court of appeals, granting plaintiff's motion to compel production of resident physician's evaluations, is reversed on reasoning that a trial court must conduct an in camera review of a hospital's residency file to determine whether it is protected by the peer-review privilege under R.C. 2305.252 and the procedural rules that apply to claims of privilege in Civ.R. 26, and the presence of factual ambiguities in affidavit testimony does not alone determine whether privilege applies as a matter of law; the broad scope of the peer-review privilege covers records related to professional evaluations of healthcare providers when created exclusively for peer-review purposes.

Dismissal/Negligence/Immunity/Physical defect/Dissent. [Estate of Cook v. Montville Twp. | 2024-Ohio-5690 | Supreme Court of Ohio | 12/06/2024](#) This case is dismissed as having been improvidently accepted; however, there is a dissenting opinion pointing out that the case involved a dispute over whether the township could be held liable under the R.C. 2744.02(B)(4) exception to governmental immunity after a tree fell on decedent's car during a storm, with the estate arguing that the tree constituted a physical defect "on the grounds of" a building used for governmental purposes, and township's immunity-based motion for summary judgment was denied, but the dissenting opinion asserts that the township's motion for summary judgment should have been granted because the statutory exception to immunity did not apply since the tree was not "on the grounds of" a building used in connection with performance of a governmental function, as required by R.C. 2744.02(B)(4).

Negligence/Property damage/Roadway management/Immunity/Dissent. [Schlegel v. Summit Cty. | 2024-Ohio-5678 | Supreme Court of Ohio | 12/06/2024](#) In homeowner's negligence action against county for failure to maintain a roadway in which there was a sinkhole, allegedly resulting in flooding in homeowner's house, court of appeals' holding that the R.C. 2744.03(B)(3) exception to R.C. 2744 Ch. governmental immunity for negligent roadway maintenance applies only to roadway users and does not apply to plaintiff's claim since plaintiff was not a motorist or roadway user is reversed on reasoning that that the R.C. 2744.02(B)(3) immunity exception applies to property damage caused by the negligent failure to maintain public roads, regardless of whether the harm occurs on the roadway itself, and the statute's plain language does not limit its scope to roadway users, so the case is remanded to address proximate cause and determine whether immunity might be restored under R.C. 2744.03; there is a dissenting opinion.

Theft/Jurisdiction/Personal/Ohio contacts/Limitations. [Am. Wholesale Outlet, L.L.C. v. Eckert | 2024-Ohio-5680 | 7th Appellate District | 12/04/2024](#) In employer's action to recover overpayments to former employee, alleging that she submitted a greater number of hours worked than she actually worked, the trial court's dismissal of complaint for lack of personal jurisdiction over employee on reasoning that employee lived in another state and had no contact with Ohio is reversed since employee transacted business in Ohio, as she was employed by an Ohio company to work in its local office for 17 months, the complaint alleged that employee caused tortious injury in Ohio, and employee's contacts with Ohio were not random, attenuated, or fortuitous, therefore she should have reasonably anticipated being hailed into an Ohio court should issues arise related to her employment with employer; as well, employer's theft, falsification, and tampering with records claims were asserted pursuant to R.C. 2307.60, which is remedial in nature, so the trial court erred in applying the one-year statute of limitations to the first three claims in employer's complaint.

Traffic and OVI

OVI/Plea/Advisement. [E. Cleveland v. Kline | 2025-Ohio-1063 | 8th Appellate District | 03/27/2025](#) Defendant's OVI conviction under city ordinance is reversed on reasoning that the trial court erred by entering a conviction without the defendant ever formally entering a plea, and although defense counsel indicated that defendant would plead no contest, and the court stated it was accepting that plea, the transcript showed that defendant himself never actually entered the plea on the record, and no signed written plea was presented; pursuant to Traf.R. 10(D), a trial court may not accept a plea in a petty offense case without first ensuring that the defendant is informed of the effect of the plea and the plea is actually made, and a conviction cannot stand where no plea has been entered, so the case is remanded for further proceedings, and Crim.R. 11 did not apply since the case was governed solely by the Ohio Traffic Rules per Traf.R. 1.

Prior convictions/Offense elevation.

[State v. Mason | 2025-Ohio-1040 | 5th Appellate District | 03/25/2025](#)

Trial court's ruling limiting the state to present only one of the defendant's two prior OVI convictions in a prosecution under R.C. 4511.19(A)(2) is reversed where defendant was charged with OVI (third offense in 10 years), and although he attempted to stipulate to one prior conviction, the trial court ruled that only one prior could be admitted, citing Evid.R. 403 concerns about prejudice; the appellate court found that, under R.C. 4511.19(A)(2), the state is required to prove both prior OVI convictions beyond a reasonable doubt, as they are essential elements elevating the offense from a first-degree misdemeanor to an unclassified misdemeanor with enhanced penalties, limiting the state's ability to prove all essential elements improperly constrained its burden of proof, and appropriate jury instructions can mitigate prejudice.

