

OhioLawyer

THE OHIO STATE BAR ASSOCIATION MEMBER MAGAZINE

JUNE 2026

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ohiobar.org

Meet Jan Allen Baughman

2026-2027 Ohio State
Bar Association President

Inside:

The Growing Norm of Arbitration
Statehouse Connection:
What's Going On With Property
Taxes?

From Ohio With Love: State
Contributions to Constitutional
Jurisprudence



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Companion Inside!

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Not the other way around.



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Ohio Bar Liability Insurance Co.
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2026-2027 Ohio State Bar Association President



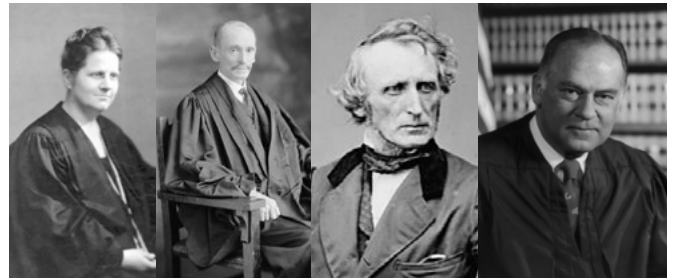
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Judge James Stevenson, Sidney
Tori Sharlow, Columbus
Judge Tamara O'Brien, Akron

In Memoriam

2025

Matthew J. Malone, 62, Cleveland, June 24, 2025
Howard J. Haddow, 88, Columbus, July 1, 2025
Stephen J. Herwat, 73, Toledo, July 1, 2025
Marybeth W. Rutledge, 79, Dayton, Aug. 20, 2025
Russell A. Moorhead, 66, Lorain, Sept. 1, 2025
Kevin M. Tierney, 51, Cincinnati, Sept. 13, 2025
Steven W. Tigges, 73, Worthington, Oct. 27, 2025
Sergio A. Carano, 64, Akron, Nov. 13, 2025
Mark A. Whitaker, 71, Alliance, Nov. 24, 2025
Harold F. Bowers Jr., 76, Sharon Township, Nov. 27, 2025
Paul S. Lewandowski, 69, Toledo, Dec. 15, 2025
William A. Rogers, 91, Dayton, Dec. 23, 2025
Robert S. Corker, 68, Chillicothe, Dec. 24, 2025

2026

Dean G. Reinhard, 85, Fostoria, Jan. 2, 2026
Edna G. LaDue, 77, Cincinnati, Jan. 20, 2026
Edward J. Heben, 75, Cleveland, Feb. 2, 2026
William R. Damschroder, 62, Grandview Heights, Feb. 14, 2026
Mark K. Fankhauser, 56, Ravenna, Feb. 15, 2026
William D. Kennedy, 98, Ironton, Feb. 17, 2026
Jeffery S. Brown, 58, North Olmstead, Feb. 17, 2026
E. Terry Warren, 96, Ashtabula, Feb. 27, 2026
Paul R. Eichhold, 97, Fairfield, March 25, 2026



The advertisement features a dark blue background with a gold hourglass logo on the left. To the right of the logo, the text "LAWRENCE CONNOR" is written in a large, white, serif font, with "TIMESHARE EXIT LAWYERS" in a smaller, white, sans-serif font below it. Below the logo and text, the phrase "We handle timeshare cancellations" is written in a white, sans-serif font, followed by "NATIONWIDE" in a large, gold, serif font. At the bottom, there is a photograph of a multi-story building with a palm tree in the foreground. Below the photograph, the text "THE-TIME-OUT (843-846-3688)" is written in a white, sans-serif font, followed by "THETIMEOUT.ORG" in a white, sans-serif font. At the very bottom, a small line of text reads: "All legal matters handled primarily by Attorney Lawrence Sidney Connor, IV, whose principal office is located at 1500 U.S. Highway 17 North, Suite 209, Surfside Beach, SC 29575."



Editorial Offices

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July 7 – Intro to Domestic Relations Series: It's All About the Kids

July 13 – AI Without Violating the Rules: Ohio's New Ethics Guide Explained

July 15 – Pinning Down the Elusive Deponent

July 21 – Hook, Line and Stinker: Phishing, Deepfakes and Cybersecurity

July 22 – Navigating AAA Employment and Labor Arbitration

July 28 – Abuse, Neglect and Dependency

July 29 – EEOC Update

Aug. 5 – U.S. Supreme Court Employment Law Roundup

Aug. 12 – My Ex Hacked Me! Stalking in Family Law Cases

Aug. 13 – Challenging the Use of Technology

Aug. 18 – Tax Traps in Divorce and Family Law Settlements

Aug. 26 – Insurance for Ohio Transfer on Death Property

Sept. 11 – 16th Annual Administrative Law Seminar

Sept. 16 – Advanced Commercial and Residential Real Estate

Sept. 25 – Marvin R. Pliskin Advanced Probate and Estate Planning Institute

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What's Happening at the Bar?

Updates from the CEO



Promoting justice and advancing the legal profession.

Summer means we're in transition time at the Ohio Bar, shifting into a new bar year come July 1 and welcoming our new president and bar leaders, from board members to committee chairs and more. This year, we're also working on a new strategic plan that will help guide our work in the next few years to come and we're preparing to roll out exciting new changes to ohiobar.org to streamline your member experience. Keep an eye out for more info this summer!

It's an exciting time at the bar and we're always looking for ways that we can better support you. Reach out to me at osbaexecutivedirector@ohiobar.org to share your thoughts and ideas.

-Mary Amos Augsburger
Ohio Bar CEO



Board of Governors

Here are the actions the Board of Governors took at their February 2026 meeting

- Approved recruiting guidance for service on the Board of Governors.
- Approved a regular schedule of review for the Ohio Bar Constitution on a periodic basis, to coincide with the adoption of a new strategic plan.
 - This will help ensure that the Ohio Bar Constitution reflects current practices and procedures and meets the needs of the association as it grows and evolves with each new strategic plan. Any proposed constitutional changes would be presented to the Ohio Bar General Assembly at an annual meeting.
 - The board will next review the Constitution after the adoption of a new strategic plan this summer.
- In consultation with our specialty boards, approved changes to the Ohio Bar Certification program to streamline the process for applicants and specialists.
- Received updates on 2026 membership recruitment efforts.
- Made appointments to the Labor & Employment Law, Real Property Law and Workers' Compensation section councils.
- Ratified a resolution creating Ohio Bar Benefits Solutions LLC. With this new member benefit, small law firms can gain access to affordable, high-quality health plans without sacrificing their bottom line. Learn more on [pg. 3](#) or visit ohiobar.org/ohio-bar-benefits-solutions
- Approved annual meeting award winners (learn more on [pg. 8](#)) and Richard A. Dove as the recipient of the 2026 Weir Award for Ethics and Professionalism (to be presented this fall).



President and CEO of ALPS David Bell and Ohio Bar CEO Mary Amos Augsburger

At a special meeting, the Board of Governors approved an agreement under which ALPS Insurance will acquire the Ohio Bar Liability Insurance Company (OBLIC). ALPS is the nation's leader in insurance solutions for law firms and the endorsed provider for more state bars than any other company. This, coupled with OBLIC's strong reputation and lawyer-focused service, reflects a shared commitment to strengthening the long-term delivery of legal malpractice insurance to Ohio lawyers. Learn more: ohiobar.org/alpsandoblic.

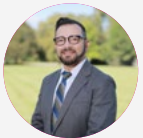
Thank you to our outgoing board members for their service!



Dan Griffith
Immediate Past-President



Magistrate Robert Rice
District 5 Governor



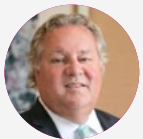
Robert S. Salem
At-Large Governor



Your 2026-2027 Bar Year Officers



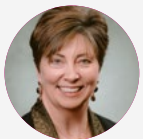
Jan Allen Baughman
President



Bill Chris
Immediate Past-President



Vallie Bowman-English
President-Elect



Mary Amos Augsburger
CEO & Corporate Secretary



Craig Howell
COO, CFO & Board Treasurer



Welcome New and Re-Elected Board Members:



Eric K. Combs
District 1 Governor
(Re-elected)



Andrew P. Lycans
District 10 Governor
(Re-elected)



Sarah K. Skow
District 4 Governor



Mark A. Hutson
District 13 Governor
(Re-elected)



Eric W. Johnson
District 5 Governor



Larry Hayman
At-Large Appointee



Jay E. Michael
District 7 Governor
(Re-elected)



2026 Annual Meeting Policy Recap

The Ohio Bar returned to Capitol Square for our 2026 Annual Meeting of Members this spring. At the meeting, bar members had the chance to help set the bar's public policy agenda for the year to come. This year, the Ohio Bar Council of Delegates approved one proposal from the Ohio Bar Estate Planning, Trust and Probate Law Section. It will:

Expand the existing court authority to release assets from probate administration under Revised Code Sec. 2113.03 in order to simplify probate by reducing the time and costs of probate administration that are experienced by our courts, practitioners and their clients. It will further enable our citizens in their repeated efforts to "avoid probate."

This proposal will now become priority for the association as we lobby to improve the law at the Ohio Statehouse.

We also honored excellence in the legal profession via the presentation of our annual awards. Learn about this year's honorees on pg. 8.



More From the Annual Meeting



2025-26 President Bill Chris officially passed the gavel to Jan Allen Baughman, who will begin her term as 2026-27 president on July 1. Learn about Jan on pg. 14.



Supreme Court of Ohio Chief Justice Sharon Kennedy provided her annual State of the Judiciary address.



At the Ohio Bar Annual Meeting luncheon, we honored our members who have been practicing law for 50 and 65 years. Learn more about the honorees on pg. 11.



Keynote speaker, Yale University Sterling Professor of Law and Political Science Akhil Reed Amar, joined us to speak about the evolution of the U.S. Constitution and his latest book, "Born Equal: Remaking America's Constitution, 1840-1920."



Ohio Bar Federal Courts and Practice Chair Garrett Anderson moderated a special panel featuring Chief Judge Jeffrey Sutton of the U.S. 6th Circuit Court of Appeals, Chief Judge Sarah Morrison of the U.S. District Court for the Southern District of Ohio and Former Chief Judge Patricia Gaughan of the U.S. District Court for the Northern District of Ohio.



This Spring at the Ohio Bar



Ohio bar members walked, ran and biked in support of mental wellness. Together, we logged more than 14,000 miles and supported NAMI Ohio and the Ohio Legal Assistance Program. Thank you to all who joined us!



The 2026 Ohio Bar Leadership Academy visited the Supreme Court of Ohio to hear from justices, public defenders and learn about Ohio attorney discipline system. Applications for next year's academy open later this year! Learn more: ohio-bar.org/leadershipacademy



Ohio Bar 2025-26 President Bill Chris joined students at the University of Toledo College of Law to talk about his 40 years in the practice.



At the Shawnee State Career Fair with Ohio Bar Estate Planning, Trust and Probate Section member Jennifer Eschdor.



This spring, I was pleased to join a panel on the practice of law in rural communities at the University of Toledo College of Law alongside Sen. Theresa Gavarone (R-Bowling Green), Justice Dan Hawkins and Ohio Bar Past President Michelle Kranz.



Ohio Bar Leadership Academy graduate Sam DeAtley joined us at the Ohio 4-H conference where we encouraged young attendees to learn what kind of lawyer they should become.



Ohio Bar members joined the Shawnee State University's Pre-Law Club for a lunch-and-learn panel: "Careers in the Law: Insights from Practicing Attorneys."



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 2026 award recipients!



Ohio Bar Medal Judge Todd McKenney

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.

Judge Todd McKenney serves on the Barberton Municipal Court and has more than 25 years of legal experience. He worked in private practice as well as public service. Judge McKenney previously served as a New Franklin City Council member, state representative for the 43rd District of Ohio and judge of the Summit County Common Pleas Court Probate Division. He is an active member of his community, serving on several boards, including the YMCA and the International Institute of Akron. He is dedicated to promoting a greater understanding of the law and civic responsibility among local Ohioans, work that earned him the 2013 Liberty Bell Award from the Akron Bar Association. Judge McKenney is a trustee of the Akron Bar Association and a fellow of the Akron Bar Foundation. He earned his undergraduate degree from Hiram College and his law degree from The Ohio State University Moritz College of Law. For his demonstrated commitment to his community and his lifelong efforts to promote greater civic understanding among Ohio citizens, Judge Todd McKenney is the recipient of the 2026 Ohio Bar Medal.



Nettie Cronise Lutes Award Vallie Bowman-English

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.

Vallie Bowman-English is the Toledo Municipal Clerk of Courts. She is past president of the Toledo Bar Association and the Ohio Association of Municipal/County Court Clerks and serves as chair of the Lucas County Criminal Justice Coordinating Council. She is the 2026-27 president-elect of the Ohio State Bar Association and a member of the association's Board of Governors. She has served on the Ohio Bar Council of Delegates and is a board member of the Ohio Access to Justice Foundation. In her community, Bowman-English has served on the advisory board of the Lucas County Court Appointed Special Advocates, the board of the area office on aging and as board vice president of the Maumee Valley Country Day School. She has also served as vice chair of the Ohio Supreme Court Judicial Family Network. Bowman-English earned her undergraduate degree from the University of Toledo and her law degree from the Ohio Northern University Claude W. Pettit College of Law. For her years of service and efforts to open doors for women in the legal profession, Vallie Bowman-English is the recipient of the 2026 Nettie Cronise Lutes Award.



Lawyer-Legislator Distinguished Service Award **Senate President Rob McColley**

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

Ohio State Sen. Rob McColley (R-Napoleon) represents the 1st Ohio Senate District. Currently in his second Ohio Senate term, President McColley was unanimously elected by his peers to serve as president of the Ohio Senate in January 2025 and presides over the chamber during the 136th General Assembly. President McColley has spent his legal career in rural Ohio and deeply understands the gap in access to legal services that rural communities are facing. He has served as a champion for Ohio Bar budget priorities that aim to ensure all parts of Ohio have adequate access to an attorney. In addition to public service, President McColley is of counsel at Clemens, Korhn, Liming & Warncke Ltd. His practice areas include real estate, business planning, probate and estate planning. He earned his law degree from the University of Toledo College of Law. For his commitment to the legal profession and to improving access to legal services across Ohio, Senate President Rob McColley is the recipient of the 2026 Lawyer Legislator Distinguished Service Award.



John and Ginny Elam Pro Bono Award **Gregory S. Reichenbach**

The 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.

Gregory S. Reichenbach is a solo practitioner and owner of Reichenbach Law in Walbridge, OH where he focuses his practice on consumer protection. A dedicated attorney with more than 20 years of experience in litigating consumer cases in private practice, he has been a steadfast volunteer for Legal Aid of Western Ohio (LAWO). He has accepted complex consumer rights cases for full representation, co-counseled cases with LAWO, consulted with legal aid on consumer-related questions and trained the next generation of pro bono attorneys. He earned his undergraduate degree from the University of Toledo and his law degree from the University of Toledo College of Law. For his passion and help to protect consumer rights and balance the scales of justice, Gregory S. Reichenbach is the recipient of the 2026 John and Ginny Elam Pro Bono Award.



Ohio Access to Justice Foundation Dick Pogue Access to Justice Award Ohio Legal Help

In honor of its founding board member, a stalwart in the legal profession and a lifelong champion for access to justice, the Ohio Access to Justice Foundation's Dick Pogue Access to Justice Award recognizes those programs and projects that make a measurable impact on the lives of Ohioans and their communities by improving access to legal help.

Launched in 2019, Ohio Legal Help was created to improve access to legal help in critical areas that deeply affect health, safety and economic stability. By leveraging technology and innovation to improve justice and fairness for all Ohioans, Ohio Legal Help removes barriers to the law so that all Ohioans can understand their legal options, make informed decisions and connect to legal and community resources. With over 85,000 visits each month representing every Ohio county, Ohio Legal Help ensures that critical legal needs are met throughout the state with attorney-reviewed and curated resources. It serves as a national model for statewide legal help websites. For its leadership and immense impact on access to justice, not only in Ohio, but across the country, Ohio Legal Help is the recipient of the inaugural Ohio Access to Justice Foundation Dick Pogue Access to Justice Award.



Ohio Access to Justice Foundation Voice of Justice Award Senator Paula Hicks-Hudson

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.

State Senator Paula Hicks-Hudson (D-Toledo) represents Ohio's 11th Senate District. She previously served as the first Black woman mayor of Toledo. Hicks-Hudson began her career at Toledo Legal Aid Society, representing senior citizens and working with several community groups as a community organizer. As a court appointed child advocate-guardian ad litem, she is trained in mediation and advocates for neglected and underrepresented youth. She has been honored by the Urban Minority Alcohol and Drug Outreach Program and works with the Coalition for Quality Education and Covenant Youth Development Corporation to increase opportunities for young people. Recently, she has championed legislation to modernize and improve Ohio's domestic relations law via Senate Bill 174. She earned her undergraduate degree from Spelman College, a master's from Colorado State University and her law degree from the University of Iowa College of Law. For her 35-year career and her immeasurable impact on access to justice in Ohio, Sen. Paula Hicks-Hudson is the recipient of the Ohio Access to Justice Foundation's 2026 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**

Jack Blakeslee | District 17 | Caldwell
Ralph Cascarilla | District 12 | Cleveland
Charles Coe | District 19 | Anchorage, AK
Joseph Dull | District 18 | Niles
Klaus Fischer | District 14 | Hartville
W. Scott Gwin | District 14 | Canton
James Hall | District 11 | Norton
Thomas Haskins | District 11 | Akron
Leigh Herington | District 11 | Aurora
William Hoffman | District 14 | Canton
James Hoffman III | District 18 | Brookfield
Timothy Jochim | District 7 | Columbus
Michael Kaplan | District 11 | Akron
William Lentz | District 11 | Ravenna
Richard Long | District 7 | Columbus
Randal Lowry | District 11 | Akron
Joseph Richards | District 12 | Chagrin Falls
Lawrence Richards | District 13 | Canfield
Edmund Sawan | District 11 | Akron
Wayne Staton | District 1 | Oxford
Michael Tramonte | District 11 | Akron

Atlanta's John Marshall Law School **50 Years in Practice**

Michael Becker | District 12 | Cleveland

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

Philip Willette | District 9 | Pickerington

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

Jack Donenfeld | District 1 | Cincinnati
Thomas McCue | District 14 | Louisville

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

Michael Feldman | District 18 | Willoughby
Nils Johnson Jr. | District 13 | Canfield
Dennis Langer | District 2 | Dayton

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

Dan Binau | District 7 | Columbus
Donald Brown | District 15 | Cambridge
William Demsky | District 14 | Hartville
Richard Epps | District 7 | Columbus
Alan Friedman | District 9 | Pickerington
John Hall | District 19 | Chesapeake
James Harris | District 7 | Columbus
Thomas Hess | District 7 | Columbus
David Hipp | District 14 | New Philadelphia
Jon Kelly | District 19 | Mooresville, NC
Jack Klein | District 7 | Dublin
Mark Kouns | District 9 | Pickerington
Barry Levy | District 1 | Cincinnati
Barbara Lucks | District 7 | Columbus
Douglas Maser | District 12 | Brecksville
James Norris | District 19 | Easton, PA
Richard Ross | District 17 | Malta
E. Scott Shaw | District 7 | Columbus
John Shultz | District 13 | Youngstown
Linda Smith | District 9 | New Lexington
Paul Walker | District 9 | Pickerington
Alden Wigton | District 7 | Worthington

Case Western Reserve University **School of Law** **65 Years in Practice**

Joseph Giulitto | District 11 | Ravenna
Harvey Snider | District 12 | Beachwood
John Werren | District 14 | Fort Lauderdale, FL

50 Years in Practice

Karen Bauernschmidt | District 12 | Cleveland
Stanley Bender | District 8 | Portsmouth
James Dennis | District 2 | Dayton
David Doerner | District 4 | Milan
Michael Farrell | District 12 | Lakewood
William Fumich | District 12 | Westlake
Douglas Godshall | District 11 | Akron
Joan Gross | District 12 | Cleveland
Mark Hoffman | District 12 | Beachwood
Christopher Horn | District 12 | Cleveland

Stephen Knerly | District 12 | Cleveland
Martha Lee | District 12 | Cleveland
John Lucas | District 7 | Columbus
Theodore Mann Jr. | District 12 | Solon
Patrick McLaughlin | District 18 | Chesterland
Jeffrey Posner | District 12 | Beachwood
Warren Rosman | District 12 | Cleveland
Dennis Rotman | District 12 | Beachwood
Ann Rowland | District 12 | Cleveland Heights
David Rowthorn | District 12 | Pepper Pike
Stanley Rubin | District 14 | Canton
Robert Sweeney | District 12 | Rocky River
Joseph Znidarsic | District 18 | Chardon

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

65 Years in Practice

Anthony Rossi | District 18 | Warren

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

Jonathan Dean | District 19 | Northampton, MA

University of Cincinnati College of Law **65 Years in Practice**

Ronald Coffey | District 12 | Moreland Hills
Franklin Gerlach | District 8 | Portsmouth
Braden Mechley | District 1 | Cincinnati

50 Years in Practice

Michael Alexander | District 19 | Sarasota, FL
Stuart Brinn | District 1 | Cincinnati
James Brun | District 1 | Cincinnati
John Clemmons | District 1 | Fairfield
John Cloud | District 2 | Dayton
Robert Cohen | District 7 | Columbus
James Crowley IV | District 1 | Cincinnati
Elizabeth DeHaan | District 1 | Cincinnati
Gary Eby | District 1 | Cincinnati
Raymond Faller | District 1 | Cincinnati
J. Foley | District 1 | Cincinnati
Roger Friedmann | District 1 | Cincinnati
Richard Goettke | District 1 | Cincinnati
Roger Healey | District 1 | Cincinnati



(University of Cincinnati College of Law cont.)

Edward Janis | District 12 | Westlake
Daniel Kayne | District 7 | Columbus
James Kennedy | District 1 | Cincinnati
Roger Lee | District 2 | Dayton
David Mayo | District 12 | Cleveland
James McCauley | District 19 | Chagrin Falls
Alfred Nippert | District 1 | Ashland City, TN
Elliott Polaniecki | District 1 | Cincinnati
Randy Rogers | District 1 | Hamilton
Louis Solimine | District 1 | Cincinnati
R. Guy Taft | District 1 | Cincinnati
D. K. Wehner | District 2 | Rocky River
R. Gary Winters | District 1 | Cincinnati

Cleveland State University College of Law

65 Years in Practice

Lawrence Baker | District 12 | South Euclid
Anthony Calabrese Jr. | District 12 | Gates Mills
James Davis | District 11 | Akron
Robert Small | District 10 | Avon Lake
C. Anthony Stavole | District 12 | Cleveland
James Sweeney | District 12 | Fairview Park

50 Years in Practice

Deborah Akers-Parry | District 19 | Broad Run, VA
Stephen Bond | District 10 | Elyria
Gregory Chambers | District 18 | Novelty
Warren Enders | District 5 | Westerville
Mark Gervelis | District 13 | Canfield
Robert Handelman | District 9 | Newark
John Irwin | District 18 | Chagrin Falls
Steven Janik | District 12 | Cleveland
Carl King | District 13 | East Liverpool
Eugene Kratus | District 12 | Cleveland
Dennis Lager | District 11 | Ravenna
John Lawson | District 12 | Cleveland
Gary Levine | District 12 | Cleveland
Nicholas Longauer | District 12 | Berea
Stephen McCann | District 9 | Zanesville
Paul Murphy | District 12 | Highland Heights
J. Michael Murray | District 12 | Cleveland
William Nome | District 11 | Kent
James Peters | District 7 | Dublin
Douglas Savage | District 14 | Canton
Peter Sheney | District 12 | Shaker Heights
Sheldon Stein | District 12 | Cleveland
Kathleen Sutula | District 12 | Independence
Michael Sweeney | District 11 | Akron

William Treister | District 12 | Cleveland
Laurence Turbow | District 12 | Cleveland
David Wiersma | District 10 | Avon

University of Denver Sturm College of Law

50 Years in Practice

Charles Kamine | District 1 | Cincinnati

Duke University School of Law

50 Years in Practice

Robert Beggs | District 7 | Columbus
Reeve Kelsey | District 3 | Perrysburg

George Washington University Law School

65 Years in Practice

Robert Vickers | District 18 | Chagrin Falls

50 Years in Practice

Jacob A. Kronenberg | District 12 | Cleveland

Georgetown University Law Center

50 Years in Practice

James Bright | District 12 | Cleveland
Michael Frantz | District 12 | Cleveland
Michael Solomon | District 12 | Mayfield Heights

Harvard Law School

65 Years in Practice

N. Victor Goodman | District 7 | New Albany

50 Years in Practice

Deborah Coleman | District 12 | Cleveland
Edward Diller | District 1 | Cincinnati
David Rogers | District 7 | Columbus
Thomas Schuck | District 1 | Cincinnati

Indiana University Maurer School of Law

50 Years in Practice

Dianne Braun | District 14 | Canton

Northern Kentucky University Salmon P. Chase College of Law

65 Years in Practice

William Young | District 1 | Lebanon

50 Years in Practice

Frank Diedrichs | District 1 | Scottsdale, AZ
Thomas Donnellon | District 1 | Cincinnati

Joseph Gelwicks | District 19 | Saint Petersburg, FL
Jay Langenbahn | District 1 | Cincinnati
Donald Meyer | District 1 | Harrison
Kenneth Peller | District 1 | Blue Ash
Arthur Schlemmer | District 1 | Cincinnati
William Snyder | District 1 | Cincinnati
Daniel Wenstrup | District 1 | Cincinnati

University of Kentucky

J. David Rosenberg College of Law

50 Years in Practice

Carl Edwards Jr. | District 19 | Lexington, KY

University of Louisville

Louis D. Brandeis School of Law

50 Years in Practice

James Palmquist | District 10 | Medina

University of Michigan Law School

65 Years in Practice

Stewart Aron | District 19 | Naples, FL
Lewis Gatch | District 1 | Cincinnati

50 Years in Practice

Patrick Hindert | District 1 | Loveland
Douglas Huffman | District 3 | Findlay
Abraham Lieberman | District 10 | Avon Lake
Michael Thomas | District 7 | Columbus

New York University School of Law

50 Years in Practice

Alphonse Gerhardstein | District 1 | Cincinnati

University of North Carolina School of Law

50 Years in Practice

Michael Becker | District 7 | Dublin

Northwestern University Pritzker School of Law

65 Years in Practice

Herbert Ernst | District 2 | Kettering

University of Notre Dame Law School

50 Years in Practice

John J. Biancamano | District 17 | Pickerington
John Borkowski | District 19 | Arlington, VA
John McHugh | District 4 | Sylvania



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

Thomas Cole | District 10 | Mansfield

50 Years in Practice

Herbert Baker Jr. | District 9 | Zanesville
 Scott Barrett | District 6 | Marysville
 Joseph Bruzzese | District 15 | Steubenville
 Robert Cupp | District 7 | Lima
 Joseph Dapore | District 19 | Charleston, SC
 Kenneth Fisher | District 12 | Cleveland
 James Griffin | District 6 | Springfield
 Mark Huberman | District 13 | Youngstown
 Patrick Maguire | District 7 | New Albany
 Marc Myers | District 7 | Columbus
 Robert Peelle | District 11 | Wilmington
 C. Richard Thompson | District 10 | Mansfield
 Howard Traul II | District 6 | Bellefontaine
 David Watkins | District 6 | Bellefontaine
 Thomas Wilson | District 15 | Steubenville

The Ohio State University
Moritz College of Law

65 Years in Practice

David Allen | District 6 | Westerville
 David Holmquist | District 13 | Canfield
 Robert Jenkins | District 8 | Gallipolis
 James Miles | District 5 | Westerville
 Rollind Romanoff | District 19 | Lambertville, MI
 Dick Warburton Jr. | District 19 | Columbus
 Edward Whipps | District 7 | Dublin

50 Years in Practice

Russell Adams | District 7 | Columbus
 Henry Arnett | District 7 | Columbus
 Gary Auman | District 2 | Dayton
 Thomas Beman | District 19 | Clayton, MO
 Edwin Breyfogle | District 14 | Massillon
 Rocky Coss | District 8 | Hillsboro
 Richard Drake | District 14 | Massillon
 Douglas Ebert | District 5 | Marion
 Dennis Fitzgerald | District 3 | Findlay
 William Graf | District 1 | Cincinnati
 Thomas Green | District 2 | Dayton
 John Jones | District 7 | Worthington
 David Landefeld | District 9 | Lancaster
 Jerome Lemire | District 18 | Jefferson

Robert Malone | District 11 | Akron
 Alan Matavich | District 19 | Fort Myers, FL
 Eric Miller | District 10 | Mansfield
 Eugene Nevada | District 7 | Columbus
 Leonidas Plakas | District 14 | Canton
 Allen Reis | District 7 | Dublin
 George Rosin | District 11 | Akron
 Kurt Sarringhaus | District 10 | Oberlin
 John Schmarr | District 5 | Westerville
 Charles Schneider | District 7 | Columbus
 Raymond Studer | District 7 | Hilliard
 Craig Van Horsten | District 4 | Toledo
 Keith Walker | District 19 | Fairfax, VA
 Roger Whitaker | District 7 | Columbus

Saint Louis University School of Law
50 Years in Practice

Richard Mazanec | District 12 | Chesterland

University of San Diego School of Law
50 Years in Practice

Gregory Sain | District 11 | Akron

University of Southern California
Gould School of Law

50 Years in Practice

Richard Davis | District 14 | Canton

Southern Methodist University
Dedman School of Law

50 Years in Practice

Edward Hertenstein | District 7 | Columbus

Suffolk University Law School
50 Years in Practice

Donald Luce | District 2 | Sidney

The University of Texas at Austin
School of Law

50 Years in Practice

Steven Dankof | District 2 | Dayton

University of Toledo College of Law
65 Years in Practice

Kenneth White | District 4 | Sylvania

50 Years in Practice

James Adray | District 4 | Maumee
 John Barga | District 12 | Cleveland

David Bryan | District 3 | Perrysburg
 James Burkhardt | District 4 | Toledo
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 Jim Miller | District 4 | Mount Juliet, TN
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 Alan Mutchler | District 4 | Toledo
 James Nowak | District 4 | Toledo
 N. Lindsey Smith | District 12 | Cleveland
 Theodore Tucker | District 4 | Toledo
 David Williams | District 3 | Defiance
 Thomas Wilson | District 13 | Youngstown
 Lorin Zaner | District 4 | Toledo
 Jack Zouhary | District 4 | Toledo

Valparaiso University School of Law
50 Years in Practice

Gregory French | District 1 | Cincinnati

University of Virginia School of Law
50 Years in Practice

Karen Buckley | District 11 | Wilmington
 Theodore Finnarn | District 2 | Greenville
 Arthur Greenbaum | District 7 | Columbus
 Daniel Hoffheimer | District 1 | Cincinnati

Washington University School of Law
50 Years in Practice

Duane White | District 7 | Reynoldsburg

University of Wisconsin Law School
65 Years in Practice

Peter Grinstein | District 13 | Canfield

50 Years in Practice

Roger Miller | District 3 | Findlay

Yale Law School

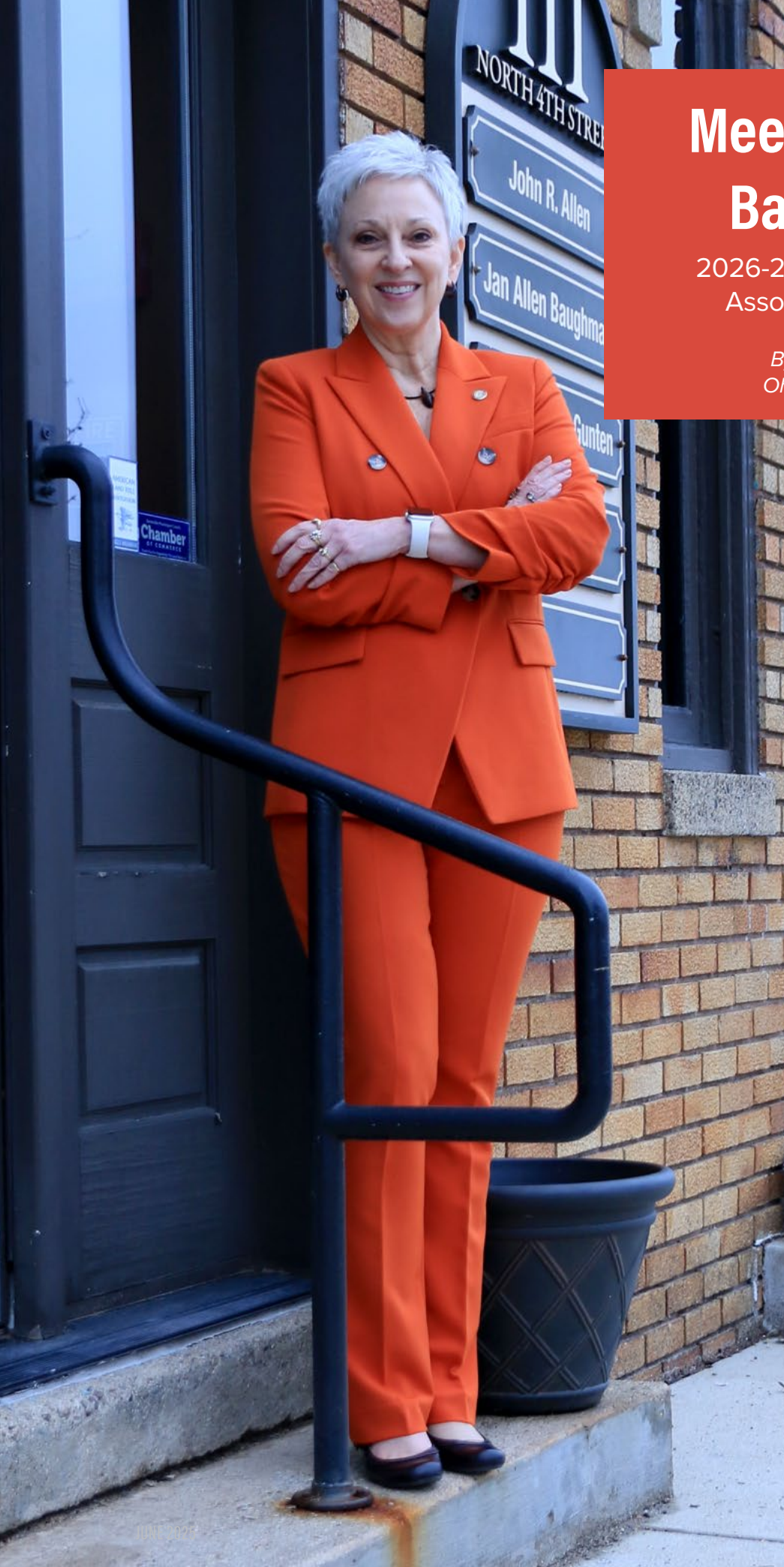
50 Years in Practice

Maxwell Mehlman | District 12 | Cleveland



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/50and65in2026.