Aggravated vehicular homicide/ Expert testimony/Perception

Response Time. [State v. Horst | 2025-Ohio-332 | 7th Appellate District | 01/28/2025](#)

In a conviction of aggravated vehicular homicide and vehicular assault following a fatal car crash arising from defendant's driving above the speed limit while watching a video when he crossed the center line and collided head-on with another vehicle, the trial court did not err by excluding expert testimony regarding Perception Response Time since it was not relevant to the recklessness standard; also, the trial court did not err by permitting a peremptory challenge based on religion and by not instructing the jury on vehicular homicide as a lesser-included offense; dissenting opinion filed.

Impaired driving/Field tests/Motion to suppress.

[State v. Nesbitt | 2025-Ohio-223 | 9th Appellate District | 01/27/2025](#)

In a conviction of OVI, R.C. 4511.19(A)(1)(a) and (A)(2), the trial court erred in part by denying a motion to suppress the admissibility of the Horizontal Gaze Nystagmus (HGN) test results by allowing modified HGN test results despite acknowledging that the test was not administered in substantial compliance with NHTSA standards, as required by R.C. 4511.19(D)(4)(b), and the trial court also erred by relying on the flawed HGN results to find probable cause for the arrest; conviction vacated and remanded for reassessment of

probable cause without considering the inadmissible evidence.

Impaired driving/Motion to suppress/ Field tests.

[State v. Poole | 2025-Ohio-91 | 1st Appellate District | 01/15/2025](#)
In an OVI prosecution, the trial court did not err in granting defendant's motion to suppress evidence obtained during a warrantless arrest for lack of probable cause under R.C. 4511.19(A)(1)(a) since officer's administration of field sobriety tests was flawed, including noncompliance with the National Highway Traffic Safety Administration standards by conducting a horizontal gaze nystagmus test in front of flashing lights, and the video evidence also contradicted the officer's testimony that defendant's performance on the walk-and-turn and one-leg stand field tests was deficient, with the court of appeals noting that a mild odor of alcohol and a momentary confusion in handing a credit card to the officer instead of a license are insufficient to justify an OVI arrest in the absence of a failure to perform field tests properly.

Texting while driving/

Constitutionality. [State v. Taylor | 2024-Ohio-5956 | 5th Appellate District | 12/20/2024](#)

In a conviction of operating a motor vehicle while using an electronic wireless communication device, R.C. 4511.204, based on an officer's observing defendant texting while driving, the trial court did not err by finding no merit to defendant's claim that the statute unconstitutionally exempts first responders and utility workers under certain circumstances since R.C. 4511.204(B) does not create a suspect classification, but establishes affirmative defenses applicable to all drivers in emergency situations, and applying the rational basis test, with the trial court finding that the state has a legitimate interest in preventing distracted driving and that the statutory exemptions for first responders and utility workers responding to emergencies are rationally related to that interest, with the court further noting that driving is a privilege, not a fundamental right, and that using a cell phone while driving does not invoke heightened scrutiny.

Aggravated vehicular homicide/ Warrantless blood draw/Restitution/ Solitary confinement.

[State v. Linek | 2024-Ohio-6127 | 4th Appellate District | 12/20/2024](#)
In a conviction of aggravated vehicular homicide and imposition of a mandatory prison term of eight to 12 years and ordering defendant pay \$19,388 in restitution for funeral expenses and to be incarcerated 24 hours in solitary confinement on the anniversary of the offense each year, although the trial court did not err in denying a motion to suppress evidence from a warrantless blood draw pursuant to R.C. 4511.191(A) and the Fourth Amendment, the court of appeals reversed the restitution order, finding it based solely on the prosecutor's statement without supporting evidence in violation of R.C. 2929.18(A) and remanding for a redetermination, and the court also vacated the portion of the sentence requiring solitary confinement as an unauthorized punishment.

Impaired driving/Motion to suppress/ Probable cause.

[State v. Harris | 2024-Ohio-5947 | 2nd Appellate District | 12/20/2024](#)
In a prosecution for impaired driving, R.C. 4511.19(A)(1), the trial court did not err in granting motion to suppress evidence since the officers lacked probable cause to arrest defendant for OVI because the totality of the circumstances did not support a reasonable belief that she was under the influence where arresting officer did not detect any odor of alcohol, slurred speech, or significant signs of impairment during his interactions with defendant, and although a second officer claimed to have smelled alcohol, this observation was made only after defendant had already been arrested and in handcuffs, making it irrelevant to establishing probable cause for the arrest, with the trial court also noting the lack of clear indicators of impairment in the officers' body camera footage.

Double jeopardy/Two prosecutions.