Meet Jan Allen Baughman

2026-2027 Ohio State Bar Association President

*By Annie Yamson
Ohio Lawyer Editor*

On a chilly spring day in Zanesville, Jan Allen Baughman welcomes us into her law office and settles in to talk about the year she has in store. “Surreal” is the word she uses to describe the position she finds herself in.

“If a few years ago you told me that I was going to be president of the Ohio State Bar Association, I probably would have smiled and said you’re talking about somebody else,” she says.

Yet here she is, preparing to lead the association for the 2026–2027 bar year.

Baughman admits that the idea of serving as Ohio Bar president once felt intimidating: “I always perceived the president as somebody from a big firm, somebody from a big city, somebody with a practice much different than mine.”

Over time, that perception shifted.

“The more I thought about it, the more I came to realize that a great majority of the members of the Ohio Bar are members whose practices are like mine. What I thought might be a weakness in myself was actually a strength.”

That realization, paired with a little encouragement from her colleagues, led her to step forward.

“I still find it intimidating,” she says, “but I’m very happy to serve.”

As Baughman reflects on the path that brought her here, a clear pattern emerges: When faced with doubt or intimidation, Baughman doesn't run. She chooses to show up, serve and lead, trusting that growth begins beyond comfort, especially when the moment feels daunting.

Getting to the Law

Baughman's interest in the law took root early. Her father, John R. Allen, was a prosecutor and general practitioner. She remembers seeing the impact of his work at a young age.

"I was in the third grade when my dad was involved in a murder case," she recalls. "That was one of the first times I realized exactly what my dad did and how important it was."

During the summers, she would tag along to his office.

"There was a big drug case and at that time, marijuana was still illegal," she says. "There were huge pot plants sitting on his desk and I have a picture of me sitting by them."

Despite those early impressions, Baughman didn't immediately follow the legal path.

"Everybody in my life thought I was going to be an attorney," she said. "I think I rebelled against it a little bit."

Her first career was in education. She spent three years teaching eighth-grade math and science, work she loved but that left her searching for more. From there, she moved into banking, where she gained valuable experience but found limited opportunities for advancement.

It was during those banking years that she once again had a front-row seat to her father's work.

"My dad represented that bank," she explains. "I got to see what he did on a daily basis ... he was helping people. I thought, I really admire that way of life."

One day, after quietly preparing, taking the LSAT and applying to law schools, she broke the news to her father: She'd made the decision to pursue a law degree.

"I think I shocked my dad," she says. "But he was ecstatic, especially because I said my intention was to come back, practice at home and that I hoped to work with him and follow in his footsteps."



Jan at her first office as an attorney in 1997.



Baughman (far left) on Capital University Law School graduation day, May 1996, with her longtime friend, Sue Watson (second from left).



May 1997. Baughman and her dad, John Allen, on bar admissions day.



Baughman and her father, John Allen, in 2001, on opening day of Allen & Baughman, Attorneys at Law.



Baughman, in 2001, on opening day of Allen & Baughman, Attorneys at Law.

Finding Her Place

Baughman enrolled at Capital University Law School at age 27. At Capital, she immediately felt at home.

"I felt like a nontraditional student coming back after a couple of other careers," she says. "But once I got there, I realized I was more traditional than I thought. There were actually lots of folks like me who were coming back for a second or third career."

Law school was demanding ("Probably the hardest I've ever worked in my life.") but it delivered exactly what she was looking for: "It was challenging. It was interesting. It drove me. It was rewarding and it was definitely the right choice for me."

True to her word, Baughman returned home to practice law alongside her father in Perry County. She began as a juvenile prosecutor and general practitioner, building experience across a wide range of legal matters.

A few years later, her father was the one to shock her.

"He decided he was ready to leave the prosecutor's office and open his own firm in Muskingum County," she says. "He told me, 'I would love it if you'd join me.'"

And after weeks of deliberation, she did.

"He had such a clear vision," she says. "It was scary to start something new, but I had every confidence that we could do it together."

In 2001, they formed Allen & Baughman, Attorneys at Law LLC in Zanesville.

Rooted in Community

Twenty-five years later, Baughman remains the managing partner at Allen & Baughman and owner of ABC Title Agency LLC. The firm is a true family effort.

"My dad and I started it. After my mom retired from teaching, she joined us and keeps our books. My children worked here when they were in high school and college," she says. "And even though not everyone in this office is family, everyone is treated like family. It's just good to come to work in a place where people feel at home."

Practicing in a rural area comes with its own set of challenges, particularly for a general law office.

"We do a little bit of everything – real property, business, estate planning, probate, adoption, litigation, landlord-tenant, municipal law," she says.

"When you're not a specialist, it can be challenging to keep up with the law and make sure you're on top of everything." (The Ohio State Bar Association, she notes, plays a vital role in making that possible.)

But firms like hers are also essential to the communities they serve, she makes sure to stress.

"People need attorneys they know, trust and can return to over the years," she says. "One of my first clients in Zanesville has come back to me a number of times over the years – first it was a business matter, then a real estate matter, then there was the need to do some estate planning and then probate. People in rural communities are in need of these services."

That connection extends beyond the office. Baughman and her colleagues regularly participate in community events, from annual cake auctions and awareness walks to wellness challenges at the gym next door (a team at her firm won this year). Her brother works at the bank across the street, a client of the firm.



Watch our video interview with the 2026-2027 Ohio Bar President Jan Allen Baughman: ohiobar.org/janbaughman



Ohio Bar Past President Dean Wilson and Mary Amos Augsburger at the Board of Governors changeover meeting in 2023.



Ohio Bar 2025 Board of Governors changeover meeting. Left to right: Ohio Bar CEO Mary Amos Augsburger, 24-25 President Dan Griffith, 25-26 President Bill Chris and Mary Amos Augsburger.

“And all of our attorneys serve on various boards. There’s a great need for that,” she says. “Having attorneys serve on nonprofit boards is incredibly valuable. We bring a legal perspective and it’s another way to serve the community.”

A Path to Bar Leadership

Baughman joined the Ohio State Bar Association as a law student and has remained a member ever since. She also became active in both the Perry County and Muskingum County bar associations, moving quickly into leadership roles early in her career.

“When I joined the Perry County Bar Association, their perspective was that the young people needed to be the leaders,” she recalls.

In the first four years, straight out of law school, Baughman stepped into a succession of officer roles: secretary, treasurer, vice president and president.

In Muskingum County, Baughman continued her bar involvement and served on a number of committees, including grievance, which eventually led her to appear before the Ohio Supreme Court.

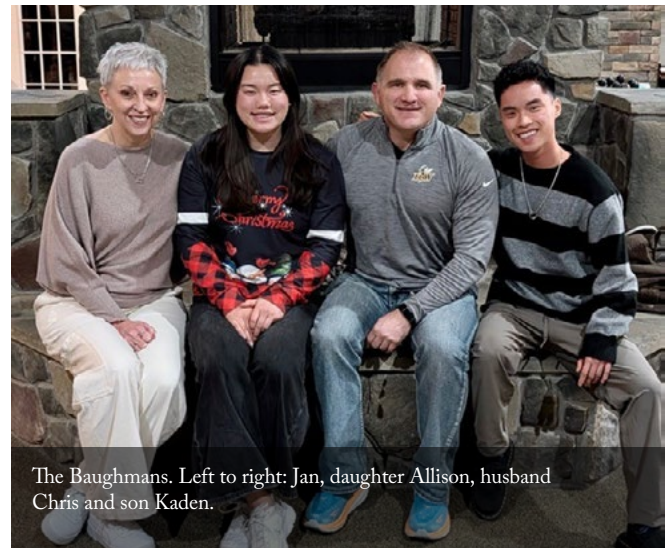
Though she was always a member, her involvement with the Ohio Bar increased at the encouragement of past Ohio Bar President Judge Dean Wilson, then the District 9 representative on the Board of Governors. He asked Baughman to serve on the Council of Delegates, the bar’s policy-making body.

“At the time, I wasn’t even certain what the Council of Delegates really did,” she says, but she accepted the appointment anyway.

That experience proved transformational.

“I absolutely fell in love with the Ohio State Bar Association all over again,” she says. “Seeing what the council reviews and puts forth gave me a whole new appreciation for the bar’s advocacy role.”

After a few years, Wilson again encouraged Baughman to serve on the Board of Governors and it was there that her colleagues eventually prompted her to start thinking about throwing her



The Baughmans. Left to right: Jan, daughter Allison, husband Chris and son Kaden.

hat in the ring to become president. “I’ve had the opportunity to work with several different leaders and observe some great leadership styles. I hope to bring some of my own to the table as well,” she says.

Baughman will lead the association as part of an officer panel that includes Immediate Past President Bill Chris, President-Elect Vallie Bowman-English, CEO Mary Amos Augsburger and CFO Craig Howell.

“It’s not something that I ever saw in my future but I’m really grateful that I was encouraged to do this,” she says.



“ I think the Ohio Bar is going to continue to bring us together. ”

“I’ve had the rare privilege of serving on the Board of Governors for a number of years, and I think that longevity brings with it the knowledge of where the bar has been and where it’s going.”

Looking Ahead

As president, Baughman says she is focused less on personal agenda items and more on advancing the association’s strategic goals. One initiative especially important to her heart is addressing Ohio’s legal deserts.

“Of the things nearest and dearest to my heart are the rural practice initiatives that the bar is actively engaged with,” she says. “There are a large number of counties that are suffering because they don’t have enough attorneys to serve the population. It’s imperative that we get more young people interested in pursuing the profession and, hopefully, encourage more attorneys to serve their rural areas.”

She also points to rapid advancements in technology, particularly artificial intelligence, as both an opportunity and a challenge for the profession.

“The rate of change is so fast,” she says. “The bar is taking that on, keeping all of us member attorneys apprised of advancements and then making tools available to us.”

Overall, Baughman sees a bar association that stays true to its mission of advancing justice and promoting the legal profession, no matter how many years have passed.

“I think the Ohio Bar is going to continue to bring us together,” she says.

“It’s going to provide us with practice resources and all the tools that we need to embrace this new generation. And who knows, maybe someday we’ll be able to beam up to meetings.”

Baughman emphasizes collaboration, curiosity and service as her guiding lights. This Board of Governors, she says, is well-suited to lead with those principles in mind.

“The board is a really fantastic and diverse group of people. We’re all in different areas, big cities, small towns, we have a large-firm litigator, a couple of us in general practice, a corporate lawyer at a bank, a clerk of courts – there are all different skillsets,” she says. “We’re very collaborative, we’re a group who listens, people don’t just talk to hear themselves talk. I couldn’t ask for a better bunch of leaders.”

Though serving as Ohio State Bar Association president may have once seemed improbable to Baughman, her leadership now feels purposeful.

The path that led her here – teaching, banking, a rural practice built with family, decades of bar service – has quietly prepared her for this role, whether she knew it or not. She may not have set out to lead the Ohio State Bar Association, but she kept saying yes to service when the opportunity arose. She advises others to do the same.

“The biggest hesitation that you might have, any fear you have, is worth overcoming,” she says for those looking to get involved. “Believe you can do it.”

More From Jan

On Family

My husband, Chris, and I have been together since we were 14 years old. We were high school sweethearts. An interesting fun fact is that our parents were also high school sweethearts. My parents and Chris’s parents double-dated at their junior and senior proms.

Both of our children, Kaden and Allison, are adopted and they are the greatest gifts we’ve had in our lives. Allison, is now in law school at Northwestern Pritzker Law in Chicago. She’s in her first year and doing exceptionally well. Kaden graduated from Baldwin Wallace as a musical theater major and he was hugely successful at that. He moved to New York City and currently works as an executive assistant at an investment firm.

I’m the oldest of three. My sister Jennifer is a nurse practitioner. My brother Joe is in banking. He works at the bank across the street, which is a client of ours. It’s wonderful we get to work together on a daily basis.

On Working With Her Dad

He motivated me greatly. He was always there to have my back and guide me along, to give me advice. He was a great mentor. I benefited from having several mentors, but dad was obviously the best.

We had our first office in South Zanesville. It was a two-story house and my office was upstairs and his was downstairs. We did have computers, we had phones, we had intercoms. But if dad needed me, he got my attention by hollering up the stairs.

On Her Hobbies

I love to play tennis. I probably talk about tennis way too much, but that’s what I enjoy most.

I really enjoy walking and hiking. It’s not unusual to see me in here in the morning walking around the downtown

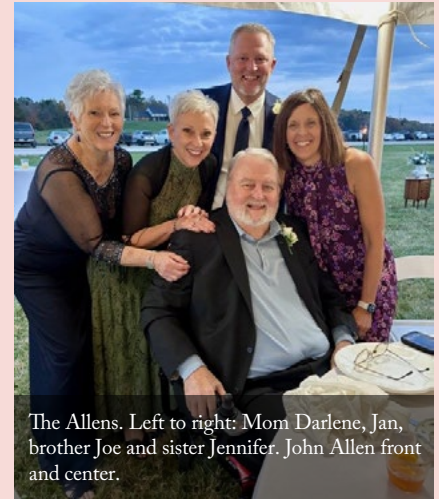
area. My daughter got me into hiking over the last several years and I've done some really incredible hikes. I did Angel's Landing at Zion National Park before I knew that it was one of the most dangerous hikes among all the dangerous hikes. I hiked the Path of the Gods in Positano, Italy a few years ago. That was an incredible experience. It's eight hours and I didn't think I was going to make it, but it was fantastic.

I love to travel, especially if there is a beach or an ocean involved. I always like to be in the water. I enjoy snorkeling.

On Her Favorite Law-Related Movies

When it comes to movies, I probably have to say "The Firm" because of my husband. It's an ongoing joke that we have had since I decided to go to law school ... I regularly get asked by my husband, "Do you have a firm case?"

I also really enjoyed "Presumed Innocent" primarily because Harrison Ford is in that movie and I am a huge Harrison Ford fan dating back to "Star Wars" and Han Solo.



The Allens. Left to right: Mom Darlene, Jan, brother Joe and sister Jennifer. John Allen front and center.



Baughman (right) and her friend Lisa hike the Path of the Gods in Positano, Italy.



Hiking Angel's Landing in Zion National Park with daughter Allison.



With son Kaden in NYC.



With mom, Darlene, office manager at Allen & Baughman. "She's my *very* best friend."



Baughman and husband Chris (known to all simply as "Baugh").

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Mira Chopra	Stacey Ganor	Brian Laliberte	Melissa Riggins	Gerald Walker
Brooks Compton	Phillip Garbig	Matthew Langhals	Kelly Roberts	Patricia Walker
Cathy Cook	Dawn Garrett	Clarence Todd Laster	John Rogers	Gregory Wentz
Thomas Cornn	Debra Garverick	Richard Lewis	Christina Royer	Terrence Wheeler
David Cory	Grant Garverick	Sara Light	Keith Rucinski	George C. Wilber
Thomas Croskey	Melissa Graham-Hurd	George Lovett	David Rudwall	Austin Williams
Stuart Cubbon	Christopher Grayson	Marlene Manes	James Ruffner	James Williams
James Cummins	Mark Graziani	Jennifer Maytac	Tasha Ruth	Tyler Wittenmyer
Laura Curliss	Bryan Griffith	William McLoughlin	Caroline Schmidt	Ronda Wyomic
Leah Daugherty	Jason Grimes	David Meenach	Larae Schraeder	Melissa Yasinow
Samantha DeAtley	Daniel Gudorf	Melissa Thompson	Steven Schwartz	James Yavorcik
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The Growing Norm of Arbitration

By Timothy Warner

The American Arbitration Association (AAA) recently published information on its caseloads throughout 2025. We can learn a lot from the AAA's statistics related to business to business (B2B) and employment dispute resolution. While arbitration is often described as an alternative to litigation, the 2025 data suggests arbitration is becoming a *fundamentally different* alternative for resolving disputes. Across both commercial and employment contexts, the numbers tell a consistent story of speed, early resolution and structural efficiency that is difficult to replicate in court.

The data consistently shows that arbitration is not just faster than litigation, it operates on a different timeline altogether. In business-to-business disputes closed in 2025, even large, complex matters with claims exceeding \$1 million reached award within a median of 18.7 months, while smaller cases resolved in less than a year. Employment disputes followed a similar trajectory, with a median time to award of 17 months and cases concluding in under three months. When compared

to federal court litigation — where the median time to trial remains over 34 months — arbitration speeds the dispute resolution process in ways that materially affect the process and strategy from the outset.

Quicker resolution does bring with it some consequences. A shorter timeline does more than reduce delay; it forces earlier engagement with the merits. Parties have less opportunity to defer difficult evaluations and fewer procedural mechanisms to extend the life of a case. The result is not simply efficiency, but a mindset shift. When resolution is measured in months rather

than years, the cost of maintaining weak positions increases and the incentive to reach agreement strengthens.

That dynamic is reflected in one of the more telling data points: Most arbitration cases never reach a final award. In 2025, a majority of disputes resolved before that stage — 52% in B2B matters and 77% in employment cases. Arbitration, in practice, is less a trial substitute than a structured alternative pointing to timely, less expensive resolution. It creates a framework in which parties are brought to the negotiating table earlier under conditions that encourage resolution.



10,975 B2B cases closed in 2025.

52% settled prior to award.
40% of settled cases closed before incurring arbitrator compensation.

3,777 employment cases closed in 2025.

77% settled prior to award.
22% of settled cases closed before incurring arbitrator compensation.



17 months

Employment claim median time to award

34.1 months

Median time to trial in U.S. district court

18.7 months

B2B median time to award
(claims \$1 mil and up)

34.1 months

B2B civil case median time to trial
in U.S. district court

Equally notable is how early many matters are resolved. A significant portion of cases settled before arbitrator compensation was even incurred — 40% in the commercial context and 22% in employment disputes. This suggests that arbitration's value is not confined to adjudication; it lies in the process itself. The existence of a defined, streamlined forum appears to alter party behavior well before the hearing stage. Dual tracking resolution discussions within the arbitration process leads to better outcomes.

Of course, cost plays a central role in that calculus. Arbitration is often evaluated in comparison to litigation expenses, but the 2025 data highlights something more nuanced: Cost in arbitration is not fixed, but responsive to procedural choices. In larger commercial disputes, for example, the decision to use a single arbitrator rather than a three-member panel resulted in a 73% reduction in arbitrator compensation in cases involving at least \$3 million. That level of control allows parties to tailor the process to the stakes of the dispute in a way that is largely unavailable in court. This puts great power in the hands of the parties and their counsel to devise structure in the arbitration process as they see fit.

In employment arbitration, cost allocation further shapes the system. Employers typically bear arbitrator compensation, while employee administrative fees are capped and frequently waived. In more than 2,000 cases in 2025, employees paid no administrative fees at all. The result is a forum that, while contractually driven,

remains broadly accessible and utilized across industries.

“Cost in arbitration is not fixed, but responsive to procedural choices.”

The scale of arbitration activity underscores its greater utilization. In 2025, nearly 12,000 B2B cases were filed, involving over \$21 billion in claims and an additional \$7.7 billion in counterclaims. These are not marginal disputes. Large, complex cases carried median claims of \$3 million and averages approaching \$10 million.

At the same time, employment arbitration saw more than 4,400 single-case filings across a wide range of industries, from financial services and healthcare to retail and transportation and others. The breadth of participation suggests that arbitration is no longer a niche mechanism reserved for specialized sectors or high-level executives. It is embedded across the modern dispute landscape.

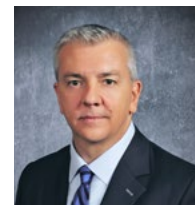
What emerges from this data is not simply a preference for arbitration, but a reorientation of how disputes are managed. The combination of faster timelines, high settlement rates and procedural flexibility changes the incentives on both sides. Early case assessment becomes more important than prolonged discovery. Arbitrator selection becomes a strategic decision with cost implications and the

arbitration clause itself — often treated as boilerplate — takes on outsized significance in shaping how future disputes will unfold.

For practitioners, the implications are clear. Arbitration rewards preparation and discernment at the front end of a case and it elevates the importance of early positioning. For clients, it offers something increasingly rare in litigation: predictability — not necessarily of outcome, but of process, timing and cost.

Given the advantages, arbitration's continued growth is not surprising. It is no longer merely filling gaps left by an overburdened court system; it is offering a different model altogether. One defined less by the slog of prolonged adjudication and more by managed, efficient resolution — often achieved long before an award is issued. We can all thank the AAA for its continued excellent work in dispute resolution and for providing the data necessary to evaluate the ever changing landscape of dispute resolution. Maybe someday in the near future, we will be referring to arbitration as the norm and court litigation as the alternative.

About the Author



Tim Warner has more than 30 years of experience as a lawyer, mediator and arbitrator (in person and online) predominately

handling business, commercial and employment matters, while also handling healthcare, consumer, probate and personal injury matters. Warner serves as a private mediator and arbitrator, serves on multiple American Arbitration Association panels and has been recognized by the National Academy of Distinguished Neutrals. He previously served as the chair of the Cleveland Bar Association's Litigation Section and currently serves as the chair of its Alternative Dispute Resolution Section.

Data Source: AAA® Internal Case Tracking, FY 2025



Arbitration for the New Business Lawyer

By Richard D. Rogovin

In my nearly 60 years of practice I have had numerous opportunities to draft arbitration clauses for business contracts, but only in the past several years have I really come to understand the consequences for my clients. Lawyers should understand both the positive and negative aspects of those clauses and the business practitioner should not forget to offer his clients a full explanation of the process before the contract is signed, because the consequences can frequently be more negative than anticipated.

The best way to communicate these consequences is by virtue of my personal experience and as no citation would be helpful the reader is encouraged to conduct his or her own research.

I litigated quite a few cases in my early career, at a time when law firms were not as departmentalized as they are now and the general practice of law was not discouraged. At one point it occurred to

me that my clients would benefit from what seemed to be the more efficient and less expensive process of dispute resolution: arbitration. And so I began drafting arbitration clauses for their contracts.

Unlike simple statements of jurisdiction normally inserted in contracts, this remedy for default could have more serious consequences. However, many of us routinely used them without much thought of what some of us would have to do should a default occur. The consequences were assumed to be the responsibility of other lawyers who would litigate but rarely participated in drafting the contracts. Of course, it often took years before a dispute that could not be settled arose between the contracting parties and these remedies were required. Until this occurred, like many lawyers, I routinely regarded arbitration clauses as adequate remedies and failed to offer

my clients a timely explanation of the advantages and disadvantages, which are considerable. The following are some recent cases to illustrate this point.

Example 1: The Form Agreement

This involved a real estate case in which our client signed a form purchase agreement with the seller, who subsequently refused to close, alleging that the buyer had tortiously interfered with a previous, more advantageous offer. The agreement contained an arbitration clause. The seller demanded damages equal to the full purchase price, which the arbitrator awarded but refused to order the property transferred to the buyer. This violated the common law against windfall awards. However, on appeal, the common pleas court refused to reverse the award, stating in open court that the arbitrator, unless proven corrupt, is always the sole judge of the law and the facts.

the case to the court. Discouraged by the delays and costs, which eventually totaled seven figures, the parties reached a settlement.

Example 3: The Successful Mediation

In this case, the arbitration clause was actually beneficial in bringing the parties to a mediation in which they settled a seven-year dispute over the proceeds of a real estate sale in 10 continuous hours of a single Zoom call. While not an arbitration in the traditional sense, it was an "alternative form of dispute resolution" as described by advocates of arbitration clauses, which was celebrated by the respective clients for ending their stalemate at a cost far below the anticipated cost of a trial and appeals.

The Client's Right To Know

The foregoing examples illustrate the many varieties of arbitral proceedings that are available to attorneys when drafting a business contract. More often than not, the choice will depend more on the attorney's experience or inexperience than the client's, with this difference: The attorney has a professional obligation to ensure that the client understands the contract, particularly the remedies for default. It can logically be argued that a contract without a remedy is not a binding document, therefore the client has the right to know whether he will have a contract or not. A simple, written explanation will go far towards alleviating his concern, while protecting his lawyer against an accusation of malpractice. The following is only a suggestion:

"In the first draft of your contract I made it subject to the laws of Ohio and enforceable in an official Ohio court. There is another choice available for an alternative remedy which many believe can reduce the cost and time for enforcement in the event of default, which is referred to as arbitration. This remedy is subject to its own rules which include the right of the arbitrator to ignore most of the laws of Ohio

and decide a case on the basis of his conception of fairness. Arbitration can be just as expensive as a court proceeding even though it is designed to save time. Please ask any questions you may have and decide if you would prefer one remedy over the other."

If the client decides to proceed with arbitration I recommend two alternative efforts to control the arbitrator's customary discretion to apply or not apply relevant legal principles. Neither has reached the certainty of an appellate court's approval as of this date, to the best of my knowledge. Under the theory that arbitration is a creature of agreement, the first specifies which laws will govern the arbitrator, which may read, "The arbitrator shall be governed by and accurately apply Ohio statutory and common law."

The second builds on the theory that, if the parties exercise their right to require a "reasoned award," the contract can provide, "The reasoned opinion shall address the disposition of each claim pursuant to the applicable principles of statutory and common law upon which such disposition is based." 

About the Author



Richard Rogovin, 87 on June 4, received his undergraduate degree in political science from Cornell in 1962

and his law degree from the University of Pennsylvania in 1965. He was admitted to the Pennsylvania Bar in 1966 and the Ohio Bar in 1968. He was a partner at Bricker & Eckler practicing international business law until he retired and joined US Bridge, his family's company, where he remains employed full-time as chairman and general counsel.

Trying to placate a disappointed client, we looked for authority contra, only to find that it did not exist. By using a form real estate purchase agreement containing an arbitration clause we had literally subjected our client to the laws of a seemingly foreign legal system without having forewarned of the possible consequences.

Example 2: The Panel Provision

This involved default under a complicated shareholder agreement in which provision was made for three arbitrators in the expectation that, by working as a team, they would be able to more quickly and equitably understand and resolve numerous corporate and financial issues, and at a lower cost than a single judge with a crowded docket. However, some of the arbitrators had to be removed and replaced for evident bias and costs rose at almost three times the cost had a single arbitrator been appointed or five times the cost of trying

From OHIO with Love

State Contributions to Constitutional Jurisprudence

As the America 250–Ohio Commission shines a spotlight on the state’s outsized contributions to our nation’s story, the Ohio State Bar Association is proudly joining in by celebrating Ohio’s remarkable legal legacy. From courtroom battles that reshaped constitutional doctrine to Ohio-born advocates and jurists who left their mark on the highest court in the land, the Buckeye State has played a defining role in the evolution of American law. This informational graphic highlights landmark U.S. Supreme Court

cases that originated in Ohio — and some notable Ohioans who played a role in them — showcasing how our state’s legal heritage continues to influence the Constitution and the country. Of course, this isn’t a complete catalog of Ohio’s impact. Think of it as the start of a larger conversation.



If there are other cases, lawyers or moments you think we should spotlight this year, we’d love to hear from you via editor@ohiobar.org.

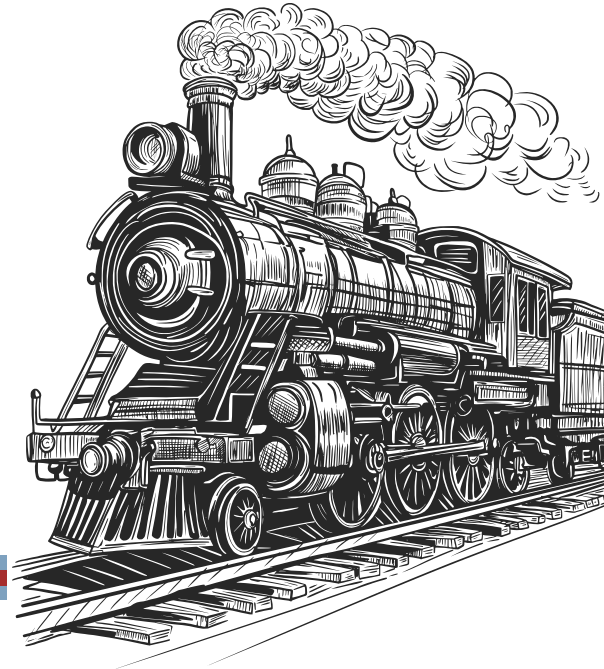
1923

Commerce Clause

Pennsylvania v. West Virginia, 262 U.S. 553 (1923)

Ohio joined Pennsylvania to challenge a West Virginia law that prioritized in-state consumer natural gas demands before export to other states. The court reaffirmed the dormant Commerce Clause, curbing economic protectionism between states.

The precedent: States cannot block the free flow of goods and energy across their borders.



Zoning

1926

Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)

Ambler Realty Company owned land spanning multiple districts when the City of Euclid passed zoning ordinances defining permissible land uses and building sizes.

The precedent: Municipalities have the authority to adopt and enforce comprehensive zoning plans.



Florence Ellingwood Allen

Ohio's first woman Supreme Court Justice had already recognized and articulated the validity of zoning laws as an exercise of local government police power. In *Pritz v. Messer* (1925), she wrote the majority opinion upholding the constitutionality of municipality zoning power a year before the U.S. Supreme Court weighed in via *Euclid*.



4th Amendment

1961

Mapp v. Ohio, 367 U.S. 643 (1961)

Police conducted a warrantless search of Dollree Mapp's Cleveland home and used the seized evidence to secure a conviction

The precedent: The exclusionary rule applies to state courts, preventing evidence obtained through unconstitutional searches and seizures from being used in state prosecutions.



William Day

In 1914, writing for the majority in *Weeks v. U.S.*, Justice Day applied the exclusionary rule at the federal level, forging a path for *Mapp*. Day was born in Ravenna, OH, practiced law in Canton, served as U.S. Secretary of State and was close friend to President McKinley.



Terry v. Ohio, 392 U.S. 1 (1968)

Three men acting suspiciously outside a Cleveland jewelry store were stopped and patted down by police. The court examined the balance between Fourth Amendment protections and legitimate police investigation.

The precedent: With reasonable suspicion of criminal activity or danger, police may conduct a limited "stop and frisk."

1968



1969

Free Speech

***Brandenburg v. Ohio*, 395 U.S. 444 (1969)**

A speech at a Ku Klux Klan rally led to the conviction of Clarence Brandenburg under Ohio's Criminal Syndicalism statute, which criminalized advocacy of violence.

The precedent: Government may not punish inflammatory speech unless it is directed to, and likely to incite, imminent lawless action.



***McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995)**

Margaret McIntyre was fined for distributing anonymous pamphlets opposing a local school tax levy, in violation of Ohio election law.

The precedent: Anonymous political speech is protected by the First Amendment, and states may not prohibit it absent a compelling interest.

1995

Immunity

***Scheuer v. Rhodes*, 416 U.S. 232 (1974)**

Following the Kent State shootings, families of students killed by the Ohio National Guard sued state officials, including Governor James Rhodes, for constitutional violations.

The precedent: State executive officials are not absolutely immune from civil liability; they are entitled only to qualified immunity for actions taken in their official capacities.



1974

More U.S. Supreme Court Justices From Ohio



John McLean 1829 – 1861

Longtime justice known for antislavery positions and notable dissents, including in *Dred Scott v. Sandford*.



Chief Justice Salmon P. Chase 1864-1873

Former Ohio governor and U.S. Treasury Secretary.



Chief Justice Morrison R. Waite 1874-1888

Appointed by fellow Ohioan Ulysses S. Grant, known as effective administrator.



Stanley Matthews 1881-1889

Former Civil War officer and U.S. Senator, known for landmark opinions like *Yick Wo v. Hopkins* advancing equal protection.



John Hessin Clarke 1916-1922

Brief term marked by antitrust opinions; resigned to advocate for international peace.



William Howard Taft 1921-1930

Only person to serve as both U.S. President and Chief Justice.



Harold Hitz Burton 1945-1958

Former Cleveland mayor and U.S. Senator, served during early civil rights and *Brown v. Board of Education* era.



Due Process

1974

***Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974)**

Ohio school districts required pregnant teachers to take mandatory unpaid leave well before childbirth, regardless of individual capacity to work.

The precedent: Mandatory maternity leave policies violate the Due Process Clause when they create irrebuttable presumptions unrelated to individual fitness.



Potter Stewart

Writing for the majority was Ohioan Justice Potter Stewart. During his 23-year tenure on the court, he is best known for his pivotal swings on other landmark cases, his views on civil rights and his famous “I know it when I see it” standard for defining obscenity.

***Moore v. City of East Cleveland*, 431 U.S. 494 (1977)**

East Cleveland zoning laws limited housing to narrowly defined “nuclear families,” preventing a grandmother from living with her grandchildren.

The precedent: The Constitution protects the sanctity of the extended family and zoning laws may not arbitrarily intrude on family living arrangements.

John Armor Bingham

This little-known Cadiz, OH attorney and congressman was the chief architect of the 14th Amendment. He later served as an Abraham Lincoln assassination prosecutor, an Andrew Johnson impeachment manager and U.S. Minister to Japan.



2015

***Obergefell v. Hodges*, 576 U.S. 644 (2015)**

Same-sex couples challenged Ohio’s (and other states’) refusal to recognize marriages lawfully performed in other states.

The precedent: The 14th Amendment guarantees same-sex couples the fundamental right to marry, and states must both license and recognize such marriages.



Keep Celebrating Ohio and Earn CLE Credit

We’re celebrating Ohio250 all year! Join the Ohio Bar Leadership Academy as they dive deeper into the Ohio cases and lawyers that have helped shape bedrock constitutional law. Learn about their work: ohiobar.org/ohiolegallegacy

In June:

Our webcast will examine *Brandenburg v. Ohio* and how it changed free speech laws for all Americans.

In September:

Revisit *Terry v. Ohio* – foundational Fourth Amendment case law.

In November:

Learn about Ohio’s cutting edge foray into specialized dockets.

And Now OnDemand:

Bingham, the Ohio Attorney Behind the 14th Amendment.

Learn more about this series:

ohiobar.org/ohioinlegalhistory



Think Before You Text.

I was born in the not-quite dark ages and, since I started my career in the legal industry in 1990, a pager, email, internet connection, Blackberry and my first cell phone were all supplied to me by my law firm employer with the hopes of me being more connected and more productive.

Through all of this, I can count on one finger the client who I sent a text message to and I never sent a business text to a coworker when I was in private practice.

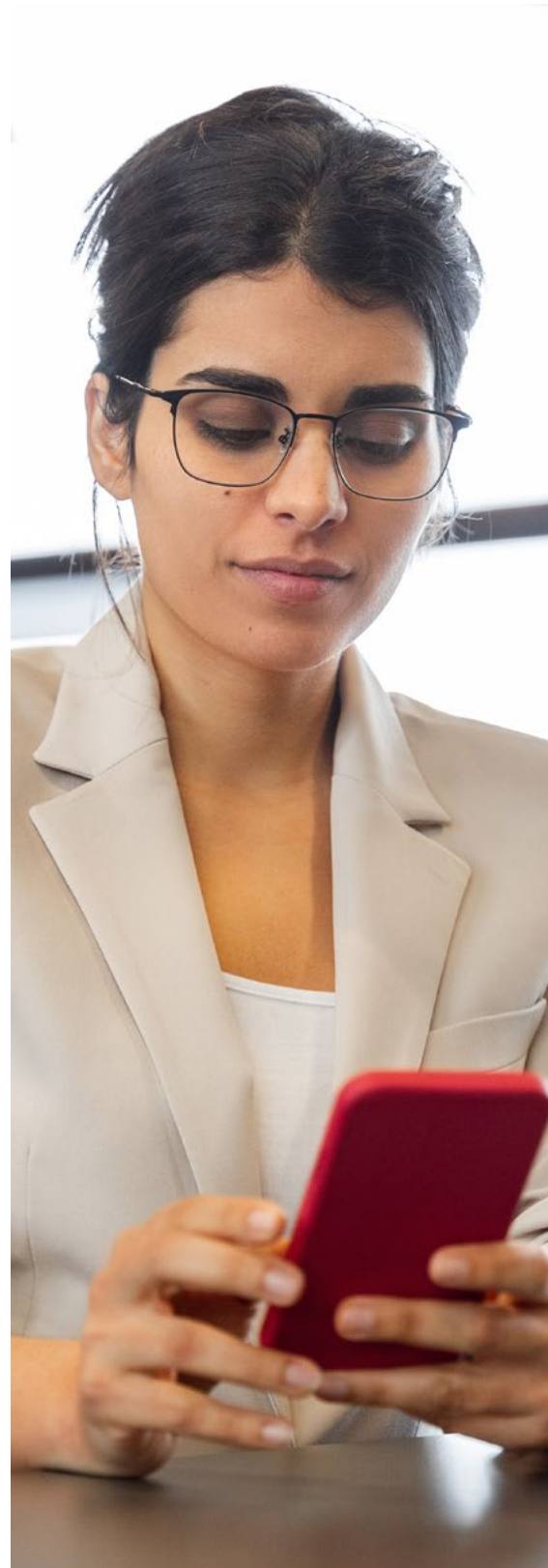
Now that I am in attorney discipline, some of the worst evidence I see attached to grievances are screenshots of text exchanges between lawyers and clients. No matter how hard the lawyer tries to keep a professional tone and provide thoughtful advice via text, the attorney response to a client text that is filled with misspellings, abbreviations and emojis is never a good look.

Client communication is not social media and it is not playing on your phone. Think before you text or, better yet, send an email.



- Christopher Klasa
Years in Practice: 17

Chris serves as bar counsel for the Ohio Bar. He manages the grievance intake process and provides counsel to the volunteers who serve on the Certified Grievance, Unauthorized Practice of Law and Ethics committees. He previously served in the same role for the Cleveland Metropolitan Bar Association. He's a legal profession "lifer" and got his start in the field as a docket clerk one month out of high school. Since then, he's worked at large, mid-sized and boutique firms, handling a wide range of legal matters



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.

Statehouse Connection:

What's Going On With Property Taxes?

Marisa Myers
Director of Government
Affairs and Bar Services



At the top of many minds (and wallets) in Ohio is the ongoing discussion of the state's property tax system. Let's discuss where we've been and the ideas for where we're going.

A Brief Background on Property Taxes

Ohio has a long history of levying property taxes, dating back to the 1800s. Even in the early years, there was dissatisfaction with and changes to how the tax was applied over time. Though property tax started as the first source of revenue for Ohio's state and local governments, it transitioned to funding primarily local governments by the very early 1900s.

Property taxes have also long been assessed at less than the full value of property. To simplify, the assessed or taxable value is determined by the county auditor and is 35% of the appraised value of the property. Once a taxable value is established, taxes levied are represented in millage, where one mill represents \$1 of tax per \$1,000 of taxable value. An owner's property tax bill is a reflection of the cumulative millage levied by all taxing authorities covering the property. For a rough illustration (and excluding any deductions), if a house is appraised at \$100,000, the taxable value is \$35,000. If the total millage levied is 10 mills, the owner would pay \$10 for every \$1,000 of taxable value; in this case, \$10 x 35 (thousand dollars of taxable value) for a total tax bill of \$350.

However, Ohio has both voted and unvoted property taxes and distinctions for how each operates. Unvoted property taxes are capped at 10 mills; this is also referred to as inside millage. Much of the General Assembly's focus recently has been on the impact of unvoted increases in property taxes, including inside millage but also how Ohio's tax reduction factor works. We'll quickly cover both.

Inside millage is outlined in the Ohio Constitution, is not approved by voters and is not subject to the tax reduction factor. Therefore, this portion of a property tax is responsive to inflation and increases in property value.

Anything outside the 10 inside mills is referred to as, well, outside millage. Outside millage, or voted millage, is subject to the tax reduction factor. In 1976, the General Assembly enacted House Bill 920, which reduces a property tax's rate to account for an increase in property value so that the tax is effectively collecting roughly the same amount of money year over year. This is known as the "effective tax rate." The reason for this policy is obvious – it keeps taxes relatively stable for taxpayers. Since 2020, for example, we've seen skyrocketing property values. If owners had to bear the full brunt of those increases, say a 20% increase in their property taxes that corresponds with home values, many simply couldn't afford it. HB920 was meant to soften the impact of increases in value.

While this is a straightforward concept, the operation of the tax reduction factor is fairly complex. One notable feature is that it does not apply to all taxes, including inside millage mentioned previously. Ohio also has the "20 mill-floor," a law that guarantees school

districts at least 20 mills of property taxes for operating expenses. Hitting the 20 mill-floor suspends the tax reduction factor, so the reduction is not as great as it would be otherwise.

Again, this is very a simplified version of the system and there are many more complexities that would make this article a book. However, you can see that the system was meant to balance the need for local revenue with protection and fairness for taxpayers. It's the same balance the state struggles with today.

What Has the General Assembly Done So Far?

State legislators are very attuned to this discussion; they hear the concerns from their constituents – on affordability, funding for schools and local services, and how to balance the two. At the end of last year, the legislature passed a series of bills meant to reduce the property tax burden, particularly on owner-occupied properties.

On the subject of unvoted tax increases and the 20-mill floor, the General Assembly passed HB129, HB186 and HB335. HB129 includes current expense fixed-sum levies in the calculation of a school district's 20-mill floor, thereby increasing the levies that are counted toward the floor. If those levies pushed a district over the 20-mill floor, they would then be subject to the tax reduction factor as well. Additionally, for schools on the 20-mill floor with revenues increasing with property value, HB186 limits the increase to the rate of inflation via a tax credit. In similar spirit, HB335 applies the same principle of limiting automatic increases with the 20-mill floor to limiting the growth of inside millage. The bill caps inside millage by limiting any increase in revenue to the GDP deflator growth

over the three preceding years. The goal again is to limit big, unvoted spikes in property taxes.

Additionally, the General Assembly passed two bills aimed at increasing levy oversight and transparency. HB124 modifies how the Department of Taxation reviews county auditors' valuations during reappraisals and allows the auditors to determine the sample of property sales used, with the goal of having more local information in determining property values. HB309 makes changes to the County Budget Commission to encourage closer review of property taxes, including authority to reduce unnecessary or excessive collections.

While this evolving policy area has already been a lot for local governments and schools to absorb, this package of policy changes is meant to relieve strain on property owners, some with more immediate impact than others. But is it enough?

Proposed Constitutional Amendment To Abolish Property Taxes

The Committee to Abolish Ohio Property Taxes, aka AxOHTax, has been working to put a constitutional amendment on the November 2026 ballot that would eliminate property taxes entirely.

Supporters of the amendment say it's the only way to force change in a broken system and property taxes have simply become unaffordable for many. Opponents say it will have devastating consequences for schools and local governments and Ohio will struggle to backfill that source of revenue, to the tune of \$24 billion annually.

The supporters of the amendment must collect over 413,000 valid signatures from at least 44 counties. However, the real signature target is much higher, as the campaign has to account for invalid signatures that will not count toward the total when submitted.

If the campaign does not collect the number of signatures it considers "safe," there are two options: 1.) submit the signatures and hope you have enough or 2.) continue collecting for a future ballot. While signatures do not expire in Ohio, the hazard with option 2 is that you will have more invalid signatures due to people moving, passing away, etc. and it becomes difficult to estimate how many valid signatures you have at any given time. Missing a signature benchmark is generally not a good sign for a campaign.

Facing a looming July 1 deadline to submit signatures in order to make the November 2026 ballot, the campaign recently announced that they will take the gamble and shoot for the November 2027 ballot instead, with a deadline of next July 1.

But even before the announcement, a statewide coalition called Ohioans to Protect Public Services formed to oppose the measure and has already started to make a case to voters about what the impact will be on government services should this critical source of revenue go away.

What's Next?

Suffice it to say, passage of the proposed constitutional amendment to abolish property taxes would be a seismic shift in Ohio's funding structure. The debate at the Statehouse on how to move forward would be extensive and likely dominate political bandwidth. Lawmakers have already signaled that they are not interested in raising

other taxes to redistribute to local governments, but big-ticket taxes, like increasing and/or expanding sales tax, are sure to be on the table.

Impact on Courts and Legal Services

The Ohio Bar is closely monitoring this issue for its public policy impact, but also due to the potential impact on our courts and access to legal services. With a significant budget shortfall, the state may be forced to evaluate an expansion of sales tax to professional services, including legal services. We saw this in 2013 when Governor Kasich was looking to fund an income tax cut – that proposed change was projected to cost the state \$2 billion per year compared to \$24 billion that the elimination of property taxes would cost. Additionally, tax incentives like the business income deduction (BID) will likely be on the chopping block. In 2019, lawyers (and lobbyists) were singled out to be excluded from the BID (which the Ohio Bar successfully fought back against). We know legal services are already inaccessible to many – adding new tax liabilities would only make it worse. It would also increase the cost of doing business and hinder Ohio's long-term competitiveness.

Though the amendment campaign is currently facing headwinds, property taxes are still high on the list of concerns for many voters. If the issue does not make the ballot or does not pass, expect property taxes to be a significant discussion at the General Assembly for years to come.





SAVE THE DATE

OSBF ANNIVERSARY 75th GALA

CELEBRATING A LEGACY
OF JUSTICE AND SERVICE

OCTOBER 23, 2026 | 6:00pm

THE STACK AT MUNICIPAL LIGHT PLANT
589 W. NATIONWIDE BLVD., COLUMBUS, OHIO 43215

This fall, we celebrate the Foundation's 75th anniversary and the excellence of lawyers, judges, and organizations dedicated to building a better justice system.

RITTER AWARD

Alphonse Gerhardstein

RAMEY AWARD

Kent Wellington

EXCELLENCE IN DIVERSITY & INCLUSION AWARD

Sarah Perez

OUTSTANDING PROGRAM OR ORGANIZATION AWARD

Community Refugee and Immigration Services (CRIS)

STATEWIDE COMMUNITY SERVICE AWARD FOR NEWER ATTORNEYS

Jillian Von Gunten

DISTRICT COMMUNITY SERVICE AWARD FOR NEWER ATTORNEYS

D2 - Ashley Warwar

D5 - Lucas Ruffing

D6 - Carol Rieger-Taylor

D7 - Hayley Kick

D8 - Angela Hirsch

D9 - Kelly Bratton

D11 - Lauren Zidones

D12 - Khalida Sims Jackson

D14 - Maureen Stoneman

D15 - Patricia Norris

D16 - Kari White

D17 - Caroline Crum

D18 - Natalie Ray

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Make a tribute gift to honor an awardee, organization, or individual. Your name will be included in the event program. Your gift will be acknowledged, and a notification sent to the individual or organization you honored.

FELLOWS SPOTLIGHT: WENDI FOWLER



Wendi Fowler became a Fellow in 2023, after joining the Ohio State Bar Association's Board of Governors, where she gained a

deeper understanding of how the Ohio State Bar Foundation increases access to justice across Ohio.

"I wanted to contribute to that mission, even in a small way," she said. "The work of the OSBF in the access to justice space reaches people who often have nowhere else to turn."

Outside of the OSBF, Fowler is a wealth advisor. She made a shift into the career in 2008, as she sought balance between her professional and personal life. Still, she finds that she can draw on her legal training in a way that feels meaningful.

Over time, Fowler has developed a focus on estate and trust administration, which she finds incredibly rewarding. This work has shaped her both as a professional and as a person.

"I often meet people during one of the hardest moments of their lives, when someone they love has passed away," she said. "Being able to guide beneficiaries through each step, help them understand what comes next, and lift even a small part of the burden from their shoulders is a privilege I never take lightly."

Outside of work, Fowler cherishes time with her loved ones, from days spent with family and friends at the lake house to the antics of her miniature dachshund Coco around the home.

She often grounds herself with a piece of scripture, Micah 6:8, which calls her to love justice, show mercy, and to walk humbly with God.

"Those values guide how I try to show up in every part of my life," she said. "Supporting OSBF is one way I can honor that calling by helping expand justice and extend compassion within our community."



"BEING ABLE TO GUIDE BENEFICIARIES THROUGH EACH STEP, HELP THEM UNDERSTAND WHAT COMES NEXT, AND LIFT EVEN A SMALL PART OF THE BURDEN FROM THEIR SHOULDERS IS A PRIVILEGE I NEVER TAKE LIGHTLY."



BECOME A FELLOW

A Fellow is a member of the Foundation – an attorney who gives their time, talent and treasure to build a better justice system through community service efforts and monetary donations to the Foundation.



The OSBF Fellows Program is a unique opportunity for attorneys to connect, collaborate, and make a lasting impact. Fellows come from diverse areas of practice and regions of the state and form lasting relationships through shared service, learning, and leadership. It's a meaningful way to broaden your professional reach while giving back to the legal system you serve.

Ohio case law summaries from Dec. 1, 2025-March 31, 2026

The following are selected summaries of cases decided by Ohio courts between Dec. 1-March 31, 2026. To view all of the decisions issued in this time period or to read the selected cases in their entirety, please visit ohiobar.org/greenbook where you can search by case name or view by date.

Administrative and Regulatory

Horse trainer license/Suspension/Foreign substance/Prohibited.

Rhoades v. Ohio State Racing Comm. | 2026-Ohio-113 | 10th Appellate District | 01/15/2026

In horse trainer's appeal of state racing commission's decision suspending his license after alleging that he violated commission rules by drugging a horse, trial court's judgment affirming commission's order is reversed, and the case is remanded, where the commission failed to demonstrate that it had promulgated any rule or issued any order classifying the substance in the horse as a prohibited foreign substance under former Ohio Adm. Code 3769-18-01(B)(1), and the commission relied on Association of Racing Commissioners International guidelines, but the record contained no evidence that those guidelines had been formally adopted or incorporated by rule or order.

Appeal/Dismissal/Quasi-judicial nature. Spencer v. Harrison Twp. Bd. of Trustees | 2026-Ohio-46 | 7th Appellate District | 01/08/2026

In property owner's administrative appeal of township board of trustees' resolution which found that large rocks located on owner's property were in its right-of-way and constituted a public nuisance under R.C. 5571.14 and ordered removal of the rocks, the trial court's dismissal of owner's appeal for lack of jurisdiction is affirmed where, although the court incorrectly found that township's actions in passing the resolution were legislative rather than administrative, the administrative action was not quasi-judicial in nature under R.C. 5571.14

and therefore the court lacked subject-matter jurisdiction.

Banking and Commercial

Credit card account/Balance due/Summary judgment/Unauthenticated statements.

Discover Bank v. Hinders | 2026-Ohio-483 | 2nd Appellate District | 02/13/2026 In bank's action against credit cardholder, alleging breach of terms of the credit card agreement for failure to pay the balance due, summary judgment in favor of bank is reversed where evidence attached to bank's motion for summary judgment, allegedly detailing activity in cardholder's account, was not part of the only authenticated exhibit in bank's affidavit, and the contents of the affidavit and the unauthenticated statements were insufficient to establish a prima facie case for money owed on the account.

Construction

Contract/Breach/Promissory estoppel/Pleading. Concrete Recovery, L.L.C. v. Nestle Purina Petcare Co. | 2026-Ohio-692 | 12th Appellate District | 03/02/2026

In case in which plaintiff-construction company bid on a project with defendant, and defendant emailed plaintiff a letter of intent expressing its intention to enter into an agreement but later sent an email stating it would not proceed, prompting plaintiff to file an action for declaratory judgment, breach of contract, and promissory estoppel, trial court's Civ.R. 12(B) (6) dismissal of plaintiff's complaint is reversed where the complaint sufficiently alleged facts that could establish contract formation

and reliance, and the allegations supported a plausible claim that defendant accepted plaintiff's bid, potentially creating an implied-in-fact contract under Ohio law, since acceptance of a bid and notice of acceptance may form a binding agreement even if a formal written contract is later contemplated; as well, the allegations—including defendant's "formal notice to proceed" and plaintiff's completion of onboarding requirements—could support reasonable reliance sufficient to state a claim for promissory estoppel, and the declaratory-judgment claim likewise should not have been dismissed.

Contracts

Breach/Arbitration/Vacation/Procedural issue/Dissent. Elon Property Mgt. Co., L.L.C. v. Shif Rockside Place, L.L.C. | 2026-Ohio-735 | 8th Appellate District | 03/05/2026

In case in which plaintiff filed an application to confirm an arbitration award requiring payment of funds, arising from property-management agreements, resulting in trial court's initial order confirming the award, the court's subsequent order vacating the award, R.C. 2711.13 and Civ.R. 60(B), is reversed where the motion to vacate was untimely under R.C. 2711.13, which requires a motion to vacate an arbitration award to be served within three months after the award is delivered, a jurisdictional requirement that had expired, so the trial court was required to confirm the award under R.C. 2711.09, and Civ.R. 60(B) cannot be used to circumvent the statutory limitations governing review of arbitration awards under R.C. Ch. 2711; there is a dissenting opinion.

**Breach/Unjust enrichment/
Equitable remedy/Summary
judgment.** Canton-Stark Cty. Sewer
Cleaning, Inc. v. Magee | 2026-
Ohio-219 | 5th Appellate District
| 01/23/2026 In plaintiff-sewer
servicer's breach of contract, unjust
enrichment, and foreclosure of
a mechanic's lien action against
defendant-homeowner, alleging
failure to pay invoice for work
performed, summary judgment in
favor of plaintiff on claim for unjust
enrichment is reversed where the
judgment contained unresolved
and inconsistent findings regarding
the parties' contract and whether
an equitable remedy was available,
so the case is remanded for
a determination whether an
enforceable contract existed
between parties, and if so, whether
restitution for unjust enrichment is
available and what the measure of
recovery should be.

Criminal

**Plea/Crim.R. 32.1/Post-sentence/
Res judicata.** State v. O'Brien |
2026-Ohio-1173 | 6th Appellate
District | 03/31/2026 In defendant's
appeal following a guilty plea to
engaging in a pattern of corrupt
activity, and to two counts of
aggravated theft of \$1,500,000
or more, the court of appeals
affirmed the trial court's denial of
defendant's post-sentence Crim.R.
32.1 motion to withdraw his guilty
plea, with the appellate court
holding that, pursuant to the Ohio
Supreme Court's holding in Special
Prosecutors, although Crim.R. 32.1
permits post-sentence withdrawal
to correct a "manifest injustice," a
trial court cannot vacate a judgment
that an appellate court has affirmed
unless the motion raises issues
outside the "compass" of the prior
appeal or the case is remanded,
and also, that since res judicata
bars claims that were or could have
been raised on direct appeal, a
trial court lacks jurisdiction to grant
a motion to withdraw a plea after
the conviction has been affirmed
on direct appeal because that
action would be inconsistent with

the appellate court's judgment;
the court of appeals affirmed and
certified a conflict on whether
Special Prosecutors remains
controlling; a concurring opinion
was filed.

**Jury trial waiver/Open court/Strict
compliance.** State v. Doolittle |
2026-Ohio-1160 | 6th Appellate
District | 03/31/2026

In defendant's appeal from a bench
trial in which a not guilty by reason
of insanity plea was entered on
defendant's behalf where the trial
court determined that defendant
committed felonious assault beyond
a reasonable doubt and that he was
insane at the time he committed
the offense, the court of appeals
reverses and remands for a new
trial, holding that defendant's jury
trial waiver was invalid under R.C.
2945.05 and Crim.R. 23(A) where,
although defendant signed a written
waiver, the trial court failed to strictly
comply with the requirement that
the waiver be made in open court,
as the court did not personally
address defendant or obtain his
acknowledgment on the record as
required by State v. Lomax; because
strict compliance is required and
the record contained no such
acknowledgment, the trial court
erred in proceeding with a bench
trial.

Grand jury testimony/Disclosure/

Considerations. State v. Flan-
nery | 2026-Ohio-1076 | 1st Ap-
pellate District | 03/27/2026 In
prosecution for felonious assault
and endangering children, the trial
court's order requiring the state
to disclose a portion of grand
jury testimony to the defense,
applying the longstanding rule of
grand jury secrecy under Crim.R.
6(E) and the "particularized
need" standard, is reversed since
disclosure is permitted only when
the ends of justice require it and
the need for disclosure outweighs
secrecy where, although the
defendant initially demonstrated a
particularized need to determine
whether exculpatory evidence
had been presented to the grand

jury, that need was satisfied when
the state stipulated that no such
evidence had been presented, and
the trial court's order of disclosure
of an excerpt, reasoning that the
state had presented misleading
inculpatory evidence, was error
because the testimony merely
reflected the state's theory and
did not justify breaching grand jury
secrecy.

**Forfeiture/Charging instrument/
Contraband.** State v. Reedy |
2026-Ohio-1119 | 5th Appellate
District | 03/27/2026 In defendant's
conviction by plea to drug and
weapons offenses, trial court's order
forfeiting defendant's cellphone
is reversed since forfeiture was
unauthorized under Ohio's statutory
forfeiture scheme governed by R.C.
2981.04, which permits forfeiture
only if the charging instrument
includes a forfeiture specification
when the property is reasonably
known at the time of indictment,
and in the instant case no such
specification was included, despite
knowledge of the cellphone; as
well, the state's argument that
defendant's plea agreement
to destruction of "contraband"
cured this defect, asserting that
forfeiture is a criminal penalty that
must strictly comply with statutory
requirements and cannot be
expanded by agreement, is without
merit since the cellphone was not
contraband under R.C. 2901.01(A)
(13), and the trial court failed to
determine whether the phone
qualified as an "instrumentality"
under R.C. 2981.02(A), as required.

Sentencing/Community control/Prison/Indigency. State v. Crable | 2026-Ohio-1088 | 5th Appellate District | 03/26/2026 In defendant's conviction of passing bad checks, resulting in a community control sentence, the trial court's modification of community control and imposition of jail sentence is vacated and remanded since the trial court's discretion to revoke or modify community control upon a violation is constrained when the violation is nonpayment of financial obligations where the court held that before imposing incarceration, the trial court must inquire into the reasons for nonpayment and determine whether the failure was willful or whether the defendant failed to make bona fide efforts to pay; in the instant case, despite evidence of indigency—including unemployment and lack of resources—the trial court made no findings regarding willfulness or ability to pay, instead relying solely on the violation itself, which constituted an abuse of discretion.

Sentencing/Firearm specification/Mandatory prison sentence. State v. Armstead | 2026-Ohio-999 | 10th Appellate District | 03/24/2026 In the state's appeal of the two-year prison sentence imposed in defendant's conviction by a guilty plea to felonious assault, R.C. 2903.11, the court of appeals reversed and remanded for resentencing, holding the trial court erred by designating the two-year prison term as non-mandatory since under R.C. 2929.13(F)(8), a trial court must impose a mandatory prison term for any felony accompanied by a firearm specification, and because a "mandatory prison term" is defined in R.C. 2929.01(X) as any term that "must be imposed" under R.C. 2929.13(F), the sentence was required to be mandatory and therefore the sentence was not eligible for reduction through judicial release or similar mechanisms; case remanded for resentencing.

Failure to disclose information/Charging document/Deficiencies/Dissent. State v. Conley | 2026-Ohio-975 | 12th Appellate District | 03/23/2026 In reopened appeal, App.R. 26(B), defendant's misdemeanor conviction for failure to disclose personal information under local ordinance is reversed where the trial court lacked subject-matter jurisdiction because the criminal complaint did not comply with Crim.R. 3(A) where the charging document, titled "Statement of Facts" failed to include the numerical designation of the applicable ordinance and failed to demonstrate that it was made upon oath before an authorized official, although the document was stamped by a notary, it lacked any jurat or language indicating that an oath was administered, rendering the complaint invalid, and because a valid complaint is necessary to invoke a court's jurisdiction, the defective filing rendered the conviction void; there is a dissenting opinion.

Vacant property/Registration statement/Maintenance. Girard v. Adovasio | 2026-Ohio-974 | 11th Appellate District | 03/23/2026 In city's prosecution of property owner for failure to file a vacant building registration statement and for property maintenance violations, the conviction for failure to file the statement is reversed and vacated where the city failed to present sufficient evidence that the owner knew the building was vacant or received a notice triggering the duty to register under the ordinance, and the owner filed the registration and paid fees upon receiving notice via the complaint; however, the owner's convictions for property maintenance violations are affirmed.

Aggravated murder/Evidence/Autopsy reports/Jury instructions/Sufficiency and weight of evidence. State v. Steckel | 2026-Ohio-979 | 12th Appellate District | 03/23/2026 The court of appeals affirmed defendant's aggravated murder convictions, with the appellate court holding that autopsy reports were properly admitted under Evid.R. 803(8) because coroners are not "law enforcement personnel," the court noting that the reports "set forth matters observed pursuant to duty imposed by law" and admissible under R.C. 313.10(A)(1), with the appellate court also finding no error in the trial court's denial of an accomplice testimony instruction under R.C. 2923.03(D), upholding a consciousness of guilt instruction, and determining that references to defendant's jail call did not violate Evid.R. 410, with the court of appeals concluding that "overwhelming evidence" supported defendant's convictions, defeating his sufficiency and weight of evidence claims.