[State v. Becker | 2024-Ohio-5702 | 2nd Appellate District | 12/06/2024](#)

Trial court's denial of defendant's motion to dismiss a felony OVI indictment on double jeopardy grounds is reversed where defendant had pleaded guilty to a misdemeanor OVI arising from the same incident before the felony indictment was resolved, and the misdemeanor conviction was a lesser-included offense; the state's argument that defendant manipulated

Traffic and OVI (Continued)

the system was meritless, and the situation of concurrent prosecutions was attributed to a lack of coordination between city and county prosecutors.

Sentencing/Statutory guidelines/Advisement. [State v. Yuran | 2024-Ohio-5655 | 11th Appellate District | 12/03/2024](#) In convictions pursuant to plea to aggravated vehicular homicide, R.C. 2903.06(A)(1)(a), and OVI, R.C. 4511.19(A)(1)(a), trial court's sentence for the homicide count, imposed pursuant to Reagan Tokes Law, and sentence for the OVI count, ordered to be served concurrently, are affirmed as complying with statutory guidelines and not being contrary to law, R.C. 2953.08(G)(2); as well, defendant's claims that the sentences violated the purposes of sentencing under R.C. 2929.11, imposed cruel and unusual punishment in violation of the Eighth Amendment, or relied on factual inaccuracies, are without merit, and there was no prejudice from the trial court's advisement regarding credit eligibility under the Reagan Tokes Law.

Workers' Compensation

Causal connection/Injury/Employment conditions. [Judice v. FedEx Ground Package Sys., Inc. | 2025-Ohio-1051 | 9th Appellate District | 03/26/2025](#) In workers' compensation dispute arising from injuries sustained by claimant when he fell while tying his shoes after removing them to walk through metal detector at his place of employment where staff hearing officer's order allowed workers' compensation benefits for injured employee, on appeal, the trial court erred in granting employer's motion for summary judgment on reasoning that no causal connection existed between claimant's injury and his employment since the question remains as to the causal connection between claimant's injury and conditions of employment, and R.C. 4123.95 requires evidence to be viewed in the light most favorable to employee as the non-moving party.

Permanent total disability/Previous denial/Abandonment/New medical evidence. [State ex rel. McCartney v. Simco Mgt., Inc. | 2025-Ohio-753 | 10th Appellate District | 03/06/2025](#) Claimant's petition for a writ of mandamus to compel the commission to vacate its denial of his third

application for permanent total disability (PTD) compensation and conduct further proceedings is granted where claimant was previously denied PTD benefits based on the now-abolished voluntary abandonment doctrine, and the instant application was denied under R.C. 4123.58(G) for failing to show new and changed circumstances; however, there was new medical evidence indicating that claimant was now permanently disabled due to his allowed psychological condition which had worsened since his last PTD denial, so claimant met the procedural burden to have his PTD claim reconsidered, and the case is remanded for further proceedings to determine whether claimant is entitled to benefits under current law.

Temporary total disability/New allowed condition/Some evidence. [State ex rel. Henry v. Indus. Comm. | 2025-Ohio-658 | 10th Appellate District | 02/27/2025](#) Claimant's petition for a writ of mandamus seeking to compel industrial commission to vacate its order denying her request for temporary total disability compensation is granted where the staff hearing officer failed to consider the impact of a newly allowed psychological condition on relator's ability to return to work, R.C. 4123.56(F), and because physician's report found that some compensation was warranted for a portion of the requested period, the commission did not have some evidence to deny compensation for the entirety of the period.

Attorney fees/Appellate/Post-appeal/Dissent. [Shields v. Bur. of Workers' Comp. | 2024-Ohio-5743 | Supreme Court of Ohio | 12/10/2024](#) In claimant-employee's action seeking the right to participate in the workers' compensation fund, resulting in a jury verdict and judgment in favor of claimant where the court of appeals affirmed the judgment, claimant may request appellate attorney fees under R.C. 4123.512(F) after obtaining a favorable appellate judgment on the merits, even if the request is made post-appeal, and the court of appeals' decision remanding the issue of appellate attorney fees to the trial court is affirmed, rejecting employer's arguments that attorney fees must be requested before the issuance of a final judgment or that the appellate court lacked jurisdiction to remand the case; there is a dissenting opinion.

Permanent total disability/Second application/Changed circumstances. [State ex rel. Prinkey v. Emerine's Towing, Inc. | 2024-Ohio-5713 | Supreme Court of Ohio | 12/09/2024](#) In claimant's action seeking to compel industrial commission to amend its order finding that it had no jurisdiction to address claimant's second application for permanent total disability compensation (PTD), the court of appeals' order granting a limited writ of mandamus is affirmed where claimant submitted evidence of new and changed circumstances, as required by R.C. 4123.58(G), which was enacted while claimant's second request for PTD compensation was pending before the commission, by supporting his application with new reports from physicians and psychological evaluations which differed from their original evaluations, and the staff hearing officer failed to provide any reasoning why the new medical reports were not evidence of new and changed circumstances and failed to identify what evidence she relied on, *State ex rel. Noll v. Indus. Comm.*; as well, the language of the new legislation shows that the statute is intended to be applied retroactively.

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