Sentencing/Post-release control/Failure to advise/Consecutive sentences/Jointly recommended. State v. Flecha | 2026-Ohio-980 | 12th Appellate District | 03/23/2026 The court of appeals reversed in part and remanded for resentencing, holding that the trial court failed to orally advise defendant of the consequences of violating post-release control as required by R.C. 2929.19(B)(2)(f), notwithstanding that the written judgment included them, with the appellate court holding that the omission rendered the sentence not "authorized by law" under R.C. 2953.08(D)(1) and required correction pursuant to R.C. 2929.191; however, the court of appeals affirmed the trial court's imposition of consecutive sentences, with the appellate court concluding that no statutory findings were required because the six-month term was a jointly recommended sentence, Sergeant; dissenting opinion filed.

**Sentencing/Jointly recommended/
Lack of clarity/Ineffective
assistance.** State v. Wilson | 2026-Ohio-929 | 8th Appellate District | 03/19/2026 Defendant's sentence following a plea to offenses arising from a drive-by shooting incident is vacated and remanded for resentencing where deficiencies surrounding the jointly recommended sentence violated due process, as the record lacked clarity regarding the terms of the agreed three-to-seven-year range—including its inclusion of Reagan Tokes indefinite sentencing—and whether the trial court accepted or rejected that recommendation; although a trial court is not bound by a recommended sentence under R.C. 2953.08(D)(1), the state failed to clearly present the agreed terms at sentencing and the trial court did not expressly indicate its intent to deviate or clarify its understanding, creating ambiguity in the sentencing process, and defense counsel's failure to object constituted ineffective assistance.

Attempted felony murder/Non-cognizable offense/Plea agreement void. State v. Griffin | 2026-Ohio-925 | 8th Appellate District | 03/19/2026 In defendant's appeal of conviction by plea of guilty to attempted felony murder, R.C. 2903.02(B) and 2923.02, the court of appeals reversed, holding that the charged offense is not a cognizable offense, with the appellate court relying on precedent holding that a person cannot "attempt" an unintentional killing, and thus the conviction was void and the trial court lacked authority to enter judgment or to impose sentence; the court of appeals concluded that since the invalid conviction was part of a negotiated plea, the entire plea agreement, including the related failure-to-comply conviction, was void, and thus the conviction was vacated and all charges reinstated, thus rendering moot defendant's assignments of error; cause remanded.

**Prosecutorial misconduct/
Improper comment on prearrest
silence/Lack of prejudice.** State v. Wilson | 2026-Ohio-927 | 8th Appellate District | 03/19/2026 In defendant's appeal of a conviction for rape of a substantially impaired victim, R.C. 2907.02(A)(1)(c), the court of appeals held that although the prosecutor improperly commented on the defendant's prearrest silence that implicated the U.S. Constitution Fifth Amendment, the misconduct did not prejudice defendant's substantial rights and was harmless beyond a reasonable doubt because of the strength of the evidence against him and the limited nature of the comment, and the unobjected-to prosecutor comments did not constitute plain error under Crim.R. 52(B).

**Suppression/Traffic stop/Duration/
Fleeing defendant.** State v. Williams | 2026-Ohio-860 | 2nd Appellate District | 03/13/2026 In prosecution for suspected prostitution in which defendant had been stopped after a police officer observed a vehicle illegally parked in violation of a posted "no parking" sign, the trial court's order granting, in part, defendant's motion to suppress evidence on reasoning that, although the initial stop was lawful, the officer unlawfully prolonged the detention by attempting to place the driver in the patrol car without reasonable suspicion of additional criminal activity, is reversed since defendant fled the scene before the traffic stop could be completed, thereby pre-empting any alleged extension of the stop; a stop becomes unlawful only if it is prolonged beyond the time reasonably necessary to address the traffic violation, and the stop in the instant case lasted only about four minutes before the defendant fled, preventing the officer from completing the normal tasks associated with the stop.

**Restitution/Misdemeanor offenses/
R.C. 4549.03(A)/Direct and
proximate result/Marsy's Law.** State v. Hearn | 2026-Ohio-854 | 2nd Appellate District | 03/13/2026 The court of appeals reversed a \$41,850 restitution order after defendant pled guilty to failure to stop after an accident, R.C. 4549.03(A), with the appellate court holding that restitution for misdemeanor offenses under R.C. 2929.28(A)(1) is limited to economic losses that are the direct and proximate result of the offense, and since the property damage to the building occurred during the collision, before the hit-skip violation was committed, and although R.C. 4549.02(B)(4) and .03(B) permit restitution for losses arising from the collision when the offender fails to provide proof of financial responsibility, the statutes cap that restitution to \$5,000, and the appellate court also rejected the trial court's conclusion that Marsy's Law, Ohio Const., Art. I, Sec. 10a, superseded the statutory cap; restitution order reversed and case remanded for imposition of restitution consistent with the statutory limit.

**Sex offender/Reopening appeal/
Sexually-oriented offense/
Consensual relationship.** State v. Halderman | 2026-Ohio-853 | 2nd Appellate District | 03/13/2026 In an App.R. 26(B) application to reopen defendant's direct appeal of his conviction of unlawful sexual conduct with a minor, R.C. 2907.04, the court of appeals vacated its prior judgment and held that the trial court erred in designating defendant a sex offender, with the appellate court reasoning that the misdemeanor conviction under R.C. 2907.04 did not qualify as a "sexually-oriented offense" under R.C. 2950.01(A)(2) since the record showed no evidence that the 14 year-old victim "did not consent," and the statutory scheme, particularly R.C. 2950.01(B)(2)(b), specifically contemplates fact-based consent even when the victim is

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under 16 “[t]his was not a nonconsensual relationship,” with the court of appeals further finding ineffective assistance of both trial and prior appellate counsel for failing to raise this meritorious issue; pursuant to App.R. 26(B)(9), the court of appeals reversed the sex offender designation and remanded for its vacation.

Subpoenas/Discovery/Motion to quash/Marsy’s Law/Compulsory process. State v. McFarland | 2026-Ohio-835 | 8th Appellate District | 03/12/2026 In an expedited appeal by the alleged victim in a prosecution against defendant for, inter alia, sexual offenses, the court of appeals affirmed, modified, and remanded the trial court’s order denying appellant’s motion to quash subpoenas issued by defendant seeking data from her cellphone and related devices, with appellant arguing that Marsy’s Law, Ohio Const., Art. I, Sec.10a(A)(6), gave her the right to refuse discovery, but the court of appeals held that a victim’s right to refuse discovery is qualified and subordinate to the accused’s constitutional right to compulsory process under Ohio Const., Art. I, Sec.10, allowing a defendant to subpoena evidence material to the defense, with the court of appeals applying Crim.R. 17(C) and the subpoena standard in *United States v. Nixon*, and concluding that the requested metadata and files were relevant and not otherwise obtainable, but to protect privacy interests, the court of appeals modified the order so that the state performs the forensic extraction; case remanded for further proceedings consistent with the opinion, and there is a dissenting opinion.

Sentencing/Felonies/Misdemeanor/Consecutive sentences. State v. Watson | 2026-Ohio-831 | 8th Appellate District | 03/12/2026 In three related criminal cases involving weapons offenses, robbery-related offenses, and misdemeanor domestic violence, resolved by guilty pleas, the trial court’s sentencing entries are reversed in part and vacated in part where the trial court included a 180-day sentence for a misdemeanor domestic-violence conviction in the sentencing journal entry, even though no sentence for that offense was imposed at the sentencing hearing, rendering the sentence contrary to law under Crim.R. 43(A), and the court further erred by ordering misdemeanor sentences to run consecutively with felony prison terms, contrary to R.C. 2929.41(A), that generally requires misdemeanor and felony sentences to run concurrently; as well, the trial court failed to make all findings required at the sentencing hearing to impose consecutive felony sentences under R.C. 2929.14(C)(4), so the sentence in one of the robbery cases is vacated and remanded for resentencing, and the remaining cases are vacated in part and remanded for the limited purpose of addressing the statutory consecutive sentencing requirements.

Ineffective assistance/Motion to withdraw. State v. Schaumleffel | 2026-Ohio-843 | 5th Appellate District | 03/12/2026 In defendant’s appeal of an OVI conviction, R.C. 4511.19(A)(1)(d), with the court rejecting his claims that the trial court erred in denying defense counsel’s motion to withdraw and that counsel was ineffective, with the appellate court holding that the trial court did not abuse its discretion in denying withdrawal since defendant did not express dissatisfaction with counsel and, moreover, he affirmatively stated he wanted counsel to continue representation; also, the court of appeals found no ineffective assistance under *Strickland* since

defendant failed to show deficient performance or prejudice.

Misdemeanor/Restitution/Economic loss/Evidence. State v. Thompkins | 2026-Ohio-812 | 1st Appellate District | 03/10/2026 In defendant’s conviction by plea to falsification, in violation of R.C. 2921.13(A), the trial court’s sentence of community control and restitution of the amount of money representing economic losses resulting from numerous unauthorized transactions is affirmed on reasoning that the trial court may impose restitution for a misdemeanor offense, R.C. 2929.28(A)(1), in an amount reflecting the victim’s economic loss as defined in R.C. 2929.01(L), as long as the award bears a reasonable relationship to the loss and is supported by competent, credible evidence, and the trial court reasonably relied on bank records and testimony presented at the hearing and even reduced the total amount requested by the state by excluding some arguably legitimate expenses, so the restitution award was within the court’s discretion and was supported by the record.

Sentencing/Consecutive sentences/Allied offenses. State v. Semenchuk | 2026-Ohio-804 | 5th Appellate District | 03/10/2026 The court of appeals affirmed the defendant’s convictions and imposition of consecutive sentences after he pled guilty to two counts of pandering sexually-oriented matter involving a minor, with the appellate court holding the trial court properly imposed consecutive prison terms of 48 months on each count under R.C. 2929.14(C)(4), finding consecutive sentences were necessary to protect the public, the offenses were committed while defendant was under a court-imposed sanction of community control for a prior conviction, and the record supported those findings under R.C. 2953.08(G)(2); the court of appeals also rejected defendant’s claim that the counts should merge

as allied offenses under R.C. 2941.25, with the court reasoning that each count involved a separate image of child sexual exploitation, constituting a separate criminal act causing distinct harm.

Protection order violation/Jury trial/Waiver procedure. State v. Oliver | 2026-Ohio-803 | 6th Appellate District | 03/10/2026

Defendant's conviction for violating a protection order, R.C. 2919.27(A)(1), is reversed and remanded for a new trial since the trial court improperly conducted a bench trial, despite the defendant's timely demand for a jury trial, where defendant had filed a written jury demand in accordance with Crim.R. 23(A), which requires a written demand in petty-offense cases to secure a jury trial, and when the case proceeded to trial, it was tried to the court without a jury, with the record containing no written waiver of the right to a jury trial; under R.C. 2945.05, a valid waiver must be in writing, signed by the defendant, filed, made part of the record, and made in open court, and strict compliance with these statutory requirements is necessary.

Protection order violation/Plea/Advisement. State v. Bishop | 2026-Ohio-781 | 11th Appellate District | 03/09/2026 Defendant's conviction for violating a protection order under R.C. 2919.27(A) is reversed, her guilty plea vacated, and the matter remanded where the trial court failed to comply with Crim.R. 11(E) by not informing her of the effect of her plea; because the offense was a petty offense under Crim.R. 2(D), carrying a maximum penalty of 180 days under R.C. 2929.24(A)(1), the court was required to advise her of the effect of a guilty plea as defined in Crim.R. 11(B)(1), and although defendant signed a rights form at arraignment, that advisement—given weeks earlier and not as part of the plea colloquy—did not satisfy the rule, constituting a complete failure to comply and requiring reversal.

Sentencing/Future/Post-release control/Advisement. State v. Kynard | 2026-Ohio-758 | 6th Appellate District | 03/06/2026 Imposition of a reserved 12-month prison sentence following defendant's admitted community-control violation is reversed in part where the trial court improperly ordered the sentence to run consecutively to a sentence in another case that had not yet been imposed, because a court may not order a sentence to run consecutively to a future sentence; as well, the case is remanded where the trial court failed to properly impose post-release control, as it did not orally advise defendant of the applicable terms at sentencing as required by R.C. 2929.19(B) and 2967.28, and the judgment entry improperly listed all possible post-release control ranges rather than the specific term applicable to defendant's fifth-degree felony conviction.

Confrontation/Child witnesses/Findings/Aggravated menacing. State v. Johnson | 2026-Ohio-757 | 2nd Appellate District | 03/06/2026 In defendant's appeal of his convictions of aggravated menacing and domestic-violence arising from alleged threats made to his ex-wife and children, the court of appeals reversed in part and vacated in part, holding that the trial court violated the defendant's federal and state constitutional confrontation rights by allowing two child witnesses to testify outside his presence based solely on the purportedly mandatory language of R.C. 2945.481(C)(1)(a), without the trial court making case-specific findings of necessity as required by Maryland v. Craig, requiring a new trial on those counts; the appellate court also held the evidence presented was insufficient to support the aggravated menacing conviction involving the ex-wife under R.C. 2903.21(A) and that the trial court should have granted the defendant's Crim.R. 29 motion for acquittal on that charge.

Tampering with evidence/Having weapons while-under-disability/Insufficient evidence. State v. Gill | 2026-Ohio-748 | 10th Appellate District | 03/05/2026

In defendant's appeal of his convictions for tampering with evidence, R.C. 2921.12(A)(1), and having weapons while under disability, R.C. 2923.13(A)(3), the court of appeals reversed both convictions and entered judgments of acquittal, holding that the state presented no evidence of the disability element required for the weapons under disability charge, so the trial court erred in denying the Crim.R. 29(A) motion at the close of the state's case, and the appellate court also found insufficient evidence of tampering with evidence because the state proved only that defendant had a gun that was never recovered, without the state providing any evidence he altered, destroyed, concealed, or removed it with the required purpose.

Housing code violations/Prosecution/Insufficient evidence/Dismissal. Cleveland v. Shaker Hts. Apts. Owner, L.L.C. | 2026-Ohio-737 | 11th Appellate District | 03/05/2026 Trial court's imposition of fines and community control sanctions after defendant entered no-contest pleas to multiple counts of failing to comply with city ordinances regarding inadequate heat in an apartment building is reversed on reasoning that the trial court erred by denying the city's motion for leave to dismiss the criminal complaint, Crim.R. 48(A) and R.C. 2941.33, where city's inspector concluded the property was substantially in compliance with the code and was unwilling to testify otherwise, leaving the prosecution with insufficient evidence; prosecutorial discretion and separation-of-powers principles require courts to grant a dismissal when the prosecutor demonstrates "good cause," which includes insufficient evidence to pursue the charges, and the trial court improperly refused to allow the

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prosecutor to present the factual basis for dismissal and erroneously limited “good cause” to a narrow legal excuse.

Disorderly conduct/Minor misdemeanor/Sentencing/Community control. State v. Ferrelli | 2026-Ohio-750 | 7th Appellate District | 03/05/2026 In defendant’s conviction by a guilty plea to disorderly conduct, R.C. 2917.11(A), (E)(2), a minor misdemeanor, the trial court imposed a \$150 fine plus court costs and placed defendant on probation for two years, with multiple no-contact restrictions, but the court of appeals reversed the sentence, concluding the trial court lacked statutory authority to impose probation or related no-contact conditions for a minor misdemeanor because probation is a non-residential community control sanction under R.C. 2929.27(A)(6), and community control sanctions are authorized only for misdemeanors “other than a minor misdemeanor” under R.C. 2929.25(A) and 2929.27(A), with the permissible sanctions limited primarily to financial penalties, R.C. 2929.28, or community service, R.C. 2929.27(D); sentence vacated and case remanded for resentencing.

Weapon offenses/Concealed weapon/Qualifying adults/Second Amendment. State v. Reid-Payne | 2026-Ohio-672 | 2nd Appellate District | 02/27/2026 In appeal by the state, the court of appeals affirmed the trial court’s dismissal of an indictment charging defendant with carrying a concealed weapon, R.C. 2923.12(A)(2), where the defendant, 20 years-old at the time of the offense, argued that Ohio’s statutory scheme restricting concealed carry to “qualifying adults,” generally those 21 years or older under R.C. 2923.111(A)(2), violated the U.S. Const. Second Amendment as applied to him, with the court of appeals applying the historical-tradition analysis provided in the U.S. Supreme Court opinions

in *Bruen* and *Rahimi*, and holding that the state failed to demonstrate Ohio’s age-based restriction on concealed carry is consistent with the nation’s historical tradition of firearm regulation and concluding that the statute impermissibly restricts the right of 18-to-20-year-olds to carry concealed firearms.

Domestic violence/Victim’s relationship. State v. Branch | 2026-Ohio-664 | 5th Appellate District | 02/26/2026 Defendant’s conviction and 36-month sentence for domestic violence, R.C. 2919.25(A), following a bench trial are affirmed where defendant’s argument that the state failed to prove that the victim was a “family or household member” is without merit since testimony showing that defendant and the victim were in a romantic relationship and lived together intermittently for about six months in the same boarding-house room was sufficient to establish cohabitation under R.C. 2919.25(F)(1)(a) and (F)(2), and shared residence in a romantic relationship can establish cohabitation without separate proof of financial interdependence.

Procedendo/Post-conviction relief/Denial/Related motions/Mootness. State ex rel. Martin v. McCormick | 2026-Ohio-568 | Supreme Court of Ohio | 02/24/2026 Denial of defendant’s petition for a writ of procedendo against trial judge and issuance of order granting judge’s motion for summary judgment, to which defendant did not respond, are affirmed where defendant sought an order compelling the judge to “journalize” an alleged ruling granting motions for leave to supplement his successive petition for post-conviction relief and a motion to proceed to a hearing related to defendant’s successive petition, but trial court’s denial of defendant’s petition for post-conviction relief resolved the motions and rendered them moot; applying the standards for procedendo—requiring a clear legal right, clear duty, and lack of an adequate remedy—and for

summary-judgment, Civ.R. 56(C), the court concluded that defendant failed to establish any genuine issue of material fact.

Witness competency/Theft/Sufficiency and weight of evidence. State v. Couch | 2026-Ohio-609 | 9th Appellate District | 02/23/2026 In defendant’s appeal of convictions of two counts of theft from a person in a protected class, R.C. 2913.02(A)(1)–(3), (B)(3), the court of appeals holds that the trial court did not err by finding the elderly victim competent to testify despite a probate guardianship since witness competency under R.C. 2317.01 and Evid.R. 601 depends on the ability of a witness to perceive, recall, and understand the oath, not probate incompetency; the court of appeals also rejected sufficiency and weight of evidence challenges because the evidence showed that defendant knowingly removed his grandfather’s property without consent after defendant was evicted from the property, demonstrating his purpose to deprive under R.C. 2901.22(A), and credible evidence supported each element.

Aggravated drug possession/Sentencing/State’s appeal. State v. Bankston | 2026-Ohio-580 | 2nd Appellate District | 02/20/2026 In defendant’s conviction of fifth-degree felony aggravated drug possession, a fifth-degree felony, with the state appealing the trial court’s imposition of a four-month jail sentence, the court of appeals holds that the sentence was contrary to law because it fell below the statutory minimum authorized by R.C. 2929.14(A)(5), requiring a term of six to 12 months, with the appellate court applying R.C. 2953.08(G)(2), and concluding the sentence was required to be vacated; the court of appeals also rejected defendant’s argument that the trial court lacked jurisdiction to resentence him after his sentence expired, with the court explaining that when the state files a direct appeal under R.C. 2953.08(B), a

defendant has no expectation of finality in the sentence until the appeal is resolved; case remanded for resentencing consistent with the felony-sentencing statutes.

Disorderly conduct/Profanity. State v. Starr | 2026-Ohio-587 | 1st Appellate District | 02/20/2026

Defendant's conviction of persistent disorderly conduct, R.C. 2917.11(A)(3), is reversed since the evidence was insufficient to prove that defendant used "fighting words" or conduct likely to provoke a violent response where defendant's profanity toward a police officer—statements such as insults and vulgar language—was not accompanied by threatening conduct and did not inconvenience or alarm anyone, as required by the statute, the officer ignored her comments and walked away, and there was no testimony showing annoyance, alarm, or a likelihood of violence; mere profanity toward police generally does not constitute disorderly conduct, particularly because officers are expected to exercise restraint.

Poaching/Restitution order/Disposition of property. State v. Mitchell | 2026-Ohio-588 | 6th Appellate District | 02/20/2026

Defendant's convictions by no contest pleas to poaching, R.C. 1531.02, and the trial court's restitution order are affirmed where the sentencing entry complied with Crim.R. 32(C) and constituted a final appealable order, and because defendant failed to timely appeal that judgment, the court of appeals lacks jurisdiction to review the order; however, the trial court erred in summarily granting the state's motion for disposition of property since forfeiture must be pursued under R.C. Ch. 2981, either by including a forfeiture specification in the charging instrument under R.C. 2981.04 or by filing a separate civil forfeiture action under R.C. 2981.05, the prosecution bears the burden of showing that the property is subject to forfeiture under R.C. 2981.02(A)(1)(c)(ii), and because the state department used an outdated form

and no specification or proper civil action was filed, the trial court erred in granting the motions for disposition of property.

Wrongful imprisonment/Actual innocence/Summary judgment/Recantation. State v. Dixon | 2026-Ohio-570 | 10th Appellate District | 02/19/2026 The court of appeals affirmed in part and reversed in part the trial court's summary judgment rulings in defendant's wrongful-imprisonment action pursuant to R.C. 2743.48, with the appellate court holding that genuine issues of material fact existed regarding defendant's actual innocence under R.C. 2743.48(A)(5) because key eyewitnesses, who had identified him at trial, later recanted, and credibility determinations cannot be made on summary judgment under Civ.R. 56; while the trial court properly denied defendant's motion for summary judgment since recantations must be weighed at trial, it erred by granting the state's motion; case remanded for trial to determine whether defendant proves innocence by a preponderance of the evidence as required by R.C. 2743.48.

Death penalty/Post-conviction relief/Relief from judgment/Civ.R. 60(B)(4). State v. Lott | 2026-Ohio-555 | 8th Appellate District | 02/19/2026 The court of appeals reversed the denial of appellant's Civ.R. 60(B)(4) motion for relief from judgment and remanded for the trial court to grant the motion, holding that the Rule was a proper procedural vehicle to revisit the denial of his prior post-conviction petition after the Ohio Supreme Court's decision in Ford overruled earlier intellectual-disability standards that were applied in appellant's case, and the state concedes that appellant is now intellectually disabled and ineligible for the death penalty under the U.S. Supreme Court's decision in Atkins, with the court of appeals concluding the motion was not barred by R.C. 2953.23(A)(1), governing successive

post-conviction petitions because appellant sought relief from the judgment denying post-conviction relief rather than directly attacking his conviction, Hill; case remanded for proceedings consistent with the updated legal standards, and a dissenting opinion was filed.

Sentencing/Community control/Drug and alcohol conditions. State v. Ballish | 2026-Ohio-503 | Supreme Court of Ohio | 02/18/2026 In defendant's conviction by plea to theft where the trial court sentenced defendant to community control, with drug and alcohol related conditions, the court of appeals' judgment vacating the sentence on reasoning that drugs and alcohol were not implicated in defendant's theft offense, State v. Jones, 49 Ohio St.3d 51 (1990), is reversed on the basis of the current misdemeanor-sentencing scheme, which permits courts to impose community control sanctions enumerated in R.C. 2929.27, including "a term of drug and alcohol use monitoring, including random drug testing" under R.C. 2929.27(A)(8), and because these conditions are statutorily authorized, the proper standard to review the challenged conditions is abuse of discretion, not the Jones test; as well, sentencing courts retain broad discretion under R.C. 2929.22(A) and may consider an offender's criminal history when imposing conditions.

Aggravated robbery/Juvenile bindover hearing/Confrontation Clause. State v. Burns | 2026-Ohio-544 | 3rd Appellate District | 02/17/2026 In juvenile-defendant's pro se appeal of his conviction by a guilty plea to aggravated robbery, the court of appeals affirms, rejecting his claim that the juvenile bindover hearing violated due process and the Confrontation Clause, with the appellate court holding that confrontation rights apply only at "the actual trial for the commission of the offense and not to the preliminary examination,"

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citing Maxwell, and the court of appeals reaffirming its precedent in Grim because a bindover hearing determines only probable cause under R.C. 2152.10 and 2152.12, not guilt, with the appellate court concluding that the juvenile court properly admitted detectives' hearsay testimony.

Self-defense/State of mind/Initial aggressor/Evidence/Video/Authentication. State v. Bailey | 2026-Ohio-481 | 2nd Appellate District | 02/13/2026 The court of appeals affirmed defendant's first-degree misdemeanor assault conviction, holding that although the trial court erred by excluding testimony about the victim's specific prior threatening conduct, the testimony was admissible to show a defendant's state of mind in a self-defense claim, the appellate court found the error harmless under Crim.R. 52(A) because the remaining evidence showed that defendant was the initial aggressor and thus could not establish self-defense, with the court of appeals also upholding admission of an 11-second video of the assault, finding it was properly authenticated under Evid.R. 901, admissible as a duplicate under the best-evidence rule, Evid.R. 1002–1003, and relevant under Evid.R. 401–403.

Improperly handling a firearm in a motor vehicle/Concealed carry/Disqualification. State v. Ngaide | 2026-Ohio-478 | 1st Appellate District | 02/13/2026 In defendant's appeal of a bench conviction of improperly handling a firearm in a motor vehicle, R.C. 2923.16(B), arising out of defendant informing officers of a loaded firearm under his car seat during a traffic stop, the court of appeals affirms, holding that because defendant had a pending violent misdemeanor charge at the time of the traffic stop, he was not a "qualifying adult" under R.C. 2923.11(A)(1)(c) and 2923.125(D)(1)(d), and thus he could not lawfully carry a concealed

firearm, with the court of appeals relying on its precedent and rejecting defendant's Bruen-based Second Amendment challenge; two concurring opinions and a dissenting opinion filed.

Expungement/Permanently irretrievable. Euclid v. R.C. | 2026-Ohio-457 | 8th Appellate District | 02/12/2026 The court of appeals reversed the municipal court's denial of defendant's application to expunge his minor-misdemeanor conviction and remanded for further proceedings, with the appellate court holding that former R.C. 2953.32 expressly authorized expungement when statutory requirements are met, and under former R.C. 2953.32(D)(2) and (D)(5), expungement requires deletion of official records and destruction or erasure by entities other than the Bureau of Criminal Investigation, making the records permanently irretrievable, and the court of appeals rejected the trial court's conclusion that the Ohio Rules of Superintendence override the statute since those rules lack the force of statutory law and expungement is not per se contrary to public policy and requires the balancing analysis provided in former R.C. 2953.32(D)(1)(f).

Speedy trial/Failure to journalize reasons for a continuance. Strongsville v. Smith | 2026-Ohio-469 | 8th Appellate District | 02/12/2026 The court of appeals reversed two minor-misdemeanor traffic convictions for failure to signal, R.C. 4511.39, in one case and for speeding, R.C. 4511.21, in a second case, with the appellate court finding a violation of defendant's speedy trial rights since defendant was entitled to trial within 45 days under R.C. 2945.71(B)(1), and although some delays were tolled under R.C. 2945.72, the unexplained 54-day period between the final pretrial and the trial exceeded the statutory limit, and in addition, the trial court failed to journalize reasons for the continuance as required by R.C.

2945.72(H), and the state did not show the delay was reasonable, with the appellate court rejecting the state's claim that defendant waived his rights by not objecting with the court noting the duty to ensure a timely trial rests with the trial court and the state; convictions reversed and case remanded for the trial court to vacate the convictions in both cases.

Sentencing/Misdemeanor jail terms run concurrently with felony prison terms. State v. Willis | 2026-Ohio-452 | 8th Appellate District | 02/12/2026 The court of appeals affirmed defendant's felony convictions of multiple counts of aggravated arson but reversed the sentences imposed for convictions of misdemeanor criminal damaging and misdemeanor domestic violence, where the trial court imposed definite jail terms of 90 and 180 days under R.C. 2929.24 for the misdemeanor counts but suspended them and imposed a 5-year to 7.5-year prison term for the felony convictions, with the court of appeals holding that the sentence constituted plain error under Crim.R. 52(B) because R.C. 2929.41(A) mandates misdemeanor jail terms run concurrently with felony prison terms absent an exception; remanded for resentencing to order the misdemeanor terms to be served concurrently and to award proper jail-time credit.

Plea/Sentencing/Continuance/Video. State v. Genung | 2026-Ohio-430 | 9th Appellate District | 02/11/2026 Defendant's conviction by plea to a drug offense is affirmed where trial court did not err in denying a continuance of the sentencing hearing since the case had already been continued multiple times and defense counsel's statement that defendant "may" want to withdraw her plea based on new charges, which was insufficient under the Unger balancing test to require a continuance, and defendant's plea was knowing, intelligent, and

voluntary because the trial court substantially complied with Crim.R. 11(C)(2)(a) by explaining both the major drug offender specification and the Reagan Tokes indefinite sentencing structure, and nothing in the record showed that defendant failed to understand; as well, while the trial court erred by conducting sentencing by video without obtaining defendant's waiver, Crim.R. 43(A), the error was not structural and caused no prejudice because the court lacked discretion in imposing the mandatory sentence under R.C. 2925.03(C)(1)(f).

Allied offenses/Merger/Two violations. State v. Bash | 2026-Ohio-440 | 5th Appellate District | 02/11/2026 Defendant's convictions by plea to failure to comply with the order or signal of a police officer, R.C. 2921.331(B), and consecutive 44-month sentence are affirmed, and defendant's argument that the offenses should have merged as allied under R.C. 2941.25 and the Double Jeopardy Clause of the Fifth Amendment because the offenses arose from a single continuous police chase is without merit where, applying the allied-offense analysis set forth in *State v. Ruff*, 2015-Ohio-995, the court of appeals considered whether the offenses were dissimilar in import, committed separately, or committed with separate animus and concluded that the offenses were committed separately: the first violation was complete when defendant initially fled and the officer lost sight of him, and the second began when the officer re-initiated a stop and defendant again fled.

Murder/Juvenile bindover/Waiver/Hearing/Restitution/Hearing. State v. Conkey | 2026-Ohio-547 | 4th Appellate District | 02/10/2026 The court of appeals affirmed defendant's murder conviction but vacated the restitution order, holding that his guilty plea waived all non-jurisdictional challenges to the juvenile bindover, including alleged defects in notice under R.C. 2152.12(G) and Juv.R. 30(D), and the

court further found no plain error because service on his mother satisfied statutory requirements and no prejudice was shown; however, the court of appeals vacated the restitution order, concluding the trial court violated R.C. 2929.18(A)(1) by imposing restitution based solely on unsworn statements without holding the statutorily required contested hearing after defense objection; case remanded for a proper restitution determination.

Sentencing/Community control/Revocation/Prison/Consecutive. State v. Krouse | 2026-Ohio-409 | 3rd Appellate District | 02/09/2026 After defendant's conviction of fifth-degree felony theft, R.C. 2913.02(A)(1), where defendant was sentenced to community control, with a reserved 12-month prison term, trial court's revocation of community control—for conviction of a new felony—and imposition of the reserved 12-month term consecutive to the new sentence is affirmed in part and reversed in part where the prison term itself was lawful because defendant's violation was not a "technical violation" under R.C. 2929.15(B)(1)(c)(i) and 2929.15(E)(1), as it involved a new felony offense; however, imposition of consecutive sentences is reversed since a trial court may impose a reserved prison term consecutively upon revocation only if it expressly notified the offender at the time community control was imposed that consecutive sentences were possible, and because no such notice was given, the consecutive sentence was an abuse of discretion.

Sentencing/Costs of action/Nonmandatory/Ability to pay. State v. Biehler | 2026-Ohio-383 | 6th Appellate District | 02/06/2026 In defendant's convictions by plea to trespassing in a habitation and to violating a protection order, trial court's imposition of 17-month prison sentence and order for defendant to pay "the costs of this action" following the revocation of community control are affirmed, and

defendant's argument that the sentencing entry improperly imposed nonmandatory costs, such as supervision or confinement costs, without the required findings regarding his present or future ability to pay, is without merit where, under R.C. 2953.08(G)(2)(b), the judgment imposed only mandatory costs, which do not require an ability-to-pay finding, with "the costs of this action" referring to prosecution and mandatory fees imposed under R.C. 2947.23 and 2929.18(A)(4), and did not include discretionary supervision or confinement costs; as well, any reference in the judgment entry to defendant's future ability to pay was surplusage and legally irrelevant.

Plea/Crim.R. 11/Invited error/Motion to withdraw/Sentencing/Shock incarceration. State v. Slaughter | 2026-Ohio-377 | 2nd Appellate District | 02/06/2026 The court of appeals affirmed defendant's guilty plea to aggravated drug possession and the trial court's denial of his pre sentence motion to withdraw the plea, finding the plea valid under Crim.R. 11, and any error in the trial court applying the wrong withdrawal standard was invited by defendant, but the appellate court reversed the sentence because the trial court disapproved shock incarceration and intensive program prison without giving the factual reasons required by R.C. 2929.19(D), making that portion of the sentence contrary to law and requiring remand on that issue under R.C. 2953.08(G)(2)(b).

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Search/Motion to suppress/Arrest/ Lack of impound procedures. State v. Clark | 2026-Ohio-447 | 4th Appellate District | 02/05/2026

The court of appeals affirmed the trial court's grant of defendant's motion to suppress the admission of methamphetamine found by an officer during a warrantless vehicle search while defendant was detained and handcuffed for criminal trespass, with the appellate court holding that defendant's detention did not progress into an arrest until the officer searched the vehicle and found methamphetamine, R.C. 2925.11, and the court, applying the U.S. Constitution Fourth Amendment and the Ohio Constitution Art. I, Sec. 14 protections against unlawful searches, concluded that no valid exception applied to the warrantless search because the state failed to establish standardized impound procedures, and thus the search was unreasonable and suppression was proper, Mapp.

Discovery/Crim.R. 16/Related and material/Investigatory privilege. State v. Aziz | 2026-Ohio-353 | 8th Appellate District | 02/05/2026

The court of appeals affirmed the trial court's order compelling the state to produce discovery related to the indictment of a city police officer and remanding for further proceedings, holding that the trial court implicitly found the requested materials "related" and "material" under Crim.R. 16 because the officer played a central role in the evidence handling of defendant's arrest, search, and evidence handling, and defendant's indictment involved similar alleged falsification and evidence tampering conduct, with the court of appeals emphasizing that pretrial disclosure of potentially exculpatory or impeachment evidence turns on favorability, not Brady materiality, and that doubts should favor disclosure, and the appellate court also holding that law enforcement investigatory privilege is qualified and requires an in-camera review, *Henneman*.

**Death penalty specifications/
Dismissal with prejudice/Crim.R. 48(B).** State v. Wagner | 2026-Ohio-362 | 5th Appellate District | 02/05/2026 The court of appeals reversed the trial court's sua sponte dismissal of death penalty specifications in defendant's capital case that the trial court based on its case management concerns and its belief that Crim.R. 48(B) allowed dismissal "in the interests of justice," over the state's objection, with the appellate court holding that Crim.R. 48(B) does not permit dismissal with prejudice absent a constitutional or statutory violation barring further prosecution, with the court of appeals emphasizing that trial courts lack discretion to dismiss capital specifications over the state's objection; case reversed and remanded to reinstate the specifications.

**Domestic violence/Ineffective assistance/Opening statement/
Strategy.** State v. Parker | 2026-Ohio-343 | 5th Appellate District | 02/04/2026 Defendant's conviction of domestic violence is affirmed, and defendant's claim of ineffective assistance of counsel is without merit where, although trial counsel told the jury in opening statements that the incident was an "accident" but did not pursue that theory through witness examination or by requesting a jury instruction on accident, remarks made during opening statements and subsequent shifts in trial strategy fall within the realm of reasonable professional judgment and do not constitute ineffective assistance, with precedent recognizing that tactical decisions—even unsuccessful ones—are generally unchallengeable, and defendant's counsel disclosed nothing harmful and instead pursued a strategy focused on challenging witness credibility.

Sex offense/Megan's Law/Hearsay. State v. Burks | 2026-Ohio-259 | 8th Appellate District | 01/29/2026 The court of appeals vacated the trial court's Megan's Law classification of defendant as a sexual predator and remanded for a new hearing because the trial court failed to explain the evidence or statutory factors supporting its finding under former R.C. 2950.09(B)(3), with the appellate court explaining that although the trial court could consider reliable hearsay at a Megan's Law hearing, the trial court failed to articulate the basis for its conclusion in order to permit appellate review, *Eppinger*, and since the trial court merely announced its decision without identifying supporting facts, the appellate court sustained the defendant's weight of the evidence challenge and ordered a new hearing.

**Contempt/Valid court order/
Magistrate's decision.** Akron v. Frum | 2026-Ohio-238 | 9th Appellate District | 01/28/2026 In defendant's conviction by plea to resisting arrest in which the trial court did not adopt magistrate's recommendation of probation and evaluation but did issue an order directing defendant to contact an institution for an alcohol/drug evaluation and to complete the recommended programs and/or counseling where the institution notified the trial court that defendant had not complied with the order, resulting in issuance of an arrest warrant, conviction of contempt, and imposition of jail sentence based on probation officer's testimony, the judgment is reversed on reasoning that the conviction was unsupported by sufficient evidence because there was no valid court order imposing probation for defendant to violate; to sustain a finding of indirect criminal contempt, the state must prove the existence of a valid court order, the defendant's knowledge of that order, and a violation of its terms, and while the magistrate recommended probation, the trial

judge never adopted the magistrate's sentencing recommendation, as required for a final judgment, and under Crim.R. 32(C), a judgment of conviction must be signed by the trial judge and set forth the fact of conviction and sentence.

Drug offenses/Search/Motion to suppress. State v. Mort | 2026-Ohio-249 | 7th Appellate District | 01/28/2026 In defendant's appeal of a conviction by a no contest plea to aggravated possession of drugs, R.C. 2925.11 (A), (C)(1), and possession of cocaine, R.C. 2925.11 (A)(C)(1)(a), the court of appeals reversed the trial court's denial of defendant's motion to suppress, holding that although the traffic stop for expired tags was valid, the officer lacked probable cause to search the vehicle under the automobile exception, and the driver's consent to search did not extend to the passenger's purse, making the purse search unlawful and requiring suppression of all derivative evidence, and incriminating statements were inadmissible as fruit of the poisonous tree under the U.S. Const. Fourth Amendment doctrine and the Ohio Const. Art. I, Sec. 14; judgment reversed and cause remanded to allow the state to determine if it could proceed without the suppressed evidence.

Unauthorized use of motor vehicle/Restitution/Marsy's Law. State v. Dunn | 2026-Ohio-241 | 1st Appellate District | 01/28/2026 In case in which defendant pleaded guilty to unauthorized use of a motor vehicle after stealing and crashing the victims' car where defendant expressly stated that she was willing and able to pay restitution, trial court's denial of any award, based on its unsupported belief that defendant could not pay and that insurance should cover the loss, is reversed since Marsy's Law, Ohio Const., Art. I, Sec. 10a(A)(7), and R.C. 2929.28 impose a legal duty on courts to provide full and timely restitution, and the trial court erred

by declining restitution without evidence and without conducting a hearing under R.C. 2929.28(B) to determine defendant's ability to pay; while restitution must be reduced by insurance payments or third-party reimbursements under R.C. 2929.281(A), the record contained no evidence of such reimbursements.

Post-conviction relief/Timeliness of filing. State v. Adams | 2026-Ohio-271 | 5th Appellate District | 01/28/2026 The court of appeals reversed the trial court's dismissal of a petition for post-conviction relief, holding that the trial court wrongly applied the former 180 day filing deadline in R.C. 2953.21(A)(2) and improperly analyzed the petition under R.C. 2953.23, with the appellate court holding that the current statute allows 365 days to file a petition and since the petition was filed within that period, it was timely filed and the trial court erred by applying the heightened R.C. 2953.23(A) standard as the filing deadline and treated it as untimely; case remanded for proper consideration under R.C. 2953.21(D) standard.

Drug offenses/Sentencing/Indefinite term/Purposes and principles. State v. Trager | 2026-Ohio-250 | 5th Appellate District | 01/28/2026 After defendant pled guilty to second-degree felony possession of methamphetamine with a firearm specification and related offenses, arising from controlled drug buys and the execution of a search warrant that uncovered drugs, firearms, and cash, the trial court's imposition of an aggregate indefinite prison sentence of six to eight and one-half years is affirmed, and defendant's argument that the trial court failed to impose the minimum sanctions necessary under R.C. 2929.11 is without merit since under R.C. 2953.08 and the sentencing framework in *State v. Marcum* and *State v. Jones*, the appellate court lacked authority to reweigh the sentencing factors and could not

modify the sentence unless it was clearly and convincingly contrary to law, and the record demonstrated that the trial court expressly considered the purposes and principles of sentencing under R.C. 2929.11 and the seriousness and recidivism factors in R.C. 2929.12, imposing a sentence within the statutory range, and expressly relying on mitigating circumstances to avoid a maximum term.

Felonious assault/Discharging firearm/Merger. State v. Hoffer | 2026-Ohio-235 | 5th Appellate District | 01/23/2026 Defendant's convictions by plea to felonious assault, R.C. 2903.11(A)(2), for knowingly causing serious physical harm with a deadly weapon and to discharging a firearm on or near prohibited premises, R.C. 2923.162(A)(3) and (C)(4), for firing a gun over a public roadway and causing serious physical harm are affirmed as not being allied offenses subject to merger, R.C. 2941.25, where the court applied the three-part test from *State v. Ruff*, examining conduct, animus, and import; although the same shooting injured a single victim, the court held that the offenses were of dissimilar import because the discharge statute is a strict-liability offense intended to protect the public at large from the inherent danger of firing over public roads, while felonious assault targets harm to a specific individual, and the court further held that the firearm specification under R.C. 2941.146(A) is a sentencing enhancement and does not affect merger analysis.

Sentencing/Plain error/Failure to comply with police officer's order. State v. Liason | 2026-Ohio-243 | 7th Appellate District | 01/23/2026 In defendant's conviction by guilty plea to third-degree felony failure to comply with an order of a police officer, R.C. 2921.331(B) and (C)(5) (a)(ii), the state appealed the trial court's imposition of a six-month prison sentence, and the court of appeals held that the sentence was contrary to law since, although

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the trial court found defendant not amenable to community control and determined prison was required under the purposes and principles of sentencing in R.C. 2929.11 and R.C. 2929.12, it erred by imposing a six-month prison term because R.C. 2929.14(A)(3)(b) required a minimum nine-month prison term and thus the sentence was contrary to law, with the court of appeals applying R.C. 2953.08(G)(2)(b) and recognizing plain error under Crim.R. 52(B), to modify the sentence to nine months with credit for time served.

Firearms offenses/Constitutional challenge/Age. State v. Robinson | 2026-Ohio-217 | 6th Appellate District | 01/23/2026 Defendant's convictions of improperly handling firearms in a motor vehicle and carrying concealed weapons are reversed and remanded where the trial court erred by denying defendant's pretrial motions to dismiss without addressing the merits of his as-applied constitutional challenges, R.C. 2923.111, which limits permitless concealed carry to "qualifying adults" aged 21 or older; because the trial court declined to evaluate whether the statute was unconstitutional as applied to a 19 year-old defendant, the appellate court found reversible error, so the case is remanded to consider the merits of defendant's as-applied constitutional challenges.

Conspiracy to commit aggravated robbery/Juvenile/Bindover/Same acts. State v. Macklin | 2026-Ohio-181 | 8th Appellate District | 01/22/2026 Conviction of defendant—who was a juvenile at the time of the offense—holding that the adult court had subject-matter jurisdiction to convict him of conspiracy to commit aggravated robbery, despite the absence of a juvenile court probable-cause finding on that specific charge, is affirmed where, once a case is properly transferred from juvenile court, R.C. 2151.23(H) grants the

adult court jurisdiction to hear the case as if it had originated there, and although an adult court may not consider charges arising from a different course of conduct than those bound over, newly indicted charges are permissible if they are "rooted in" the same acts underlying the juvenile complaint; in this case, the conspiracy charge was based on the same facts supporting the aggravated robbery allegations—that defendant and others planned and acted together to lure and rob the victim—and therefore satisfied R.C. 2923.01(A), and because the conspiracy count arose from the same conduct considered in the bindover proceedings, the adult court had jurisdiction.

Evidence/Admissible duplicates/Evid.R. 901 and 1003. State v. Craig | 2026-Ohio-200 | 7th Appellate District | 01/22/2026 The court of appeals affirms defendant's conviction of two counts of aggravated arson, R.C. 2909.02(A) (1), holding that the admission at trial of surveillance DVD videos and extracted audio did not violate the best-evidence rule because they were admissible duplicates under Evid.R. 1003 and were authenticated under Evid.R. 901 by testimony establishing that they were exact copies taken from the apartment building's DVR system, with the court of appeals also rejecting a Crim.R. 52(B) plain error claim based on the fire marshal's alleged expert opinion testimony labeling the fire "incendiary," with the court of appeals noting his qualifications, the jury's role in assessing credibility, and the overwhelming independent evidence of intent, including defendant's own statements, her actions immediately before and after the fire, and video footage.

Felonious assault/Self-defense/Jury instruction/Weight of evidence. State v. Watson | 2026-Ohio-188 | 8th Appellate District | 01/22/2026 Defendant's convictions of felonious assault and assault are affirmed as not being against the weight of evidence where the trial court properly instructed the jury on self-defense since the self-defense instructions—based on R.C. 2901.05(B)(1) and Ohio Jury Instructions—accurately stated the law, including the requirement that the state need only disprove one element of self-defense beyond a reasonable doubt, and defendant's argument that the "unreasonable force" instruction improperly negated the subjective component of self-defense is without merit because the law permits the state to defeat a self-defense claim by proving that the defendant used force disproportionate to the perceived threat; as well, surveillance video and witness testimony showed that defendant was the initial aggressor, escalated the encounter, and struck the victim multiple times with a baseball bat—that qualified as a deadly weapon, R.C. 2923.11(A)—and constituted unreasonable force under the circumstances.

Nonsupport of dependents/Plea/Strict compliance. State v. Morgan | 2026-Ohio-282 | 4th Appellate District | 01/22/2026 Defendant's conviction of fifth-degree felony nonsupport of dependents, R.C. 2919.21(B), pursuant to a plea is reversed and remanded where defendant's guilty plea was not knowing, voluntary, and intelligent because the trial court failed to strictly comply with Crim.R. 11(C)(2) (c), which requires a trial court to orally inform a defendant during the plea colloquy that the defendant is waiving the right to a jury trial, and although the written plea form in this case referenced a jury trial, and defendant had previously been told that his case could be set for a jury trial, reliance on written materials or prior proceedings is insufficient where the trial court referred only to

a general “trial” and never expressly advised defendant that he was waiving a jury trial, so the plea was constitutionally infirm, requiring reversal and remand.

Restitution/Marsy’s Law/Economic loss. State v. Newton | 2026-Ohio-120 | 8th Appellate District | 01/15/2026 The court of appeals reversed the trial court’s denial of restitution following defendant’s guilty plea to unauthorized use of a motor vehicle, remanding for a new restitution hearing, holding that the trial court erred by denying restitution without explanation, despite largely undisputed evidence that the victim suffered economic loss directly and proximately caused by defendant’s offense, with the appellate court citing Marsy’s Law (Ohio Const., Art. I, Sec. 10a(A)(7)), and R.C. 2929.28(A)(1), emphasizing the victim’s right to full restitution and noting that a defendant who pleads guilty cannot later assert innocence to avoid paying restitution; on remand, the trial court must determine the proper amount of restitution and explain its reasoning.

Sentencing/Pretrial diversion/ Separation of powers. Cleveland v. Hall | 2026-Ohio-123 | 8th Appellate District | 01/15/2026 After defendant was charged with misdemeanor assault, an offense of violence under city code, the trial court’s order placing defendant into a selective intervention (pretrial diversion) program, over the prosecutor’s objection, is reversed and remanded on reasoning that the referral violated the separation-of-powers doctrine where, while R.C. 2935.36 authorizes pretrial diversion programs operated pursuant to court-approved standards, precedent requires the affirmative consent of the prosecution before a court may divert a case, so the trial court usurped the executive function by ordering diversion, despite the prosecutor’s express objection; as well, the diversion order was a final, appealable order under R.C.

2505.02(B)(2) because it arose from a special statutory proceeding and affected the city’s substantial right to prosecute, which would be foreclosed absent immediate review.

Firearms offenses/Right to counsel/Concealed weapon/ Dangerous ordnance. State v. Hoskins | 2026-Ohio-100 | 1st Appellate District | 01/14/2026 Defendant’s convictions of firearms offenses are reversed in part, defendant is discharged in part, and the case is remanded for further proceedings where defendant’s Sixth Amendment and Ohio Const. Art. I, Sec. 10 rights to counsel were violated because the trial court did not substantially comply with Crim.R. 44 when it construed defendant’s refusal to answer as a waiver of counsel, and although the court warned defendant that proceeding without counsel was unwise, it failed to explain the nature of the charges, potential penalties, risks of self-representation, or that defendant would be held to the same procedural and evidentiary rules as an attorney, rendering the waiver neither knowing nor intelligent; as well, the state presented insufficient evidence to support defendant’s conviction for carrying concealed weapons, R.C. 2923.12(A)(2), because the handgun was modified with a “glock switch,” making it an automatic firearm, and while this may have supported a charge under R.C. 2923.12(A)(3), the state did not indict or convict defendant under that subsection, but instead, the state charged defendant with violating R.C. 2923.12(A)(2), which requires proof that the firearm was a handgun other than a dangerous ordnance, which is expressly excluded from subsection (A)(2), so that conviction is reversed, and defendant is discharged on double jeopardy grounds.

Civil protection order/Dismissal/ Appeal by state/Invited error. State v. Cooper | 2026-Ohio-101 | 1st Appellate District | 01/14/2026 In a prosecution of a misdemeanor charge for violating a civil protection order (CPO), R.C. 2919.27, the court of appeals affirmed the trial court’s dismissal of the action, holding that any error was invited by the state’s request that the trial court dismiss the case pursuant to Crim.R. 48(B) so that jeopardy would not attach and an appeal could be pursued because the state believed it could not prove service of the final CPO as required by R.C. 2919.27, and the state appealed, arguing the dismissal was erroneous, but the appellate court applied the invited-error doctrine and rejected that argument, explaining that pursuant to R.C. 2945.67(A), the state could have sought appellate review without requesting dismissal, but instead affirmatively urged the Crim.R. 48(B) dismissal that it later challenged, and since the trial court acted at the state’s request, the court of appeals affirmed the dismissal.

Sentencing/Consecutive sentences/Reagan Tokes Law. State v. Grover | 2026-Ohio-95 | 6th Appellate District | 01/13/2026 The court of appeals affirmed the defendant’s negotiated guilty plea conviction to two counts of illegal use of a minor in nudity oriented material, R.C. 2907.323(A) and (B), and upheld the trial court’s imposition of six-year prison terms on each count, to run consecutively, that included an indefinite Reagan Tokes Law term pursuant to R.C. 2929.144, with the court of appeals holding that the penalties fell within the statutory range and were not cruel and unusual punishment, rejecting proportionality challenges under R.C. 2953.08(G)(2), and emphasizing that sentences within statutory limits are not unconstitutional and do not require comparative review, with the appellate court concluding that the trial court properly made and supported the R.C. 2929.14(C)(4)

consecutive sentence findings based on multiple victims, severe psychological harm, and the defendant's high risk of reoffending.

Firearm offense/Double jeopardy/ Allied offenses/Dissimilar import.

State v. Abdi | 2026-Ohio-91 | 10th Appellate District | 01/13/2026

Dismissal of defendant's felony indictment for improperly discharging a firearm at or into a habitation on reasoning that the felony charge was barred by double jeopardy and Ohio's allied-offenses statute, R.C. 2941.25, based on defendant's prior municipal court conviction for attempted discharging weapons is reversed and remanded since double jeopardy under the Fifth Amendment and Ohio Const. Art. I, Sec. 10 does not prohibit successive prosecutions when the charges are based on separate and distinct conduct, and evidence reflects that defendant allegedly fired multiple gunshots over several minutes, but only one shot traveled through the floor into the apartment below, satisfying the elements of R.C. 2923.161(A)(1), while the remaining shots supported the municipal offense, so the offenses were not allied under R.C. 2941.25 as being of dissimilar import, causing separate and identifiable harms, and being committed separately.

Drug offense/Suppression/Canine alert/Sufficiency and weight of evidence.

State v. Murphy | 2026-Ohio-143 | 2nd Appellate District | 01/12/2026

Defendant's conviction for aggravated possession of drugs, a fifth-degree felony, and denial of her motion to suppress, are affirmed where traffic stop for an expired license plate—that led to discovery of drugs—was lawful, and subsequent canine free-air sniff did not violate the Fourth Amendment since trained drug-detection dog's alert provides probable cause to search a vehicle, and the state sufficiently established the K-9's reliability through testimony

regarding the dog's training and OPOTA certification; as well, defendant's conviction met sufficiency/weight of evidence standards where, applying R.C. 2925.11(A) and the definition of possession in R.C. 2925.01(K), the appellate court held that a rational jury could find constructive possession where defendant was the sole occupant and driver of the vehicle, the drugs were found in a backpack on the front passenger seat, and the backpack contained defendant's personal items.

Rape/Sentencing/Sex offender notifications.

State v. Holdcraft | 2026-Ohio-61 | 3rd Appellate District | 01/12/2026

In defendant's conviction by guilty plea to three counts of rape, R.C. 2907.02(A)(1)(b) and (B), and sentenced to concurrent terms of life imprisonment without parole, the court of appeals reversed the sentence and remanded for resentencing, concluding that although the trial court properly classified defendant a Tier III sex offender, it declined to give the required registration and reporting advisements, reasoning that they were unnecessary due to his life without parole sentence, but the appellate court held that the statutes did not contain that exception and that notification of registration and reporting duties must occur "at the time of sentencing," R.C. 2950.03(A)(2), rendering defendant's sentence contrary to law and requiring reversal of the sentencing judgment and remand of the matter for proceedings consistent with the statutory requirements.

Sealing record/Juvenile/Eligibility/ Continued criminal behavior.

State v. Jones | 2026-Ohio-106 | 7th Appellate District | 01/09/2026

The juvenile court's denial of defendant's application to seal his juvenile records, R.C. 2151.356, is affirmed where the court reasonably weighed the statutory factors and did not act arbitrarily or unconscionably in denying sealing,

while encouraging defendant to reapply upon successful completion of parole, and although the appellate court rejected the juvenile court's alternative legal conclusion that defendant was statutorily ineligible for sealing merely because he was on federal adult parole—holding that R.C. 2151.356(C)(1) concerns only juvenile court jurisdiction—the appellate court nonetheless upheld the judgment based on the magistrate's discretionary finding that defendant had not been rehabilitated to a satisfactory degree, and applying the second-stage analysis in R.C. 2151.356(C)(2)(e), the magistrate properly considered permissible factors, including defendant's age, the nature and severity of his juvenile offenses, his education and employment history and, critically, the continuation of criminal behavior into adulthood, with consideration of adult criminal conduct expressly allowed under R.C. 2151.356(C)(2)(e) (iii) and (vi) when evaluating rehabilitation.

Sentencing/Misdemeanor/Felony/ Consecutive.

State v. Walker | 2026-Ohio-51 | 1st Appellate District | 01/09/2026

Following defendant's conviction by no contest plea to misdemeanor assault under R.C. 2903.13, the trial court's imposition of 180-day jail sentence to run consecutively to a previously imposed 30-month prison term for attempted burglary in a separate felony case is reversed and remanded for resentencing because the municipal court lacked statutory authority to order the sentence, and the parties agreed that the sentence was improper where the appellate court applied R.C. 2929.41(A), which establishes a presumption that prison and jail terms must be served concurrently, and explained that consecutive misdemeanor and felony sentences are permitted only under the narrow exceptions set forth in R.C. 2929.41(B), none of which applied to defendant's convictions.

Drug offenses/Aggravated drug possession/Defective laboratory report. State v. Sweeney | 2026-Ohio-57 | 2nd Appellate District | 01/09/2026 The court of appeals vacated its prior decision and reversed defendant's conviction for aggravated possession of drugs, remanding for a new trial after granting reopening under App.R. 26(B), holding that the trial court committed plain error by admitting a state laboratory report as prima facie evidence under R.C. 2925.51 since the state failed to strictly comply with the statute's requirements because it lacked the required notarized certification of the analyst's qualifications and testing procedures and failed to include notice of the defendant's right to demand the analyst's testimony, R.C. 2925.51(A), (D); since the improperly admitted report was the sole evidence establishing that the substance was methamphetamine, a controlled substance under R.C. 2925.11(A), its admission constituted plain error under Crim.R. 52(B).

Receiving stolen property/Evidence/Bill of sale/Authentication. State v. Prichard | 2026-Ohio-56 | 6th Appellate District | 01/09/2026 The court of appeals affirms defendant's conviction of receiving stolen property, R.C. 2913.51(A) and (C), with the court holding that although the trial court erred by admitting a purported bill of sale of a camper because no witness with personal knowledge authenticated it under Evid.R. 901, and that implied authentication based solely on discovery production was improper in a criminal jury trial, but applying Crim.R. 52(A), the appellate court found the error harmless because, even without the bill of sale, the remaining evidence overwhelmingly established guilt because defendant bought a high value camper for a fraction of its value, the camper showed obvious signs of theft, including drilled locks and missing amenities, and defendant's explanations were inconsistent.

Kidnapping/Felonious assault/Tampering with evidence/Psychological report/Crim.R. 16. State v. Henthorne | 2026-Ohio-86 | 5th Appellate District | 01/09/2026 In defendant's convictions of felonious assault, complicity to kidnapping, and two counts of tampering with evidence, the court of appeals affirmed in part and reversed in part, holding that the convictions were not against the weight of evidence since the record, including video footage, physical evidence, and testimony supported findings that defendant aided and abetted the restraint and assault of the victim and later actively destroyed and concealed evidence, and further holding that the trial court properly denied access to a co-defendant's confidential psychological report under Crim.R. 16(J) and R.C. 5119.28, and that the prosecutor's closing argument did not improperly comment on defendant's failure to testify, but on the absence of evidentiary support, that also defeated related plain-error and ineffective-assistance claims pursuant to Crim.R. 52(B) and Strickland; however, the trial court erred in imposing a mandatory prison term for kidnapping under R.C. 2929.13(F); remanded for resentencing.

Domestic violence/Parental discipline/Evidence/Children's biases. State v. Kyambadde | 2026-Ohio-24 | 1st Appellate District | 01/07/2026 Defendant's conviction of domestic violence against his 12 year-old daughter, R.C. 2919.25(A), arising from an altercation, is affirmed where defendant's argument that his actions constituted reasonable defense is without merit since corporal punishment is permitted only if it is reasonable and does not inflict injury beyond moderation, under R.C. 2901.01(A)(3), "physical harm" includes any injury regardless of severity, and photographic evidence showed a visible injury on the child's arm hours after the incident, establishing that the

discipline was unreasonable as a matter of law; however, the trial court erred by excluding evidence of the children's potential biases and motivations to misrepresent events, which was admissible impeachment evidence under Evid.R. 616(A), such evidence was relevant to credibility and not barred as hearsay because it was offered to show bias rather than for the truth of the matters asserted, and it did not require a foundation or prior cross-examination, but the court of appeals concluded that applying Crim.R. 52(A) and Evid.R. 103(A), the evidentiary error was harmless.

Aggravated robbery/Sentencing/Specifications/Suppression. State v. Haskins | 2026-Ohio-19 | 6th Appellate District | 01/06/2026 In defendant's convictions of three counts of aggravated robbery, with firearm specifications, defendant's sentence is reversed in part and remanded for resentencing since the trial court concluded that it was required to impose consecutive prison terms for all three firearm specifications, but under R.C. 2929.14(B)(1)(g), only the two most serious firearm specifications are mandatory, and the third is discretionary, rendering the sentence contrary to law under R.C. 2953.08(G)(2); as well, trial court's denial of defendant's motion to suppress is affirmed where the encounter began as a consensual interaction, then became an unlawful Terry stop, with the officers lacking reasonable, articulable suspicion to justify the detention, but defendant voluntarily consented to the search of his backpack, and even if consent was invalid, the inevitable-discovery doctrine applied since the backpack would have been searched incident to arrest on an outstanding warrant.

Sex offense/Suppression/Warrant/Affidavit/Particularity. State v. Starcher | 2026-Ohio-15 | 5th Appellate District | 01/05/2026

In sex offense prosecution, the trial court's denial of defendant's motion to suppress evidence obtained from a cell phone pursuant to a search warrant is affirmed where defendant's argument that the warrant violated the Fourth Amendment and Ohio Const. Art. Sec. 14 because it lacked temporal and subject-matter limitations and improperly relied on incorporation of an affidavit to satisfy the particularity requirement is without merit since the warrant was sufficiently particular where it expressly incorporated detective's affidavit, which described the specific phone, its location, and the nature of the evidence sought—videos, photographs, and communications depicting the alleged assault of the victim—thereby adequately guiding the executing officers; as well, relying on state and federal precedent permitting incorporation by reference, the court rejected defendant's argument that all limitations must appear on the face of the warrant, and the absence of precise temporal limits did not render the warrant invalid, given the victim's inability to identify the date of the assault due to being drugged and unconscious.

Dismissal/Appellate review/Objection/Crim.R. 48(B). State v. Beauford | 2025-Ohio-5836 | 9th Appellate District | 12/31/2025

In a prosecution for a municipal code obstructing official business arising from a traffic stop for an improper turn of a motor vehicle, with the trial court dismissing the case with prejudice after granting defendant's partial motion to suppress, the court of appeals reverses, holding that the city's request to dismiss without prejudice constituted a sufficient objection under Crim.R. 48(B), preserving its right to appellate review under R.C.

2945.67, with the court of appeals pointing out that the trial court's written entry failed to make any findings identifying a violation or explaining why further prosecution was barred, and the trial court's brief oral reference to the suppression ruling did not cure the defect; judgment reversed and case remanded for further proceedings, rendering the city's challenge to the grant of suppression ruling premature.

Drug offenses/Search warrant/Confidential informant identity/Qualified privilege. State v. Byrd | 2025-Ohio-5857 | 8th Appellate District | 12/31/2025

In a prosecution for drug offenses, the court of appeals reversed the trial court's interlocutory order compelling the state to disclose the identity of a confidential informant whose controlled buys were used solely to establish probable cause for a search warrant, with the appellate court holding that the disclosure order was improper because the defendant did not challenge the legality of the search warrant nor claim that the informant witnessed or participated in the charged offenses, that were based solely on drugs and paraphernalia seized in the residence during execution of the warrant, and applying the qualified privilege protecting confidential informants, the appellate court held that disclosure is required only when an informant's testimony is vital to proving an element of the offense or would be helpful or beneficial to the defense, with the court emphasizing that mere speculation about credibility or relevance is insufficient to overcome the strong presumption against disclosure, Crim.R. 16(D); reversed and remanded for further proceedings.

Reopened appeal/Ineffective assistance/Speedy trial/Causes.State v. Diallo | 2025-Ohio-5812 | 10th Appellate District | 12/30/2025

In appeal reopened to consider whether appellate counsel was ineffective for failing to raise a constitutional speedy trial claim, the court's prior judgment affirming defendant's conviction is confirmed where, applying the four-factor balancing test from *Barker v. Wingo*, defendant's Sixth Amendment right to a speedy trial was not violated, despite a 650-day delay between arrest and trial, since the reasons for delay weighed against defendant because the vast majority resulted from joint continuances requested by the parties, each containing express speedy trial waivers signed by defense counsel, and ongoing discovery and investigation justified the timeline; as well, defendant's oral assertions of speedy trial concerns did not outweigh the written waivers, which counsel could validly execute on his behalf under *State v. King* and R.C. 2945.71 principles, and defendant failed to show actual prejudice to his defense.

Record sealing/Statutory determinations/Victim's rights/Dissent. State v. Rogers | 2025-Ohio-5778 | 6th Appellate District | 12/26/2025

Denial of defendant's application to seal the record of a dismissed aggravated-theft charge is reversed in part where the trial court committed reversible error by failing to make all mandatory determinations required under R.C. 2953.33(B)(2) before denying the application, and although the trial court weighed defendant's interest in sealing against the government's and victim's interests, it did not expressly determine, among other things, whether any criminal proceedings were pending against defendant at the time of its ruling, which is a statutory prerequisite, so the case is remanded for the trial court to conduct the complete statutory analysis and place its findings on the record; as well, the alleged victim had a constitutional

right to appear and to be heard under Ohio Const. Art. I, Sec. 10a (Marsy's Law), notwithstanding the dismissal of the charge and the absence of a conviction, since Marsy's Law protects victims throughout the criminal process, including proceedings on record sealing, the victim had the right to be heard in the proceedings following remand, and there is a dissenting opinion.

Joinder/Crim.R. 8/Evidence/Other acts/Evid.R. 404(B). State v. Grover | 2025-Ohio-5875 | 4th Appellate District | 12/23/2025 In defendant's conviction of obstructing official business, resisting arrest, and two counts of intimidation, the court of appeals affirms, holding that the trial court did not plainly err in joining two indictments for a single jury trial since defendant failed to renew his severance request under Crim.R. 14 and, moreover, he could not demonstrate prejudice, particularly where the jury acquitted him of one charge, showing it could separate the evidence, and the appellate court further concluded that admission of Facebook messages defendant sent to a third party was not reversible error because the evidence was admissible under Evid.R. 404(B) to show consciousness of guilt and, moreover, did not affect the outcome, given the defendant's stipulations and acquittals.

Rape/Sexual battery/Menacing by stalking/Child witness competency/Evidence/Audio recordings. State v. Rose | 2025-Ohio-5659 | 2nd Appellate District | 12/19/2025 In defendant's appeal of convictions and indefinite prison sentence for menacing by stalking, two counts of rape with firearm specifications, and two counts of sexual battery, the court of appeals holds that the trial court did not err by permitting a ten year-old witness to testify, finding the child competent under Evid.R. 601(A) and (B), with the appellate court further holding that the trial court correctly admitted two audio recordings

under Evid.R. 401, 402, and 403, determining they were relevant to prove coercion, threats, and a pattern of conduct and that their probative value was not substantially outweighed by unfair prejudice and that the convictions were not against the weight of evidence, with the court holding the evidence supported findings that defendant compelled sexual conduct by force or threat of force, R.C. 2907.02(A)(2), coerced sexual activity constituting sexual battery, R.C. 2907.03(A)(1), and engaged in a pattern of threatening conduct amounting to menacing by stalking, R.C. 2903.211(A)(1).

Seizure of property/Dismissal of charge/Return. State v. Cassi | 2025-Ohio-5618 | 7th Appellate District | 12/17/2025 In prosecution of defendant for misdemeanors in which the charges were dismissed at pretrial and temporary protection order was rescinded, the trial court's order denying defendant's motion for return of firearms seized at the time of his arrest and remanded for their release after all criminal charges were dismissed is reversed where the trial court lacked any legal basis to retain or destroy the firearms because forfeiture is governed by R.C. 2981.04, which permits forfeiture only upon a conviction or intervention in lieu of conviction and requires a forfeiture specification or notice and proof at a forfeiture hearing—none of which occurred; the state has an affirmative duty to return seized property once it is no longer needed and trial courts retain continuing jurisdiction to order return after dismissal.

Plea/Voluntariness/Self-defense/Misstatements. State v. Gowdy | 2025-Ohio-5575 | Supreme Court of Ohio | 12/17/2025 Defendant's conviction by plea to aggravated assault, affirmed by the court of appeals, is affirmed where, although the trial court misstated self-defense law by stating that defendant had "to prove something" before the court would provide a self-defense

instruction, the court's misstatements did not render the plea unknowing, unintelligent, or involuntary, since defendant's plea to reduced charges was validly made because he knew that he had the right to proceed to trial, but he chose to plead guilty and accepted a reduced sentence rather than risk going to trial and being convicted of greater charges, and under Crim.R. 11, defendant was repeatedly advised of his right to proceed to a jury trial, defendant consulted with counsel, and defendant acknowledged that he was entering the plea voluntarily.

New trial/Newly discovered evidence/Hearing/Dissent. State v. Bostick | 2025-Ohio-5559 | Supreme Court of Ohio | 12/16/2025 In defendant's convictions of felonious assault and attempted murder, with accompanying firearm specifications, and of having weapons while under disability, trial court's denial, without a hearing, of defendant's Crim.R. 33 motion for a new trial, asserting newly discovered evidence, affirmed by the court of appeals, is affirmed since Crim.R. 33(A)(6), which requires a trial court to conduct an evidentiary hearing on a motion for a new trial based on newly discovered evidence, does not require that the hearing be a formal, oral hearing where the rule contemplates an evidentiary process in which the trial court considers affidavits or other sworn materials submitted by the defendant and any rebuttal evidence offered by the state and in which the decision whether to hold an oral hearing is left to the trial court's discretion; as well, defendant did not request such a hearing and relied solely on documentary evidence attached to his motion, appellate review of new-trial rulings is conducted under an abuse-of-discretion standard, and there is a dissenting opinion.

Domestic violence/Assault/Sufficiency and weight of evidence. State v. Brown | 2025-Ohio-5603 | 6th Appellate District | 12/16/2025 Defendant's convictions of domestic violence and assault—knowingly causing or attempting to cause physical harm to a household member in violation of R.C. 2919.25(A)—met sufficiency/weight of evidence standards where “knowingly,” as defined in R.C. 2901.22(B), does not require proof of specific intent to cause harm, but only awareness that one's conduct will probably cause a certain result, and viewing the evidence in the light most favorable to the prosecution, evidence of defendant grabbing the victim's throat, pinning her down, choking her, and slamming a window on her was sufficient for a rational factfinder to conclude he knowingly caused physical harm.

Suppression/Statements/Miranda/Competency/Detention. State v. Overton | 2025-Ohio-5606 | 6th Appellate District | 12/16/2025 Defendant's conviction and aggregate sentence for murder, with a firearm specification, are affirmed where defendant's challenges to the denial of his motion to suppress statements and the trial court's refusal to proceed under R.C. 2945.39, relating to being restored to competency, are without merit; defendant knowingly, intelligently, and voluntarily waived his Miranda rights, despite his mental illness, under the totality of the circumstances, the court of appeals deferred to the trial court's factual findings and agreed that the interrogation video and officer testimony outweighed equivocal expert opinions, consistent with R.C. 2945.37(G) and precedent governing Miranda waivers, and defendant's lengthy pretrial detention did not require termination of prosecution because the one-year limit in R.C. 2945.38(C) (1)(a) applies only to the actual time a defendant “undergoes treatment”

for competency restoration, not calendar time or periods of refusal or delay.

New trial/Crim.R. 33/Witness recantation credibility. State v. Black | 2025-Ohio-5596 | 10th Appellate District | 12/16/2025 In defendant's appeal of a trial court's denial of his Crim.R. 33 motions for new trials following defendant's convictions in two consolidated misdemeanor domestic violence cases with defendant's father the alleged victim, the court of appeals affirms, holding that defendant's father's post trial recantation was deemed not credible given their relationship, conflicting prior statements, and the trial judge's firsthand assessment of credibility, and defendant's mother's testimony was not newly discovered evidence since it could have been presented at trial with due diligence.

Concession of guilt/Counsel/Autonomy/Evidence. State v. Roberts | 2025-Ohio-5583 | 5th Appellate District | 12/15/2025 Defendant's conviction of failure to comply with an order or signal of a police officer under R.C. 2921.331(B) is affirmed where defendant's counsel conceded guilt on that charge, while the jury acquitted defendant of felonious assault and failure to stop after an accident, and on appeal defendant's argument that counsel's concession violated his constitutional right to autonomy under Ohio Const. Art. I, Sec. 10 citing *McCoy v. Louisiana*, 584 U.S. 414 (2018), which held that a lawyer may not override a client's express wish to maintain innocence is without merit where the record contained no evidence that defendant expressly objected to counsel's concession or insisted on maintaining innocence, and the court declined to expand protections to require affirmative proof of a defendant's agreement before counsel may concede guilt.

Plea/Motion to withdraw/Third-party affidavit/Hearing/Crim.R. 32.1/Due process. State v. Allen | 2025-Ohio-5555 | 6th Appellate District | 12/12/2025 In defendant's conviction by a guilty plea to complicity in aggravated murder, the court of appeals holds that the trial court erred by denying defendant's post-sentence Crim.R. 32.1 motion to withdraw his guilty plea where defendant argued his plea was involuntary due to coercion and newly discovered evidence, including an affidavit from a witness alleging that an officer fabricated evidence by coercing her to falsely claim she gave the officer a sweatshirt laced with defendant's DNA since, although the court of appeals held that defendant's claims of pre-plea coercion and irregularities in the plea colloquy were barred by res judicata because they could have been raised in defendant's prior 2015 motion or on direct appeal, the appellate court held the trial court erred by denying the motion to withdraw the plea without a hearing on the witness' affidavit since, if the allegations of fabricated evidence were true, it would constitute a manifest injustice under Crim.R. 32.1 and due process principles; cause remanded for an evidentiary hearing limited to the affidavit's allegations.

Plea/Validity/Crim.R. 11(C)(2)(a)/Lack of prejudice. State v. Carter | 2025-Ohio-5556 | 6th Appellate District | 12/12/2025 In defendant's appeal of convictions by no contest pleas to possession of drugs and attempted illegal conveyance of drugs into a detention facility, with defendant arguing that former R.C. 2925.11(E) only authorized a license suspension of up to five years and that the trial court overstated the maximum penalty by advising defendant that he could permanently lose his right to drive, but the court of appeals affirms, acknowledging the trial court's misstatement but holding that the plea was validly made, applying Crim.R. 11(C)(2)(a) and

Dangler, requiring a showing of prejudice unless the error involves constitutional rights or a complete failure to comply with Crim.R. 11, and because the right to be informed of the maximum penalty is non-constitutional and the trial court's advisement was not a complete failure to comply with Crim.R. 11, defendant was required to show prejudice, but defendant failed to demonstrate that he would not have entered his plea but for the error, particularly since no license suspension was imposed.

Sentencing/Confinement costs/Supervision costs/Appointed counsel fees. State v. Williams | 2025-Ohio-5560 | 6th Appellate District | 12/12/2025 In defendant's conviction by plea to burglary and related offenses, imposition of confinement costs under R.C. 2929.18(A)(5)(a)(ii) is affirmed where the trial court properly considered defendant's ability to pay, R.C. 2929.19(B)(5), supported by evidence of his youth, health, and employment prospects; however, imposition of supervision costs was improper because defendant was sentenced to prison, not community control, making R.C. 2929.18(A)(5)(a)(i) inapplicable, and imposition of appointed counsel fees was also improper since such fees cannot be imposed as part of a criminal sentence and must be treated as a civil assessment.

Sentencing/Mandatory consecutive sentences/Findings not required. State v. Conley | 2025-Ohio-5525 | 8th Appellate District | 12/11/2025 In defendant's conviction by guilty plea to breaking and entering, attempted theft, and failure to comply with a police order, the court of appeals affirms the trial court's imposition of consecutive prison sentences, R.C. 2929.14(C)(4), rejecting defendant's argument that the trial court erred by failing to make the statutory findings required for the discretionary consecutive sentences, with the appellate court explaining that the consecutive sentencing did not

arise from judicial discretion but from the statutory mandate in R.C. 2921.331(D), requiring any prison term imposed for a fourth degree felony failure to comply with a police signal under R.C. 2921.331(B) to be served consecutively to any other sentence, and since the statute removes the trial court's discretion, no findings under R.C. 2929.14(C)(4) were necessary, with the court of appeals emphasizing that mandatory consecutive sentencing applies, regardless of whether the other sentence is imposed in the same or a different case, and thus the aggregate 24 month sentence was not contrary to law.

Jail-time credit/Calculation/Two offenses. State v. Baker | 2025-Ohio-5529 | 8th Appellate District | 12/11/2025 In the instant case in which defendant was convicted by plea to having weapons while under disability, with firearm specifications, trial court's award of jail-time credit related to time served for a post-release control violation tied to his prior attempted murder conviction is reversed because R.C. 2967.191(A) limits jail-time credit to confinement arising out of the offense for which the prisoner was convicted and sentenced, and time served as a sanction for a post-release control violation related to the prior conviction cannot be credited toward the sentence for the new crime; defendant concedes this error, as well.

Weapons offense/Constitutional challenge/Proper analysis. State v. McKenzie | 2025-Ohio-5487 | 6th Appellate District | 12/09/2025 Defendant's conviction of having weapons while under a disability is reversed and remanded for further proceedings since the trial court applied the wrong legal standard when denying defendant's constitutional challenge to R.C. 2923.13 where defendant brought an as-applied Second Amendment challenge to R.C. 2923.13(A)(3), arguing that his prior nonviolent felony drug conviction did not justify permanently disarming him

under the framework announced in *New York Rifle & Pistol Assn. v. Bruen*, and the appellate court reviewed the Crim.R. 12(C) ruling de novo and held that the trial court erred by relying solely on *District of Columbia v. Heller's* statement that felon-in-possession laws are "presumptively lawful," without conducting the two-step historical-tradition analysis mandated by *Bruen*; the state bears the burden to justify firearm restrictions by demonstrating a historical analogue or by showing that the defendant poses a credible threat to public safety, and because the trial court made no *Bruen* analysis and the record lacked factual development regarding defendant's prior conviction or dangerousness, the conviction is vacated and remanded for factual findings and proper application of *Bruen*.

Search/Warrant/Cell-site location data/Independent source. State v. Abdu | 2025-Ohio-5481 | 10th Appellate District | 12/09/2025 In defendant's appeal of his convictions and aggregate sentence of 39 years to life for aggravated murder, murder, and felonious assault with firearm and drive-by shooting specifications, the court of appeals affirms, holding that the trial court properly denied defendant's motion to suppress historical cell-site location data obtained under a second warrant that relied on evidence independent of a prior unlawful phone extraction, consistent with Fourth Amendment principles and cases applying the exclusionary rule and its exceptions; also discussed, admission of autopsy photographs under Evid.R. 403, accomplice-credibility instruction substantially complied with R.C. 2923.03(D), and the convictions were supported by sufficient evidence and were not against the weight of evidence, based on eyewitness testimony, corroborating physical evidence, and cell-site analysis.

Intimidation of a witness/ Sufficiency and weight of evidence. State v. Gigliotti | 2025-Ohio-5470 | 11th Appellate District | 12/08/2025 Defendant's conviction of intimidation of a witness in a criminal case met sufficiency/weight of evidence standards where testimony from the alleged recipient of the threat, her daughter, and an expert translator, together with a verbatim translation of defendant's-dialect voicemail, permitted a rational factfinder to conclude that defendant knowingly made unlawful threats implying serious physical harm in order to influence a witness under R.C. 2921.04(B)(2), because the threats amounted to menacing under R.C. 2903.21, and the court of appeals properly deferred to the trial court's credibility determinations and factual inferences.

Weapons under disability/ Constitutionality/Evidentiary record. State v. Hodges | 2025-Ohio-5448 | 6th Appellate District | 12/05/2025 Defendant's conviction by no contest plea to having weapons while under disability under R.C. 2923.13(A)(3) is reversed and remanded for further proceedings where the trial court improperly denied defendant's constitutional challenge under the Second Amendment without developing an evidentiary record where a defendant raises an as-applied challenge, the defendant must be afforded the opportunity to rebut the presumption of dangerousness with clear and convincing evidence, and because the trial court made no factual findings and no evidence was presented concerning defendant's individual dangerousness, meaningful appellate review was impossible.

New trial/State appeal/Standard/ Dissent. State v. Jones | 2025-Ohio-5389 | Supreme Court of Ohio | 12/04/2025 In defendant's aggravated murder and related offenses conviction in which the trial court granted defendant's motion for a new trial on the basis of a Brady violation and that defendant had presented newly discovered scientific evidence warranting a new trial, the court of appeals' judgment denying the state's motion for leave to file appeal is reversed and remanded on reasoning that the court of appeals applied the wrong standard where R.C. 2945.67(A) permits the state to seek leave to appeal any trial-court decision other than a final verdict, and App.R. 5(C) requires only that the state claim that errors occurred in the trial-court proceedings and provide affidavits or record materials showing the probability that the errors claimed did in fact occur, while the court of appeals erred by deeming the state's proposed appeal "futile" because it did not challenge every alternative basis for the new-trial ruling and by failing to assess whether the state had shown a sufficient probability of trial-court error; there is a dissenting opinion.

Theft/Forgery/Competency/Ability to assist counsel. State v. Richardson | 2025-Ohio-5417 | 10th Appellate District | 12/04/2025 Defendant's convictions for theft and forgery are reversed on reasoning that the trial court committed structural error by trying the defendant who was incompetent to stand trial, in violation of due process, where although R.C. 2945.37(G) presumes competency, the court of appeals found that the preponderance of credible evidence—including evaluations by two doctors—established that defendant's mental health issues rendered her unable to assist counsel, and no reliable evidence supported the trial court's contrary finding, which relied improperly on witnesses unfamiliar with the legal competency standard, so the case is remanded with

instructions for the trial court to follow R.C. 2945.38(H)(4), which requires dismissal of charges and consideration of civil commitment procedures when the statutory restoration period has expired.

Sentencing/Reagan Tokes Law/ Indefinite sentence/Earned reduction of minimum prison term. State v. Nicholson | 2025-Ohio-5411 | 8th Appellate District | 12/04/2025 In defendant's conviction by a plea of guilty to drug trafficking, R.C. 2925.03(A)(2), the court of appeals holds the trial court erred by imposing a non-life indefinite sentence of four to six years that it expressly imposed as a mandatory term and the trial court also erred by failing to give the Reagan Tokes Law advisements required by R.C. 2929.19(B)(2)(c), since although R.C. 2925.03(C)(1)(f) and 2929.13(F)(5) required a trial court to impose a prison term for first-degree felony trafficking, the appellate court noted that type of sentence is not "mandatory" in the sense of precluding earned reduction of minimum prison term credit under R.C. 2967.271 since only sexually-oriented offenses are excluded from that credit eligibility, Grays; sentence vacated only to the extent it was labeled "mandatory," and cause is remanded for deletion of that language and for the trial court to give the required Reagan Tokes advisements.

Sentencing/Community control/ Violation allegation/Warrant/ Tolling. State v. Havron | 2025-Ohio-5373 | 3rd Appellate District | 12/01/2025 In defendant's domestic violence conviction by plea, with resulting community control sentence, where a bench warrant was issued alleging that defendant failed to comply with the conditions of her supervision, and no return of service for the warrant is in the record, trial court's denial of defendant's motion to lift the bench warrant is reversed since the court lacked authority to enforce defendant's community control sentence because the

five-year term had expired, and under R.C. 2929.15(A)(1), a community control term may be tolled if an offender “absconds,” but tolling for absconding is not self-executing, requiring a judicial determination in timely-initiated proceedings expressly declaring that the defendant absconded, and no judicial determination that defendant absconded was ever made, so tolling never occurred, and defendant’s sentence expired by operation of law.

Education

Legislation/Constitutionality/Dismissal/Standing/Pleading.

Reading Recovery Council of N. Am., Inc. v. State | 2026-Ohio-1000 | 10th Appellate District | 03/24/2026
Dismissal, Civ.R. 12(B)(6), for lack of standing of plaintiff-nonprofit organization’s complaint against defendant-state seeking a declaration that R.C. 3313.6028(C), which obligates schools to implement a literacy core curriculum and materials in actual classroom instruction, is reversed where plaintiff’s complaint alleged facts sufficient to establish standing by detailing a decline in plaintiff’s membership of Ohio school districts, the anticipated decline in registrations of the districts for plaintiff’s annual conference, and plaintiff’s inability to carry out its mission; as well, plaintiff alleged that the statute was the proximate factor in the declines in membership and asserted that voiding the statute would properly redress its injuries.

Elections and Campaign Finance

Board of elections/Protest/Recusals/Necessity. State ex rel. Dunn v. Delaware Cty. Bd. of Elections | 2026-Ohio-1084 | Supreme Court of Ohio | 03/27/2026

In relator-qualified elector’s mandamus action to compel respondents-three members of county board of elections to hold a hearing on relator’s protest and voter-registration challenge against party central committee candidate—

who was the fourth member of the board of elections—asserting that the candidate filed a candidacy petition with a false statement of residency, the writ is granted on reasoning that relator established the clear legal right, clear legal duty, and lack of an adequate remedy at law, given the impending election, since R.C. 3501.39(A)(2) and 3503.24 required the board to conduct quasi-judicial hearings on the protest and challenge, and the board’s inability to proceed due to recusals did not negate that duty where the common-law “rule of necessity” required the recused members to participate when their absence would prevent the board from acting for lack of a quorum.

Protest/Part-petition signatures/Hearing/Mandamus/Dissent. State ex rel. Hicks v. Clermont Cty. Bd. of Elections | 2026-Ohio-993 | Supreme Court of Ohio | 03/24/2026

In mandamus action seeking to compel county board of elections to hold a protest hearing under R.C. 3513.05, the writ is denied where relator failed to establish a clear legal right to a hearing or a corresponding clear legal duty on the part of the board because relator’s filing did not constitute a valid protest, as the alleged defects in the single part-petition could not affect the validity of the candidate’s petition or candidacy, given that sufficient signatures remained under R.C. 3501.39 and 3513.05, and the requested relief would compel a vain act, while the court also denied the board’s request for sanctions under S.Ct.Prac.R. 4.03(A); there is a dissenting opinion.

Prohibition/Candidate/Primary ballot/Petition signatures. State ex rel. Spencer v. Stark Cty. Bd. of Elections | 2026-Ohio-966 | Supreme Court of Ohio | 03/20/2026
Relator-citizen’s petition for a writ of prohibition to prevent respondent-county board of elections from placing U.S. representative candidate’s name on primary ballot is denied where relator’s argument that candidate’s petition was one

signature short and that respondent exceeded its authority under R.C. 3513.05 by overturning another county’s signature determinations is without merit since, while the respondent initially lacked authority to revisit another county’s signature decisions before certification, respondent acted within its authority at the protest hearing to determine whether candidate had “fully complied” with R.C. Ch. 3513, and the elections board of the most populous county in a multi-county district has ultimate responsibility to determine petition validity at the protest stage.

Referendum/Prohibition/Map requirement/Summary. State ex rel. DeGraff v. Ottawa Cty. Bd. of Elections | 2026-Ohio-649 | Supreme Court of Ohio | 02/25/2026

Petition for a writ of prohibition, filed by relator-owner of property that township board of trustees voted to rezone, seeking to compel county board of elections to remove a township zoning-referendum from upcoming ballot is denied where the board of elections did not abuse its discretion in finding that the referendum petition complied with R.C. 519.12(H), because at least one submitted map appropriately depicted the affected area, and the statute requires only “an appropriate map;” as well, the court also rejected claims that the petition’s brief summary was misleading, noting that objections not raised in a written protest under R.C. 3501.39(A) were forfeited and, in any event, the summary was reasonably accurate, so the board of elections neither clearly disregarded applicable law nor abused its discretion.

Environmental and Natural Resources

Mineral interests/Unitization/Voluntary/Statutory. Chervenak Family Trust v. Ascent Resources - Utica, L.L.C. | 2026-Ohio-886 | 5th Appellate District | 03/16/2026
In plaintiff-family trust's breach-of-lease action against defendant-oil and gas company, alleging that statutory unitization of the property into units exceeding 160 acres violated the lease, summary judgment for defendant is affirmed where the lease language permitted voluntary unitization under R.C. 1509.26 but was permissive rather than prohibitive and did not address or restrict statutory unitization under R.C. 1509.28, and because the lease was silent as to statutory unitization, defendant's use of statutory unitization did not constitute a breach of the lease.

Mineral rights/Deed/Bankruptcy/Dissent. Hursey v. McPeck | 2025-Ohio-5707 | 5th Appellate District | 12/19/2025
In plaintiff-son's action against defendant-surface owner seeking to quiet title to mineral rights on property formerly owned by parents, trial court's finding that neither party owned the rights to the mineral interest is reversed where the property deed created a life estate in grantors-parents, with a vested remainder interest in the mineral rights in favor of plaintiff, plaintiff's vested remainder was alienable, R.C. 2131.04, and when plaintiff filed for bankruptcy, the remainder interest in the mineral rights was transferred to defendants through the bankruptcy trustee's deed, R.C. 5301.02, when the property was sold to defendants; there is a dissenting opinion.

Estate Planning, Trust and Probate

Heirship determination/Final order/Reconsideration. In re Estate of Troutman | 2026-Ohio-855 | 2nd Appellate District | 03/13/2026
Probate court's order granting estate administrator's motion to reconsider and vacate its prior heirship determination is reversed where the court had subject-matter jurisdiction over the original proceedings under R.C. 2123.01 and 2101.24(A)(1), obtained personal jurisdiction over the named heirs through service of process, and the heirship judgment was a valid final order that was at most voidable, not void; therefore, the probate court lacked authority to vacate the judgment under its inherent powers or to reconsider it, reconsideration of a final judgment is a nullity, and any relief from judgment was required to be sought under Civ.R. 60(B).

Trustee/Fiduciary duty/Settlement agreement/Fraud. Geisenfeld v. Geisenfeld | 2026-Ohio-205 | 2nd Appellate District | 01/23/2026
In dispute among siblings over administration of mother's revocable living trust in which plaintiff-brother filed a complaint for breach of duty to report and for breach of fiduciary duty against defendant-sister trustee, trial court's judgment enforcing settlement agreement and awarding damages and attorney fees to plaintiff is affirmed where the trial court properly found that defendant fraudulently induced the settlement by failing to disclose that items of sentimental and pecuniary value, for which plaintiff bargained, were meaningless, destroyed, or never intended to be produced, thereby breaching her fiduciary duties as trustee, R.C. 5808.01, et seq., and the court found that defendant acted with malice and bad faith rather than impartiality; as well, the settlement agreement was ambiguous as to the term "mother's cookbook," permitting consideration of extrinsic evidence, and the court of appeals deferred

to the trial court's credibility findings and determination of fraud in the inducement.

Home sale proceeds/Joint bank account/Power of attorney/Non-probate asset. In re Estate of Alib-rando v. Minor | 2026-Ohio-133 | 5th Appellate District | 01/15/2026
In dispute between decedent's sons and decedent's romantic partner-executrix of his estate, who was granted a durable power of attorney by decedent, in which partner sold decedent's home and deposited the proceeds into decedent's and partner's joint bank account with right of survivorship, where sons asserted that partner's actions amounted to concealment, R.C. 2109.50, violating the Uniform Power of Attorney Act, R.C. Ch. 1337, the trial court erred in ruling in favor of sons since they expressly abandoned that theory at trial and, alternatively, the finding was against the manifest weight of evidence since partner could not have violated R.C. 1337.34 or 1337.42 by transferring funds after the decedent's death because a power of attorney terminates upon the principal's death, R.C. 1337.30(A)(1), so the joint and survivorship account constituted a non-probate asset that passed to partner by operation of contract, therefore was not subject to concealment proceedings under R.C. 2109.50, and the case is remanded to correct the erroneous fiduciary-duty ruling.

Family stock dispute/Protective order/Testimony under seal. In re Disinterment of Glass | 2025-Ohio-5433 | 2nd Appellate District | 12/05/2025
In disinterment action in which probate court issued a protective order to prevent the disclosure of litigation materials where executor of estate filed a motion for relief from the protective order, prompted by decedent's sister's separate probate court action related to disposition of decedent's shares of stock in closely held corporation, probate court's denial of executor's motion is reversed and remanded where

a primary dispute in the pending litigation was whether decedent, at the time of his death, owned the stock or had instead assigned or transferred it, the litigation involved a family dispute in which nothing was secret as to family members, and testimony in question could be filed under seal.

LLC dissolution/Trust/Injunctive relief. Apple-Chamberlain v. Apple | 2025-Ohio-5388 | 6th Appellate District | 12/02/2025 In dispute between siblings over control of LLCs and trusts created by their deceased parents, the appellate court reversed the trial court's holding and concluded that the sister, as sole member of LLC, had statutory authority under R.C. 1706.47(B) to dissolve the LLC because the operating agreement did not make its listed dissolution events exclusive and Ohio LLC statutes are read into operating agreements by operation of law, sister's dissolution of the LLC triggered the trust's no-contest clause, and that issue was squarely raised on appeal; however, the appellate court affirmed the trial court's denial of sister's motion for preliminary injunctive relief and affirmed the validity of certain farm leases despite notarial defects, and the appellate court did not invalidate the trust protector's appointment—it affirmed that the trust protector was properly appointed and that the trust must pay the fees.

Family Law and Domestic Relations

Divorce/Spousal support/Payment schedule/Outdated. Sullinger v. Sullinger | 2026-Ohio-1171 | 6th Appellate District | 03/31/2026 In divorce action in which husband challenged his spousal-support obligation, the trial court's judgment is affirmed in part and reversed and vacated in part where the court erred in adopting an outdated payment schedule from the magistrate's decision that, due to the passage of time, rendered

compliance impossible, constituting an abuse of discretion; although husband remained obligated to pay spousal support as reduced, and the trial court did not improperly modify the duration of the award under R.C. 3105.18(E), the payment schedule for "current" support could not be implemented as written, and the matter is remanded for amendment of the judgment to adopt the substance of the magistrate's decision in a manner that accounts for the passage of time.

Divorce/Discovery/Protective order/Medical records. S.K. v. P.K. | 2026-Ohio-1048 | 8th Appellate District | 03/26/2026 In divorce action in which wife sought a protective order to restrict disclosure of medical records reviewed by her expert, the trial court erred in wholly denying the protective order where wife's request to preclude husband from reviewing relevant discovery materials was properly denied under Civ.R. 26(B)(1), but limitations should have been imposed on dissemination of the confidential medical records beyond the litigation in light of the limited waiver of the physician-patient privilege under R.C. 2317.02 and the sensitive nature of the records.

Divorce/Property division/Shared parenting. Silmi v. Assad | 2026-Ohio-874 | 9th Appellate District | 03/16/2026 In divorce action, the trial court's judgment, including its denial of wife's motion for a new trial, is reversed where the court erred by dividing marital property without determining the value of the assets as required by R.C. 3105.171, precluding meaningful appellate review, and further erred in adopting a shared parenting plan where the plan was not properly filed, was submitted only by email after trial, was not requested in the pleadings, and deprived wife of adequate notice and an opportunity to respond in violation of due process, notwithstanding that the timing provisions of R.C. 3109.04(G)

are directory; the case is remanded for further proceedings.

Divorce/Frozen embryos/Remand mandate. R.N. v. E.B. | 2026-Ohio-725 | 9th Appellate District | 03/04/2026 In divorce proceedings in which all issues were resolved except the parties' dispute regarding the disposition of frozen embryos, trial court's judgment on remand is reversed in part where the court restricted the wife's use of the embryos to implantation in herself only, which violated the law-of-the-case doctrine because that restriction was not contained in the appellate court's prior mandate; however, the husband's arguments that the amended decree was not a final appealable order and that all of his stated wishes regarding the embryos had to be incorporated as enforceable court orders are without merit because the trial court complied with the remand instructions by allowing husband to express his wishes and by incorporating those that were lawful and enforceable.

Dissolution/Spousal support/Settlement agreement/Employment agreement. Crum-Cianflone v. Cianflone | 2026-Ohio-663 | 5th Appellate District | 02/26/2026 In dissolution action in which the parties reached a settlement agreement that included wife's spousal support obligation of a specific monthly amount plus a percentage of any bonuses she would be paid under her employment agreement, trial court's ruling declining to hold wife in contempt for violating the spousal support provision of the settlement agreement is vacated on reasoning that the trial court misinterpreted wife's employment agreement and thus miscalculated wife's compensation, while her employment agreement was unambiguous as to the calculation of bonuses; the case is remanded to determine if wife was in willful contempt for violation of the parties' settlement agreement and to calculate the amount of spousal support owed.

**Divorce/Property division/
Valuation date/Evidence.** Patrick v. Patrick | 2026-Ohio-450 | 8th Appellate District | 02/12/2026

In divorce action, trial court's property division judgment is reversed where valuation of marital financial accounts must generally be valued as of the first day of trial—the presumptive termination date of marriage under R.C. 3105.171(A) (2)—and the trial court failed to adequately justify using later valuation dates while using earlier dates for retirement accounts, and it was also improper to rely on post-trial financial disclosures not admitted into evidence, consistent with evidentiary principles governing trial decisions; however, trial court's spousal-support award for 44 months is affirmed as being reasonable under the statutory factors in R.C. 3105.18(C), and the partial attorney-fee award under R.C. 3105.73(A) was proper based on the parties' income disparity and wife's lack of employment.

Divorce/Support/Imputed income. J.E.S. v. A.S. | 2026-Ohio-458 | 8th Appellate District | 02/12/2026

In divorce action, the trial court's order imputing to wife minimum-wage income for spousal/child support purposes is affirmed where, although wife received gifts from her father for monthly expenses, the law-of-the-case doctrine prevented consideration of gifts when determining wife's income, the trial court properly considered, on remand, wife's education, work history and potential employment, the standard of living of the parties established during the marriage, the income and earning potential of the parties, and all other relevant factors, and minimum-wage income imputed to wife was not unreasonable because wife was voluntarily underemployed, R.C. 3119.01(C), 3119.05(A).

Parenting time/Magistrate's decision/Modification/Hearing.

Pluskota v. McVicker | 2026-Ohio-441 | 5th Appellate District | 02/11/2026 In father's action seeking allocation of parental rights and responsibilities in which magistrate's decision designated mother as the residential parent and legal custodian, with father having supervised parenting time, the trial court erred in modifying the magistrate's decision—based on guardian ad item's (GAL) report—without a hearing where there was evidence that father had a criminal history, there was a question whether his visits with child should be supervised, and the parties should have been permitted to cross-examine the GAL about his updated visitation recommendation in order to protect the best interest of the child.

**Divorce/Shared parenting/
Religious observances.** Via v. Boyle | 2026-Ohio-310 | 12th Appellate District | 02/02/2026

In divorce action, termination of shared-parenting plan and designation of husband as residential parent and sole legal custodian of child is affirmed where, although wife claimed that her constitutional rights were violated because her religious practices were improperly weighed in modifying custody, the court properly distinguished between her protected beliefs and her problematic manner of implementing those beliefs, including changes in holiday observances, without consulting husband, the parties were unable to make joint decisions, and shared parenting was unworkable, R.C. 3109.04(F).

Divorce/Parenting time/Change in circumstances. Motes v. Motes | 2026-Ohio-307 | 12th Appellate District | 02/02/2026 In divorce action in which husband challenged trial court's parenting time order, the court's modification of parenting time is affirmed where mother was not required to show a change in circumstances because that

requirement applies to changes in custody but not to modifications of visitation or parenting time, R.C. 3109.051(D), and the court relied on the extensive record in making the determination; however, the matter must be remanded for consideration of mother's work schedule and its impact on parenting time.

**Divorce/Legal separation/Merger/
Res judicata.** Bright v. Mao | 2026-Ohio-286 | 2nd Appellate District | 01/30/2026

After the trial court had issued a judgment of legal separation based on the parties' separation agreement, husband filed a divorce action, and the trial court merged the legal separation and divorce actions, resulting in a judgment designating husband the residential parent and legal custodian of the minor child, with wife being granted extended parenting time and being ordered to pay child support, the trial court's judgment incorporating the portion of the separation agreement that had divided the parties' assets and liabilities is affirmed, and wife's challenge is without merit since she failed to prosecute her appeal of the legal separation judgment, and res judicata bars her from relitigating the validity of the agreement; as well, wife did not show that she had the right to a transcript of the final divorce hearing at the state's expense.

Civil protection order/Statutory findings/Credibility. Henson v. Robinson | 2026-Ohio-70 | 12th Appellate District | 01/12/2026

In mother's petition for a domestic violence civil protection order against father, alleging that he endangered their children and seeking to prohibit him from having any contact with them, trial court's issuance of the order is reversed where the magistrate did not make the statutorily required findings that the children were "abused" or "endangered," R.C. 3113.31(A)(1), and although the magistrate detailed father's misconduct in the parties' contentious parenting disputes, there was no finding—and the

record contained no evidence—that father’s actions created a substantial risk to the children’s health or safety, R.C. 2151.031(C) and 2919.22(A), or caused “mental injury” as defined in R.C. 2151.031(E) and 2151.011(B)(24), and protection orders may not be used to enforce compliance with parenting-time orders absent proof of domestic violence; however, denial of father’s protection order petition against stepfather is affirmed where the appellate court deferred to the magistrate’s credibility determinations and concluded that the alleged conduct did not constitute domestic violence, R.C. 3113.31(A)(1).

Civil protection order/Document/Evidence. H.C. v. C.P. | 2026-Ohio-33 | 10th Appellate District | 01/08/2026 Issuance of a civil stalking protection order (CSPO) based on the alleged dissemination of a flyer containing highly personal information about petitioner is reversed and remanded with instructions to vacate the order on reasoning that the CSPO was not supported by some competent, credible evidence, R.C. 2903.214 and 2903.211, where the trial court’s conclusion that respondent must have sent it rested almost entirely on testimony about the contents of the flyer, even though neither an original nor a duplicate of the flyer was admitted into evidence under the Best Evidence Rule in Evid.R. 1002 and the limited exceptions in Evid.R. 1003 and 1004, and the testimony describing the contents of the flyer was improperly admitted because petitioner failed to establish any exception permitting secondary evidence, so without admissible evidence proving the flyer’s contents or linking respondent to its dissemination, the record lacked competent, credible evidence of a “pattern of conduct” knowingly causing mental distress, R.C. 2903.211(A)(1).

Adoption/Consent/Burden of proof. In re Adoption of K.C.K. | 2026-Ohio-10 | 12th Appellate District | 01/05/2026 In stepmother’s petition for adoption of child, the trial court’s order that biological mother’s consent was required is affirmed where, although mother failed to contact child during the period immediately preceding filing of the petition, she had justifiable cause for failure to contact child because she made multiple attempts to see or speak with child, father may have misled mother in a manner that delayed her attempts to re-establish contact with child, mother filed a motion to reinstate parenting time, and the burden to disprove justifiable cause remained with petitioner, R.C. 3107.07(A).

Divorce/Property division/Civil action proceeds/Interest. Jones v. Jones | 2026-Ohio-5 | 2nd Appellate District | 01/02/2026 In a divorce action in which settlement proceeds received by the wife from a civil lawsuit were marital property, the trial court’s post-remand decision awarding husband statutory interest only on the equalization judgment—rather than on his entire share of the settlement proceeds—is affirmed, and because each party owed the other substantial amounts and each held assets to which the other lacked access, it would have been inequitable to require wife to pay interest on assets in her possession without imposing the same obligation on husband, so under R.C. 1343.03(A), interest was properly awarded only on the definite money judgment that became due and payable.

Divorce/Custody/Evidence/Child support. Mahbub v. Mahbub | 2025-Ohio-5867 | 10th Appellate District | 12/31/2025 In divorce action, the trial court’s award of sole custody of child to the father is reversed because the court improperly relied on a post-trial, limited scope guardian ad litem report that was never admitted into evidence and addressed only temporary orders, and the trial court may consider only evidence admitted at trial when determining the child’s best interest, R.C. 3109.04(F), so because the trial court’s custody determination was compromised by reliance on inadmissible material, the case is remanded for a proper best interest analysis and for recalculation of child support.

Divorce/Child support/Worksheet deviation. Dauer v. Dauer | 2025-Ohio-5734 | 6th Appellate District | 12/23/2025 In divorce action in which father sought reduction in the amount of his child support obligation, the trial court’s continuing upward deviation from the schedule and worksheet for support is affirmed where father admitted that his income varied substantially when he agreed to upward deviation, there was no change in circumstances or change in the original reasons for deviation to warrant a reduction, R.C. 3119.79, and deviation was found to be appropriate pursuant to R.C. 3119.22 because the amount of support calculated under the schedule and worksheet was not in child’s best interest.

Divorce/Property division/

Valuation date. Sajja v. Atluru | 2025-Ohio-5740 | 10th Appellate District | 12/23/2025 In divorce action, the trial court erred in dividing marital property by failing to make the statutorily required written findings explaining why the division was equitable, R.C. 3105.171(F) and (G) where, even though the trial court identified and valued assets and stated that the division was “equitable,” it did not indicate that it considered the statutory factors or explain how those factors supported the overall distribution, requiring reversal and remand for proper findings; however, the trial court properly designated its valuation dates and declined to tax-effect a deferred compensation account because any future tax consequences were speculative, and the trial court’s determinations rejecting claims of financial misconduct, R.C. 3105.171(E)(4), designating the father as residential parent for school placement, R.C. 3109.04(F), after a detailed best-interest analysis, and finding the mother in contempt for violating a standard mutual restraining order are affirmed.

Civil protection order/Menacing by stalking/Mental distress/Physical harm/Belief/Dissent. Z.J. v. R.M. | 2025-Ohio-5662 | Supreme Court of Ohio | 12/23/2025

In petitioner’s action seeking a civil stalking protection order (CSPO), R.C. 2903.214, against respondent-former acquaintance for escalating confrontations between the parties, trial court’s order granting the CSPO in which the trial court interpreted the menacing-by-stalking statute, R.C. 2903.211, as requiring the petitioner seeking a protection order to merely believe the respondent intends to cause the petitioner mental distress, affirmed by the court of appeals, is affirmed since R.C. 2903.214 does not require the petitioner to actually experience mental distress

or physical harm prior to issuing the order, but only that the petitioner believe the respondent would cause mental distress or physical harm, evidence in the instant case showed a pattern of conduct demonstrating that respondent knowingly caused petitioner to believe that respondent would cause mental distress, and this holding resolves a certified conflict among the appellate districts concerning the proof required to obtain a CSPO based on menacing by stalking; there are dissents, with one opinion.

Divorce/Custody/Special Immigrant Juvenile status. Vargas Pelaez v. Martinez Moreno | 2025-Ohio-5532 | 10th Appellate District | 12/11/2025

In divorce action in which mother was granted custody of children, the trial court erred in failing to make findings to allow the children to petition the federal government for Special Immigrant Juvenile (SIJ) status where children were born in another country and although mother had continuous custody of children, R.C. 2151.011(C) could apply to show that father abandoned the children to meet the requirements under 8 U.S.C. 1101(a)(27)(J) which allows children who have been subject to abuse, neglect, or abandonment by one or both of their parents to remain in the U.S. and apply for lawful permanent residence; as well, the trial court also failed to apply the best-interest standard under R.C. 3109.04(F)(1) when declining to make SIJ status findings, so the judgment must be modified to include requested findings.

Domestic relations court/Child support enforcement agency/Sui juris/Remedy at law. Seelbaugh v. Montgomery Cty. Court of Common Pleas, Domestic Relations Div. | 2025-Ohio-5297 | Supreme Court of Ohio | 12/02/2025 Dismissal of relator’s original action seeking a writ of prohibition against court of common pleas, domestic relations division and child support enforcement

agency (CSEA) is affirmed where the domestic-relations court was not a proper respondent because a court of common pleas is not sui juris and cannot be sued, relator failed to show that either the domestic-relations court or the CSEA patently and unambiguously lacked jurisdiction since, inter alia, domestic-relations courts have statutory authority over divorce and child-support matters, and CSEAs have statutory duties to enforce and review child-support orders, and relator had adequate legal remedies—including requesting an administrative hearing before the CSEA, filing objections to the magistrate’s decision, and appealing the decision of the domestic-relations court once it adopted the magistrate’s decision—precluding prohibition.

Health Care

Reproductive rights/Post-abortion/Constitutionality/Severability.

Planned Parenthood SW Ohio Region v. Ohio Dept. of Health | 2026-Ohio-639 | 1st Appellate District | 02/25/2026 Trial court’s judgment declaring 2020 Am.S.B. No. 27 (S.B. 27), which mandates that fetal tissue from procedural abortions be disposed of by interment or cremation, unconstitutional under Ohio Const. Art. 1, Sec. 22 (Reproductive Freedom Amendment), is affirmed in part on reasoning that S.B. 27’s dispositional mandate discriminates against the right to reproductive freedom by requiring differential treatment for fetal tissue that results from a procedural abortion, and the plain language of the Amendment applies to government action that affects all phases of reproductive decision-making, including discrimination that might occur after a procedure; however, applying the severability analysis under R.C. 1.50 and precedent, amendments to R.C. 2317.56(A)(3) and 3701.79(C) and (I) concerning abortion reporting and definitions were independent and could remain in effect, so trial court’s judgment is affirmed as modified.

Arbitration agreement/Enforcement/Patient's care. Barker v. Arbors at Stow | 2025-Ohio-5769 | 9th Appellate District | 12/26/2025 In patient's action against nursing facility alleging, inter alia, negligence leading to serious and permanent injuries while in residence, trial court's order denying facility's motion to stay proceedings and to enforce arbitration is affirmed where patient's guardian did not have actual authority to execute the stand-alone alternative dispute resolution arbitration agreement, R.C. 2111.13, because the arbitration agreement was not for patient's care, maintenance, or protection, and guardian did not have apparent authority because patient was deemed incompetent prior to execution of the agreement.

Insurance

Vehicle/Repair services/Storage/Damages. GEICO Ins. Co. v. Glendale Body Shop, Inc. | 2026-Ohio-899 | 1st Appellate District | 03/18/2026 In insurer's action against defendant-car repair shop disputing reasonableness of unpaid balance owed for services on insured's car, trial court's order that the fees for towing and storage were reasonable but reducing the number of days of allowed storage is affirmed where, although the repair shop was not a "towing service" because it did not act as a for-hire motor carrier, it qualified as a "storage facility" under R.C. 4513.70 because the vehicle was received and held in circumstances constituting storage, and while the towing charges and daily storage rate were reasonable, the duration of storage was unreasonable, limiting storage charges to 10 days.

Motor vehicle/Bad faith/Discovery/Attorney-client/Work-product. Eddy v. Farmers Property Cas. Ins. Co. | 2026-Ohio-626 | Supreme Court of Ohio | 02/26/2026 In insureds' bad faith action against insurer that ultimately paid insureds after insureds sued insurer for breach of contract, trial court's discovery order requiring insurer to produce claims-file documents, affirmed by the court of appeals, is reversed on reasoning that the attorney-client privilege and work-product protections in insurer bad-faith cases are governed by R.C. 2317.02(A)(2) and Civ.R. 26(B)(4)—rather than the broad exception recognized in *Boone v. Vanliner Ins. Co.*—and these provisions permit disclosure of attorney-client communications only after the insured makes a prima facie showing of bad faith, with the trial court conducting an in camera review to determine whether the communications furthered bad faith, and the work-product materials are presumptively protected under Civ.R. 26(B)(4) and may be disclosed only upon a showing of good cause; the case is remanded for proper review to comply with R.C. 2317.02(A)(2) and Civ.R. 26(B)(4).

Motor vehicle/Rated driver/Named insured/UIM. Cleary v. Nationwide Mut. Ins. Co. | 2026-Ohio-571 | 10th Appellate District | 02/19/2026 In plaintiff-rated driver's action against defendants-insurers seeking underinsured motorist (UIM) coverage under his mother's auto policy, trial court's order granting summary judgment for defendants on their declaratory-judgment counterclaim is reversed where, although the plaintiff was not a named insured and did not reside with the policyholder at the time of the accident, he was listed on the policy declarations page as a "rated driver," and the policy failed to define that term, creating ambiguity as to whether a rated driver qualifies as an "insured," and construing the ambiguity in favor of coverage, the appellate court held the plaintiff qualified as an insured

for purposes of the UIM provision; as well, the court also held that defendants failed to show material prejudice from the plaintiff's alleged failure to cooperate with the investigation.

Motor vehicle/Underinsured/Default judgment/Policy limits/Relief from judgment. State [sic] Hann v. Tonnous | 2026-Ohio-246 | 4th Appellate District | 01/13/2026 In plaintiff-driver's action against defendant-insurance company, alleging damages from vehicle collision with underinsured driver, resulting in a default judgment, the trial court's order granting defendant's Civ.R. 60 motion for relief from judgment is affirmed where, although defendant did not sufficiently show excusable neglect under Civ.R. 60(B)(1), relief was proper under Civ.R. 60(B)(5) because the amount of default judgment exceeded policy limits, defendant did not act in bad faith, and allowing the judgment to stand would be unjust and inconsistent with principles governing insurance contracts.

Health/Rescission/Misrepresentation. Tolani v. Med. Mut. of Ohio | 2025-Ohio-5624 | 8th Appellate District | 12/18/2025 In insureds' breach of contract and bad faith action against insurer, asserting that insurer rescinded coverage under insureds' health insurance policy without cause, summary judgment in favor of insurer is reversed where the policy that had been purchased under the ACA Exchange—which had a residency requirement—allowed rescission only if insureds made an intentional misrepresentation of material fact at the time of enrollment, insurer provided no evidence identifying false statements in insureds' application for insurance, and questions remain whether insureds, who relocated from another country, intended to reside in the service area and were reasonably expected to remain present for the coverage period.

Bindover/Probable cause/Mandatory transfer. In re A.M. | 2026-Ohio-658 | 8th Appellate District | 02/26/2026 The court of appeals reversed the juvenile court's denial of state's request for a mandatory bindover where the juvenile court had found probable cause on all charges, including aggravated robbery, but declined to order a bindover because it doubted whether the juvenile possessed a firearm, but the appellate court applied R.C. 2152.10(A)(2)(b) and 2152.12(A)(1)(b)(ii) and held that the 16 year old juvenile must be transferred because the state's evidence, including surveillance video, witness statements, the juvenile's DNA match on broken glass at the robbery site, and the juvenile's phone found in the getaway vehicle, created more than a mere suspicion that the juvenile brandished a gun, with the court of appeals concluding that the juvenile court may not weigh competing inferences at the probable cause stage of a bindover hearing; case remanded for entry of a probable cause finding and transfer.

Custody/Paternity/Genetic testing. In re B.M. | 2026-Ohio-264 | 8th Appellate District | 01/29/2026 In custody action in which father filed a motion seeking release from paternity and a motion to compel mother to cooperate with genetic testing, the trial court erred in concluding that it lacked jurisdiction to consider the motion for release from paternity and in denying as moot his motion to compel mother to cooperate with genetic testing where, under R.C. 3119.96, a movant is not required to submit genetic test results before filing a motion for release from paternity, and the court was required to determine whether mother willfully failed to submit the child for testing under R.C. 3119.963(B), so the judgment is reversed and remanded for the juvenile court to address both issues.

Custody/Continuance/Appeal at hearing. In re J.H. | 2026-Ohio-4 | 2nd Appellate District | 01/02/2026 Award of permanent custody of children to agency is affirmed, even though mother's oral request for a continuance was denied after technical problems prevented her from appearing by video from prison at the permanent custody hearing, since denial of a continuance was reasonable under the circumstances where parents have a fundamental liberty interest in the care and custody of their children, but an incarcerated parent's right to be present at a permanent custody hearing is not absolute, and mother's request to appear virtually was untimely and counsel failed to ensure the feasibility of video participation; as well, under R.C. 2151.414(A)(2), the permanent custody motions had been pending well beyond the statutory 120-day deadline, the children had been in agency custody for extended periods, they were thriving in a stable foster placement, and given the children's need for permanency and the inconvenience and delay a continuance would have caused, the trial court acted within its discretion.

Paternity/Child support/Personal jurisdiction/Factors. In re G.V.W. | 2025-Ohio-5639 | 8th Appellate District | 12/18/2025 In mother's action seeking to establish paternity and child support, trial court's sua sponte dismissal of the action for lack of personal jurisdiction over father is affirmed where R.C. 3111.06(B), regarding sexual relations in Ohio that may have led to conception of a child, did not apply to establish jurisdiction because evidence demonstrates that the child was not conceived in Ohio, mother did not establish jurisdiction under the R.C. 2307.382 long-arm statute because father made limited non-business visits to the state, which did not satisfy the minimum contacts requirements, and father did not waive the defense of lack of personal jurisdiction because he never appeared in court or filed pleadings.

Custody/Magistrate/Jurisdiction. State ex rel. Radic v. Rudary | 2025-Ohio-5468 | 11th Appellate District | 12/08/2025 In relator's action seeking to prohibit respondent-magistrate from exceeding her jurisdiction in underlying custody action in which respondent ordered relator to return to court with her child and subsequently found relator in direct contempt because relator did not affirm in a phone call with her attorney that she was returning with the child and changed custody, respondent's motion to dismiss is granted where relator's allegation that respondent erroneously issued an order rather than a decision to modify parental rights does not demonstrate a lack of jurisdiction, but it is a procedural irregularity that is not jurisdictional in nature, and relator has adequate remedies under law, Juv.R. 40(D), and an eventual appeal from final judgment.

Parental rights/Contempt/Counsel/Withdrawal/Waiver. G.M. v. T.B. | 2025-Ohio-5450 | 6th Appellate District | 12/05/2025 In father's complaint seeking allocation of parental rights and responsibilities, the trial court erred in allowing mother's appointed counsel to withdraw where mother was engaged in the proceedings by filing motions and appearing at hearings, her unexplained failure to appear for the contempt hearing was insufficient on its own to deny her the right to counsel, and because magistrate did not fully consider whether mother waived her right to counsel, the finding of contempt must be vacated so mother can participate in a new hearing while represented by counsel, Juv. R. 4(A), R.C. 2151.352.

Labor and Employment

Discrimination/Limitations/Agreement/Choice-of-law. Toth v. Rocket Mtge., L.L.C. | 2026-Ohio-926 | 8th Appellate District | 03/19/2026 In employee's sex-discrimination and retaliation action under R.C. Ch. 4112, summary judgment for employer is reversed where the trial court improperly enforced the one-year limitations period in employee's agreement without first determining which state's substantive law governed the claims, as the agreement's choice-of-law clause applied only to interpretation of the contract and not clearly to tort claims, and the enforceability of the shortened limitations period depends on whether Ohio or Michigan law applies, requiring remand for a proper choice-of-law analysis under the Restatement of the Law 2d, Conflict of Laws.

Termination/Arbitration/Suspension. Univ. of Toledo v. Am. Assn. of Univ. Professors, Toledo Chapter | 2026-Ohio-632 | 6th Appellate District | 02/24/2026 In university's action against association in dispute over termination of instructor, who was involved in two disciplinary actions, where university asserted that it terminated instructor for just cause, but arbitrator reduced the termination to a suspension, trial court erred in vacating the arbitration award which reinstated instructor since the arbitrator acted within her authority under the collective bargaining agreement (CBA), she determined that the university lacked just cause for instructor's immediate termination under terms of the CBA, suspension was the appropriate remedy, and because the arbitration award drew its essence from the CBA and did not violate public policy, the court was required to confirm it, pursuant to R.C. 2711.09.

Discrimination/Public policy/Exclusions/Retaliation. Unger-buehler v. Kelly | 2026-Ohio-436 | 1st Appellate District | 02/11/2026 In plaintiff-nanny's employment disability discrimination and workers' compensation retaliation action against defendants-former employers for terminating her employment after she was in an accident, which limited her abilities, trial court's order granting defendants' Civ.R. 12(C) motion for judgment on the pleadings is reversed where discrimination on basis of a disability is prohibited under R.C. 4112.02(A), which reflects clear public policy prohibiting such discrimination, and statutory exclusions for small employers such as plaintiff's who employ less than three employees and for domestic employees did not bar plaintiff's Greeley claim under the amendment to R.C. 4112.08; as well, eligibility for workers' compensation is not an element of a retaliation claim under R.C. 4123.90, and plaintiff adequately alleged a protected activity—written notice of intent to file a claim—and retaliatory termination, so trial court's dismissal of that claim is reversed.

Discrimination/Age/Termination/Retirement/Summary judgment. Selzer v. Union Home Mtge. Corp. | 2026-Ohio-38 | 8th Appellate District | 01/08/2026 In employee's age discrimination action against former employer, alleging that he was terminated under the pretense of reduction in force and that employer hired a lesser-qualified 31 year-old employee to replace him, summary judgment in favor of employer is reversed where employee argued that his proximity to retirement was the reason he was selected for termination, and employee presented sufficient evidence under the direct method of proof of age discrimination—showing that an employer more likely than not was motivated by discriminatory intent—to withstand summary judgment, R.C. 4112.02(A).

Procedure

Jurisdiction/Statute-charter conflict/Analysis. Avon Lake ex rel. Phillips v. Spaetzel | 2026-Ohio-1104 | 9th Appellate District | 03/30/2026 In appellants' action alleging malfeasance and seeking to remove city mayor from office pursuant to R.C. 733.72, trial court's order granting city law director's Civ.R. 12(B)(1) motion to dismiss for lack of subject-matter jurisdiction is reversed, and the case is remanded, where the trial court concluded that the mayoral removal provisions in the city charter took precedence over the statutory removal procedure but failed to first analyze whether an actual conflict existed between the charter and R.C. 733.72 or whether the provisions could operate as concurrent methods of removal, as argued by appellants; because the trial court did not undertake the required provisions-conflict analysis, and the appellate court declined to resolve that issue in the first instance, the matter must be remanded for further proceedings.

Dismissal/Res judicata/Defense not raised. Anderson v. Bonnema | 2026-Ohio-771 | 9th Appellate District | 03/09/2026 Dismissal with prejudice of plaintiffs' complaint alleging that defendants wrongfully obtained a speedway and related company is reversed and remanded where the trial court dismissed the action on the basis of res judicata, even though defendants did not raise that defense in their Civ.R. 12(B)(6) motion; because courts ordinarily decide cases based on issues raised by the parties, and res judicata is an affirmative defense that must be asserted by the parties, the trial court erred in dismissing the complaint on that basis.

**Court proceedings/Publishing/
Prior restraint/Peremptory writ.**

State ex rel. Cincinnati Enquirer v. Baker Ross | 2026-Ohio-510 | Supreme Court of Ohio | 02/17/2026
Related to newspaper reporting on a criminal trial in which relators—newspapers filed a petition for a writ of prohibition challenging respondent-trial judge’s amended order purporting to limit what the newspapers may record and publish regarding the proceedings, the court issues a peremptory writ preventing respondent from enforcing (1) the provision of the amended order prohibiting publication of jurors’ or prospective jurors’ personal information (a) until respondent holds a hearing and makes the necessary findings from evidence in the record and (b) to the extent that it prohibits dissemination of information revealed in open court or from publicly available court records, and from enforcing (2) the provision of the amended order pertaining to objecting witnesses to the extent that it (a) prohibits representatives of the media from attending and being heard at a witness’s objection hearing, (b) prohibits recording of objection hearings that occur in open court, and (c) prohibits recording of defendants when they are not on the stand; prior restraints on reporting court proceedings implicate the First Amendment and Ohio Const. Art. I, Sec. 11 and Sec. 16, and before issuing an “order not to publish,” the court must observe both substantive and procedural safeguards.

**Sanctions/Untimely jury demand/
Attorney fees.** Butt v. Butt | 2026-Ohio-538 | 5th Appellate District | 02/13/2026 In dispute between father and son arising from conveyance of property to son by father and his sister in which the trial court issued sanctions against father for frivolous conduct, the court’s judgment is reversed, in part, where, applying R.C. 2323.51 and Civ.R. 11, only one act—father’s

untimely jury demand filed 15 months after the complaint—qualified as frivolous conduct because it violated Civ.R. 38(B) and 39(B)(1), without any good-faith argument, and trial court’s reliance on pre-suit mediation efforts and prior appeals as bases for sanctions is misplaced since conduct before filing a civil action is not sanctionable under R.C. 2323.51(A)(1)(a), and the earlier appeals were not frivolous; as well, the trial court failed to explain its attorney fee award under the lodestar method, so the case is remanded for recalculation limited to the fees caused by the untimely jury demand.

**Pro hac vice eligibility/Denial of
motion/Rationale.** DiSanto v. United States Steel Corp. | 2026-Ohio-462 | 8th Appellate District | 02/12/2026

In defamation action, trial court’s denial of defendant’s unopposed motions to admit three out-of-state attorneys pro hac vice on reasoning that it had already permitted “numerous” pro hac vice attorneys is reversed where, although trial courts possess inherent authority to regulate the practice of law before them and must ensure compliance with Gov.Bar R. XII, there was no dispute that defendant’s counsel satisfied the rule’s eligibility requirements, denial of pro hac vice admission is a final, appealable order under R.C. 2505.02(B)(4), and trial court’s denial was arbitrary and not supported by a substantive rationale.

**Appeal/Final order/Unresolved
issue.** Franzmann v. Williamsburg Homeowners Assn., Inc. | 2026-Ohio-298 | 5th Appellate District | 01/29/2026 In homeowner’s action against association alleging, inter alia, breach of contract for demanding removal or modification of fence, resulting in summary judgment for association, homeowner’s appeal of the summary judgment is dismissed for lack of a final appealable order where the trial court determined that the association was entitled to

attorney fees, R.C. 5312.11(A)(3), but deferred the determination of the amount of fees, and the judgment was not final because the amount of fees remained unresolved.

**Jurisdiction/Two actions/Different
court divisions.** Westannco Servs., Inc. v. Bigham | 2026-Ohio-146 | 5th Appellate District | 01/02/2026

In plaintiff-business’ commercial disparagement, trade libel, and related claims action in the general division of common pleas court against defendant-business owner’s estranged wife, alleging that she made false statements to customers in a calculated effort to destroy the company, the trial court’s order granting defendant’s Civ.R. 12(B) (1) motion to dismiss, challenging subject matter jurisdiction, is reversed where the jurisdictional priority rule did not apply to vest exclusive jurisdiction in the domestic relations division because the trade libel and divorce cases were not pending in two different courts but rather in different divisions within the same court, and both divisions had the same general subject matter jurisdiction, R.C. 2301.03(V).

**Civil protection order/Magistrate’s
decision/Adoption by court/
Objections/Timeliness.** Kennat v. Kennat | 2025-Ohio-5840 | 9th Appellate District | 12/31/2025

Dismissal of wife’s petition for a domestic violence civil protection order against husband is reversed and remanded where the magistrate’s decision held that wife has failed to prove that husband’s behavior rose to the level of domestic violence, R.C. 3113.31, and wife filed objections to trial court’s adoption of magistrate’s decision that were timely-filed pursuant to Civ.R. 65.1(F), but the trial court incorrectly relied on Civ.R. 53(D) in ruling that her objections were not timely filed; as well, the magistrate’s decision cites to Civ.R. 65.1(F)(3) (d), but instructs the parties to file written objections within 14 days of the filing of the magistrate’s decision, instead of within 14 days of

the filing of the trial court's decision.

Motion/Response period/Due process/Appeal. R.C. v. R.A.C. | 2025-Ohio-5640 | 8th Appellate District | 12/18/2025 In divorce action, the trial court erred in granting husband's motion for immediate sale of marital real property where the motion was granted before the end of the response period mandated by local rules, and deviation from local rules was impermissible because it implicated due-process concerns by depriving wife of her opportunity to respond; the case is remanded, and the appellate court disposed of the appeal with a brief and conclusionary statement explaining the reason for the court's decision as to each assigned error, App.R. 11.1(E).

Summary judgment/Identification of party. Jefferson Capital Sys., L.L.C. v. McDuffey | 2025-Ohio-5451 | 6th Appellate District | 12/05/2025 In plaintiff-loan account owner's action against defendant-borrower alleging failure to pay on account, summary judgment in favor of plaintiff is reversed where defendant filed several motions denying that he was the person referenced in loan documents and showing that he had been mistaken for a different person with his name in the past, identifying information on the loan documents included only defendant's name, plaintiff did not provide additional identifying information, and the question remains whether defendant was the correct party.

Twice refiled case/Saving statute. Riccelli v. Rector | 2025-Ohio-5358 | 9th Appellate District | 12/01/2025 In plaintiff-mother's wrongful death and bodily injury action against defendant for son's death from a drug overdose, summary judgment in favor of defendant is affirmed where plaintiff voluntarily dismissed her initial complaint then filed a second complaint after the expiration of the two-year statute of limitations but within one-year following the dismissal of the first

case, which the parties do not dispute fell under the saving statute, R.C. 2305.19, and the second case was dismissed without prejudice, so plaintiff's refiled of the action a second time was outside both the statute of limitations period and the period allowed under the R.C. 2305.19 saving statute.

Professional Responsibility

Resignation/Post-resignation obligations. In re Resignation of Piergies | 2026-Ohio-1118 | Supreme Court of Ohio | 03/31/2026 Attorney's application for resignation with disciplinary action pending is accepted, Gov.Bar R. VI(11)(C), following referral of his application to disciplinary counsel, Gov.Bar R. VI(11)(B), and, inter alia, attorney is barred from the practice of law and required to comply with post-resignation obligations, including client notification and reimbursement of any amounts awarded by the Lawyers' Fund for Client Protection under Gov.Bar R. VIII(7)(F).

Reinstatement/Condition. Disciplinary Counsel v. Romer | 2026-Ohio-1117 | Supreme Court of Ohio | 03/31/2026 Pursuant to attorney's petition for reinstatement to the practice of law, which was referred to the Board of Professional Conduct under Gov.Bar R. V(25)(E), the attorney is reinstated to the practice of law on condition that, inter alia, he continue treatment and counseling as recommended by his providers, and attorney is ordered to pay the costs of the proceedings within 90 days of the order.

Suspension/Interim/Conviction/Reinstatement. In re Graham | 2026-Ohio-1065 | Supreme Court of Ohio | 03/27/2026 Attorney is suspended from the practice of law for an interim period pursuant to Gov.Bar R. V(18)(A)(4) after the director of the Board of Professional Conduct filed with the Supreme Court a certified copy of a judgment entry of a felony conviction, and the matter is referred to disciplinary

counsel for investigation and the commencement of disciplinary proceedings, with reinstatement requiring compliance with the reinstatement requirements set forth in the Supreme Court Rules for the Government of the Bar of Ohio, compliance with the instant and all other court orders, and a further order of reinstatement from the court.

Suspension/Reinstatement conditions. Disciplinary Counsel v. McNamara | 2026-Ohio-945 | Supreme Court of Ohio | 03/20/2026 Attorney is issued an interim default suspension from the practice of law after failing to answer a formal disciplinary complaint, Gov.Bar R. V(14)(A) and (B)(1), and to be reinstated, attorney must, inter alia, complete continuing legal education, Gov.Bar R. X(13), reimburse the Lawyers' Fund for Client Protection for any awards pursuant Gov.Bar R. VIII(7)(F), notify clients and courts of his suspension, refund unearned fees, and file proof of compliance.

Suspension/Reinstatement conditions. Cleveland Metro. Bar Assn. v. Hummel | 2026-Ohio-944 | Supreme Court of Ohio | 03/20/2026 Attorney is issued an interim default suspension from the practice of law after she failed to answer a formal disciplinary complaint, Gov.Bar R. V(14)(A) and (B)(1), with reinstatement requiring attorney to, inter alia, comply with employment restrictions in Gov. Bar R. V(23), complete continuing legal education under Gov.Bar R. X(13), reimburse any payments made by the Lawyers' Fund for Client Protection pursuant to Gov. Bar R. VIII(7)(F), and within 30 days notify clients, opposing counsel, and courts of her suspension, return client property, and refund unearned fees, along with filing proof of compliance with the clerk and disciplinary counsel.

Suspension/Stayed. Medina Cty. Bar Assn. v. Hall | 2026-Ohio-629 | Supreme Court of Ohio | 02/26/2026 Attorney is suspended from the practice of law for six months, with the suspension fully stayed on conditions that attorney commit no further misconduct, serve monitored probation, Gov.Bar R. V(21), complete CLE requirements, Gov.Bar R. X, and pay the costs of the proceedings; attorney's suspension is consistent with precedent and is based on a finding of violations of Prof.Cond.R. 1.1, 1.3, and 1.4(a)(2) by failing to provide competent representation, failing to act with reasonable diligence, and failing to reasonably consult with his client.

Reinstatement/CLE requirements. In re Continuing Legal Edn. Suspension of Janeway | 2026-Ohio-630 | Supreme Court of Ohio | 02/25/2026 Attorney is reinstated to the practice of law after her prior suspension for failing to comply with continuing legal education (CLE) requirements where attorney has completed the required CLE credits, paid all sanction fees, and otherwise satisfied all conditions imposed in the court's earlier suspension order.

Reinstatement/Probation. Cleveland Metro. Bar Assn. v. Smith | 2026-Ohio-590 | Supreme Court of Ohio | 02/23/2026 Attorney is reinstated to the practice of law, and in accordance with Gov.Bar R. V(21) and consistent with the opinion rendered in the earlier suspension order, attorney shall serve an 18-month period of monitored probation.

Suspension/Stayed in part/OLAP compliance/Dissent. Disciplinary Counsel v. Gernert | 2026-Ohio-529 | Supreme Court of Ohio | 02/19/2026 Attorney is suspended from the practice of law for two years, with 18 months stayed on conditions recommended by the Board of Professional Conduct,

including remaining in compliance with the terms of his contract with the Ohio Lawyers Assistance Program (OLAP), where disciplinary counsel alleged that attorney's conduct giving rise to his OVI offense adversely reflected on his fitness to practice law, with the suspension in this case to be served consecutively to a two-year suspension previously imposed, and upon attorney's reinstatement to the practice of law, attorney is to serve a two-year period of monitored probation; there is a dissent.

Resignation. In re Resignation of Weisman | 2026-Ohio-502 | Supreme Court of Ohio | 02/17/2026 Pursuant to Gov.Bar R. VI(11)(C), the resignation as an attorney and counselor at law is accepted as a resignation with disciplinary action pending.

Unauthorized practice of law/Injunction/Fine. Disciplinary Counsel v. Henderson Carter | 2026-Ohio-489 | Supreme Court of Ohio | 02/17/2026 In case in which relator-disciplinary counsel charged respondent-former attorney, who was disbarred, with engaging in the unauthorized practice of law by holding herself out as an attorney in purporting to represent a beneficiary in a probate matter, preparing two deeds for the transfer of real property, and notarizing the deeds as an "attorney," where relator filed a motion for default, which respondent did not respond to, the court issues an injunction prohibiting respondent from engaging in additional acts of unauthorized practice of law and imposes a fine for each of the five instances of unauthorized practice of law.

Suspension/Interim/Further investigation. In re Salters | 2026-Ohio-504 | Supreme Court of Ohio | 02/17/2026 After the director of the Board of Professional Conduct filed with the Supreme Court, pursuant to Gov.Bar R. V(18), a certified copy of a judgment entry of a felony conviction against attorney, the

attorney is suspended from the practice of law for an interim period, and it is further ordered, inter alia, that this matter be referred to disciplinary counsel for investigation and the commencement of disciplinary proceedings.

Suspension/Interim default/Reinstatement/Conditions. Disciplinary Counsel v. Hine | 2026-Ohio-368 | Court of Claims | 02/06/2026 Pursuant to Gov.Bar R. V(14)(A), the Board of Professional Conduct filed with the court a certification of default, alleging that attorney failed to file an answer to a formal complaint pending before the Board, and attorney did not file a response, so it is ordered and decreed that an interim default suspension is immediately entered against attorney, and as a condition of reinstatement, attorney must comply with all Supreme Court Rules for the Government of the Bar of Ohio, complete monthly continuing legal education requirements under Gov.Bar R. X(13) (including professional conduct instruction under Gov.Bar R. X(3) (B)), and reimburse any amounts paid by the Lawyers' Fund for Client Protection, pursuant to Gov.Bar R. VIII(7)(F); as well, the court also imposes detailed client-notification, refund, and affidavit-of-compliance obligations and directs service and publication in accordance with Gov. Bar R. V(17)(E).

Suspension/Stayed/Reciprocal discipline. Disciplinary Counsel v. Edminister | 2026-Ohio-331 | Supreme Court of Ohio | 02/04/2026 After disciplinary counsel filed a certified copy of an order of the Supreme Court of Colorado suspending attorney from the practice of law for six months, all stayed upon the successful completion of a two-year period of probation, subject to conditions, followed by a court order for attorney to show cause why identical or comparable discipline should not be imposed in Ohio, to which attorney did not object, attorney is suspended

from the practice of law in Ohio for a period of six months with the entire suspension stayed, provided that attorney complies with the conditions ordered by the Supreme Court of Colorado, Gov.Bar R. V(20) (C); as well, inter alia, the court orders that no certificate of good standing be issued to attorney during any period of suspension, including the stayed period, and attorney is required to reimburse any amounts awarded against him by the Lawyers' Fund for Client Protection under Gov.Bar R. VIII(7) (F).

Reinstatement. Disciplinary Counsel v. Perrico | 2026-Ohio-194 | Supreme Court of Ohio | 01/23/2026 Attorney is reinstated to the practice of law after being suspended from the practice of law for a period of two years, with one year stayed on condition, where attorney has complied with that order and with the provisions of Gov.Bar R. V(24).

Suspension/Stayed/Conditions. Cincinnati Bar Assn. v. Eppley | 2026-Ohio-160 | Supreme Court of Ohio | 01/22/2026 In a complaint, relator-bar association charged attorney with violations of the Ohio Rules of Professional Conduct arising from his representation of two separate clients, alleging false and misleading statements regarding his law firm and who worked for it, and the parties submitted stipulations of fact and misconduct and aggravating and mitigating factors, resulting in a two-year suspension from the practice of law, with the suspension stayed in its entirety on the conditions that attorney: (1) refrain from further misconduct, (2) serve a two-year term of monitored probation pursuant to Gov.Bar R. V(21), (3) participate in monthly meetings with his monitoring attorney for the entirety of his stayed suspension, (4) provide the monitoring attorney with complete access to his client-trust-account and business-account records, including all records required to be maintained under Prof.Cond.R. 1.15, and (5) complete

three hours of CLE focused on law-office management and three hours focused on client-trust-account management in addition to the requirements of Gov.Bar R. X.

Suspension/Stayed/Conditions/Dissent. Disciplinary Counsel v. Wilson | 2026-Ohio-165 | Supreme Court of Ohio | 01/22/2026 In a complaint, relator-disciplinary counsel charged attorney with violations of the Rules of Professional Conduct, including allegations that attorney had neglected client's legal matter, failed to comply with a proper discovery request, and failed to reasonably communicate with client, properly handle client's retainer, seek court permission to withdraw from the representation, and take reasonably practicable steps to protect the client's interest upon his withdrawal, and the parties entered into stipulations of fact in which they agreed that attorney had committed seven of the charged rule violations and entered into stipulations to aggravating and mitigating factors, resulting in a six-month suspension from the practice of law, with the suspension stayed in its entirety on the conditions that attorney commit no further misconduct and complete a one-year term of monitored probation in accordance with Gov. Bar R. V(21); there is a dissenting opinion.

Suspension. Disciplinary Counsel v. Wallace | 2026-Ohio-112 | Supreme Court of Ohio | 01/20/2026 In a complaint, relator-disciplinary counsel, alleged that attorney committed three ethical violations by soliciting sexual activity from a client while promising that her case would get priority if she complied and by implying an ability to improperly influence the judge presiding over the case, and the parties entered into stipulations of fact, misconduct, and aggravating and mitigating factors and jointly proposed that one of the three alleged rule violations be dismissed, resulting in a one-year suspension from the practice of law, with six

months stayed on the conditions that attorney engage in no further misconduct, pay the costs of these proceedings, and remain in compliance with the two-year OLAP contract attorney entered.

Suspension/Stayed/Dissent. Columbus Bar Assn. v. Cable | 2026-Ohio-89 | Supreme Court of Ohio | 01/15/2026 In a two-count complaint in which relator-Columbus Bar Association alleged that attorney violated four professional-conduct rules arising from his agreement to pay two companies to solicit and refer clients to him and his failure to supervise the nonlawyer representatives of one of those companies to ensure their compliance with the Ohio Rules of Professional Conduct, the Ohio Supreme Court suspends attorney from the practice of law for one year, with the entire suspension stayed on the conditions that he commit no further misconduct, serve a one-year period of monitored probation focused on law-office management, and pay the costs of these proceedings; there is an opinion concurring in part and dissenting in part.

Resignation. In re Resignation of Gurvis | 2026-Ohio-78 | Supreme Court of Ohio | 01/13/2026 Attorney resigned from the practice of law, with disciplinary action pending.

Suspension. Disciplinary Counsel v. Stanley | 2026-Ohio-76 | Supreme Court of Ohio | 01/13/2026 Attorney is indefinitely suspended from the practice of law, with reinstatement on conditions.

Resignation. In re Resignation of Martin | 2026-Ohio-77 | Supreme Court of Ohio | 01/13/2026 Attorney resigned from the practice of law, with disciplinary action pending.

Suspension. Disciplinary Counsel v. Celebrezze | 2026-Ohio-45 | Supreme Court of Ohio | 01/13/2026 Attorney is suspended from the practice of law for two years, with one year stayed on condition.

Professional Responsibility (Continued)

Suspension/Dissent. Disciplinary Counsel v. Juhola | 2025-Ohio-5663 | Supreme Court of Ohio | 12/23/2025 Attorney is suspended from the practice of law for two years, with 18 months stayed on condition, and reinstatement on condition; there is a dissent.

Resignation. In re Resignation of McMahon | 2025-Ohio-5554 | Supreme Court of Ohio | 12/15/2025 Attorney resigned from the practice of law with disciplinary action pending.

Resignation. In re Resignation of Ulinski | 2025-Ohio-5553 | Supreme Court of Ohio | 12/15/2025 Attorney resigned from the practice of law with disciplinary action pending.

Resignation/Dissent. In re Resignation of Westfall | 2025-Ohio-5540 | Supreme Court of Ohio | 12/12/2025 Attorney resigned from the practice of law with disciplinary action pending; there is dissent.

Suspension. Disciplinary Counsel v. Greulich | 2025-Ohio-5480 | Supreme Court of Ohio | 12/10/2025 Attorney is issued an interim default suspension from the practice of law, with reinstatement on conditions.

Suspension. Disciplinary Counsel v. Rossi | 2025-Ohio-5398 | Supreme Court of Ohio | 12/05/2025 Attorney is suspended from the practice of law for six months, with reinstatement on conditions.

Suspension/Dissent. Disciplinary Counsel v. Fusco | 2025-Ohio-5397 | Supreme Court of Ohio | 12/05/2025 Attorney is definitely suspended from the practice of law, with no credit for time served under interim felony suspension, with reinstatement on conditions; there is a dissenting opinion.

Suspension/Dissent. Disciplinary Counsel v. Gill | 2025-Ohio-5392 | Supreme Court of Ohio | 12/04/2025 Attorney is suspended from the practice of law for two years, with 18 months of the suspension stayed on condition, and with reinstatement on conditions; there is a dissent.

Suspension. Disciplinary Counsel v. Collins | 2025-Ohio-5393 | Supreme Court of Ohio | 12/04/2025 Attorney is suspended from the practice of law for two years, stayed on condition.

Suspension. Disciplinary Counsel v. Mollica | 2025-Ohio-5372 | Supreme Court of Ohio | 12/03/2025 Attorney is suspended from the practice of law for one year, stayed on conditions.

Suspension. In re Six | 2025-Ohio-5355 | Supreme Court of Ohio | 12/01/2025 Attorney is suspended from the practice of law for an interim period, with reinstatement on conditions.

Public and Public Finance

Open Meetings Act/Public Records Act/Mandamus/Public body. State ex rel. Zimmerman v. Avon Lake | 2026-Ohio-1090 | Supreme Court of Ohio | 03/31/2026 Relators—citizens’ petition for a writ of mandamus to compel city and related respondents to prepare and produce minutes of previously held meetings of funding committee under Ohio’s Open Meetings Act, R.C. 121.22(C), and Public Records Act, R.C. 149.43, is granted on reasoning that the city’s community improvement corporation, designated as an “agency” of the city under R.C. 1724.10, is a “public body” subject to R.C. 121.22, and that its funding committee—created by the corporation—is likewise a public body under R.C. 121.22(B)(1)(b), even if it is advisory and lacks decision-making authority; because no charter provision displaced the statute, the committee was required to keep minutes of meetings at

which a majority of its members discussed public business, R.C. 121.22(B)(2), mandamus is an appropriate remedy to compel preparation of such minutes even if none currently exist, and the court awarded costs but denied attorney fees and statutory damages.

Public records/Provided/Viewing/Nonexistent/Damages/Dissent. State ex rel. Harris v. Starcher | 2026-Ohio-1089 | Supreme Court of Ohio | 03/31/2026 Relator-inmate public records requester’s petition for a writ of mandamus to compel respondents-prison employees to provide him with the three sets of public records, R.C. 149.43, is denied on reasoning that the claim was moot as to two requests because respondents made a thumb drive available—but not to have possession of—for viewing the requested video footage and provided the requested documents after the action was filed, and mandamus would not lie as to a third request because the requested security video no longer existed due to routine overwriting, while relator’s argument that production was inadequate because he was not given possession of the thumb drive is without merit since allowing relator to view the footage satisfied the obligation to make records available under R.C. 149.43(B)(1); as well, relator’s motions for digital recovery and sanctions are denied for lack of evidence that the data was recoverable or that respondents acted with intent to deprive under Civ.R. 37(E), but relator is awarded statutory damages under R.C. 149.43(C)(2) because respondents failed to produce records within a reasonable time for two of the requests, court costs and miscellaneous expenses are denied, and there are dissents, with an opinion.

Public nuisance/Rehabilitation/ Receiver/Plan. Suite Living, L.L.C. v. Elyria | 2026-Ohio-706 | 9th Appellate District | 03/02/2026 In city's action declaring property a public nuisance where property owner and city entered into a stipulated judgment establishing abatement deadlines followed by trial court's order granting the city's motion to appoint a receiver after the city asserted that owner's progress was unsatisfactory, the appointment is reversed for violating R.C. 3767.41(C)(3)(a), which prohibits a court from appointing a receiver unless the proposed receiver first submits a viable financial and construction plan for rehabilitating the building and demonstrates the capacity to complete the work since R.C. 3767.41(D) requires the trial court to review such a plan—including estimated costs, financing, and projected income or expenses—before authorizing rehabilitation work, and the receiver had not submitted the required plan prior to appointment, so the statutory prerequisites were not satisfied; although the parties' stipulated entry designated the proposed receiver, that stipulation did not waive compliance with the statutory requirements.

Public records/Provided/Existence/ Copying costs/Damages. State ex rel. Teagarden v. Dept. of Rehab. & Corr. | 2026-Ohio-567 | Supreme Court of Ohio | 02/24/2026 Relator-public records requester's petition for a writ of mandamus to compel respondent-state department to produce requested records, R.C. 149.43, is denied in part for records already provided to relator, records that respondent proved did not exist, duplicate requests, or records for which relator has not paid copying costs, pursuant to the requester's burden to prove a clear legal right and duty to produce records; however, the writ is granted for production of certain library-related records that respondent maintained but did not provide, so respondent is ordered to produce those records once

copying costs are paid, and relator is awarded statutory damages, R.C. 149.43(C)(2), and court costs, R.C. 149.43(C)(3)(a)(i), on reasoning that respondent violated its obligations for five requests.

Open Meetings Act/Mandamus/ Enforcement/Dismissal/ Severability. State ex rel. Ames v. Kinsman Twp. Bd. of Trustees | 2026-Ohio-605 | 11th Appellate District | 02/23/2026 In relator's action alleging violations of the Open Meetings Act (OMA), petitioning for a writ of mandamus to compel township to prepare full and accurate meeting minutes under R.C. 121.22(C) and requesting declaratory and injunctive relief enforcing the OMA, the trial court's dismissal of relator's complaint on the basis of procedural and standing deficiencies is reversed where a mandamus claim may properly be brought in the name of the state under R.C. 2731.04 to compel a public body to perform statutory duties such as maintaining accurate meeting minutes, and R.C. 121.22(l)(1) authorizes enforcement actions by "any person," without requiring a personal stake or nexus to the public body; however, the two claims could not proceed in a single action because the mandamus claim must be brought ex rel. the state while the OMA enforcement claims are brought individually, and under Civ.R. 21, the trial court should have severed the claims rather than dismissing them, so the case is reversed and remanded for severance and further proceedings.

Public records/Existence/ Mootness/Delay/Damages. State ex rel. Fenstermaker v. McConville | 2026-Ohio-530 | Supreme Court of Ohio | 02/19/2026 In public records action filed by relator-inmate seeking to compel respondent-prosecutor to produce certified statements under former R.C. 309.16, a cashbook, R.C. 2335.25, and the office's records-retention schedule, relator's petition for a writ of mandamus is denied on reasoning that relator failed to

prove by clear and convincing evidence that the first two requested records existed, and regarding relator's request for the office's records retention schedule, his claim is moot because respondent produced it after the action was filed; as well, respondent's argument that the case should be dismissed because relator failed to comply with the mandatory requirements of R.C. 2969.25 is without merit since the statute does not apply to original actions filed in the Supreme Court, but relator is awarded statutory damages, R.C. 149.43(C)(2), because respondent violated R.C. 149.43(B)(1) by failing to provide the retention schedule within a reasonable time.

Public records/Abandonment/ Good faith response/Damages/ Dissent. State ex rel. Ames v. Big Walnut Local School Dist. Bd. of Edn. | 2026-Ohio-532 | Supreme Court of Ohio | 02/19/2026 In public records request case, relator-requester's petition for a writ of mandamus seeking to compel respondent to produce the "original unaltered video" of a school board meeting is denied where evidence shows that relator abandoned his original request because he conceded that the video no longer existed, R.C. 149.43(B)(1), and relator's attempt to obtain a writ compelling a "good faith" response, apparently requesting a response that the record did not exist, was without merit since he did not request such relief in his complaint; as well, relator's requests for statutory damages, attorney fees, and court costs are denied since respondent did not fail to provide an existing record within a reasonable time, attorney fees were unavailable because relator represented himself, R.C. 149.43(C)(3)(b), and no order compelling production was issued, so there were no court costs, and there is a dissenting opinion.

Public records/Library records/Damages/Dissent. State ex rel. Harris v. Watson | 2026-Ohio-508 | Supreme Court of Ohio | 02/18/2026 In relator-inmate's public records request case in which relator sent a number of kites to respondents-prison personnel requesting a variety of public records, the court grants a writ of mandamus compelling production of certain library sign-in sheets and employee-visit logs, as well as records responsive to his request for a commissary kite response, unless respondents certify that no such records exist, where R.C. 149.43(B)(1) requires a public office to make requested records available "within a reasonable period of time," and respondents failed to respond to some requests, so relator is awarded statutory damages under R.C. 149.43(C), along with court costs; other claims were denied as moot because records were provided after the suit was filed or because relator failed to prove that the records existed, relator's civil-forfeiture claim is dismissed for lack of jurisdiction under R.C. 149.351(B)(2), and there is a dissenting opinion.

Public records/Inmate master file/Correction officer schedules/Dissent. State ex rel. Lawrence v. Dept. of Rehab. & Corr. | 2026-Ohio-509 | Supreme Court of Ohio | 02/18/2026 In relator-inmate's public records request case, a limited writ of mandamus is issued to compel respondent-state department to produce relator's master file since evidence indicates that a master file for relator exists, an inmate may request the file regardless of where it is stored, and therefore respondent improperly denied the request, but mandamus relief is denied for relator's remaining public records requests where many were moot because respondent produced the records after suit was filed, and others were abandoned when relator failed to

argue them in his brief; as well, correction officer schedules are exempt "security records" under R.C. 149.433, respondent had no duty to create new records to satisfy requests, statutory-damages determination, R.C. 149.43(C), is deferred until respondent complies with the writ, and there is a dissenting opinion.

Public records/Procedural requirements/Noncompliance. State ex rel. Preston v. Hoying | 2026-Ohio-528 | 10th Appellate District | 02/17/2026 In public records requester's petition for a writ of mandamus to compel respondent to produce audio recordings and other records from parole-violation hearings where magistrate's recommendation that the action be dismissed, Civ.R. 12(B)(6), is adopted by the court on reasoning that the magistrate correctly concluded that requester failed to comply with mandatory procedural requirements of the Public Records Act, R.C. 149.43(C)(1) and (2), requiring a requester to first serve a written complaint on the public office and file with the mandamus petition a written affirmation showing that service was made; in the instant case, three business days passed without resolution, so the violation was not cured, justifying dismissal.

Public records/Production/Redactions/Timeliness. Morris v. Cleveland | 2026-Ohio-922 | Court of Claims | 02/17/2026 In public records action brought under R.C. 2743.75, the special master recommends judgment for respondent-city where requester sought communications involving city prosecutor related to dismissed criminal complaint, requester's claim for additional production of records was moot because city conducted a search and produced all responsive records during litigation, and requester failed to show that additional records existed; as well, city properly redacted portions of the records under attorney-client privilege, R.C. 149.43(A)(1)(v),

attorney work product, R.C. 149.43(A)(1)(zz), and victim privacy protections, R.C. 149.43(A)(1)(rr), 2930.07, and the court further held that the approximately 89-day response time was reasonable given the broad scope of the request, multiple custodians, and the need for legal review and redaction.

Public records/Mandamus/Attorney fees/Dissent. State ex rel. Platt v. Montgomery Cty. Bd. of Elections | 2026-Ohio-480 | Supreme Court of Ohio | 02/17/2026 In public records request case in which the court had granted relator-requester a writ of mandamus ordering respondents to produce two emails, R.C. 149.43(B), and awarding relator court costs and statutory damages, the court also granted relator's request to recover his reasonable attorney fees, ordering him to submit an itemized fee application, but the court rejected relator's requested level of fees where, applying the lodestar method—reasonable hours multiplied by a reasonable rate—and Prof.Cond.R. 1.5(a), the court found the requested rate unsupported by independent evidence of prevailing market rates, and therefore, using respondents' concession of a reasonable hourly rate, the court determined the amount of attorney fees to be awarded; as well, the court rejected respondents' reliance on the "good-faith exception" in R.C. 149.43(C)(3)(c), which applies only to whether attorney fees should be awarded at all, not to reducing an award once entitlement is established, and there is a dissent.

Public records/Delay/Existence of records/Damages/Dissent. State ex rel. Fenstermaker v. Grogan | 2026-Ohio-482 | Supreme Court of Ohio | 02/17/2026 In public records request case, requester-inmate's petition for a writ of mandamus to compel production of certified statements and prosecuting attorney's "cashbook" records is denied because the prosecutor ultimately produced the certified-statement attachments and had no duty to provide the requested cashbook since no responsive records existed—public offices are not required to create or obtain records they do not possess, R.C. 149.43(B)(1)—and relator's request for statutory damages, R.C. 149.43(C)(2), is denied on reasoning that a requester must show an unreasonable delay based on all facts and circumstances, not merely the passage of time, where relator did not demonstrate that the delay was unreasonable; there are dissenting opinions.

Public records/Reasonableness/Delay. Seim v. Perry Twp. | 2026-Ohio-492 | Court of Claims | 01/27/2026 In requester's action seeking to compel respondent-township to produce various public records pursuant to six separate requests, special master recommends the court to find that respondent did not produce the records within a reasonable time and to order respondent to provide reasonable access to certain zoning case files where respondent's responses to some records requests were unreasonably delayed, requester sufficiently demonstrated that other requested records existed, and respondent's lack of response was a violation of R.C. 149.43(B)(2); respondent's Civ.R. 12(B)(6) motion to dismiss is denied as moot where it was a response to requester's complaint and relied on matters outside the complaint.

Public records/Email list/School board/Damages. State ex rel. Boddy v. Xenia Community City School Dist. Bd. of Edn. | 2026-Ohio-164 | Supreme Court of Ohio | 01/22/2026 Relator-public records requester's petition for a writ of mandamus to compel respondents-school board and treasurer to produce an email-distribution list used to send the superintendent's newsletter is granted on reasoning that the list qualifies as a "record" under R.C. 149.011(G) because it was created and maintained by the school district and documents its functions and procedures by showing how and to whom official communications are distributed, rejecting respondent's argument that the list was merely administrative contact information, and respondent failed to meet its burden, R.C. 149.43(A)(1)(v), to prove that disclosure was prohibited by state or federal law, such as FERPA, 20 U.S.C. 1232g, or the Ohio Student Privacy Act, R.C. 3319.321, particularly where it did not submit the list for in-camera review; as well, the court ordered production with redaction of any protected personally identifiable information, and relator is awarded \$1,000 in statutory damages, R.C. 149.43(C)(2), as well as court costs and reasonable attorney fees.

Legislation/Severability/Constitutionality. Preterm-Cleveland v. Yost | 2026-Ohio-23 | 1st Appellate District | 01/07/2026 In plaintiffs-medical clinics' action challenging only R.C. 2919.195—the six-week/heartbeat ban enacted in S.B. 23—the appellate court left in place the trial court's permanent injunction barring enforcement of R.C. 2919.195, which the state conceded is unconstitutional under the Reproductive Freedom Amendment; however, the appellate court reversed the remainder of the injunction because the trial court misapplied severability by declaring numerous unchallenged provisions unconstitutional rather than analyzing whether those provisions can stand independently

of R.C. 2919.195, so the case is remanded for a proper severability determination.

Public Utilities

Operating certificates/Rescinding/Due process/Forfeiture/Consumers. In re RPA Energy, Inc. | 2026-Ohio-563 | Supreme Court of Ohio | 02/24/2026 Order by the Public Utilities Commission of Ohio (PUCO) rescinding energy company's operating certificates for competitive retail electric and natural-gas service is affirmed in part and reversed in part where, applying R.C. 4903.13, the court held that PUCO provided adequate notice to energy company, satisfying due process, R.C. 4928.08(D) and 4929.20(C)(1), and PUCO's findings that energy company engaged in unfair, deceptive, or unconscionable practices, Adm. Code 4901:1-21-05(B) and 4901:1-29-05(D), and lacked managerial capability were supported by probative evidence, justifying rescinding the certificates; however, PUCO's imposition on energy company of a forfeiture order and an order to rerate and provide restitution to certain consumers are reversed and remanded since PUCO failed to adequately explain its reasoning, R.C. 4903.09, and the case is remanded for clarification of both the forfeiture calculation and the scope of consumer rerating ordered, R.C. 4928.16(B) and 4929.24(B).

Public Utilities (Continued)

Energy pooling agreement/Tort claims/Prohibition/Jurisdiction. E. Ohio Gas Co. v. Croce | 2026-Ohio-75 | Supreme Court of Ohio | 01/14/2026 In relator-utility company's action seeking to prohibit respondent-judge from exercising subject matter jurisdiction in underlying class action case regarding an energy pooling agreement in which gas producers alleged conversion and related claims, asserting that energy company retained uncompensated excess gas injected into its pipelines, the court of appeals' order granting the writ of prohibition is affirmed since the Public Utilities Commission (PUCO) had exclusive subject matter jurisdiction over the case where, applying the two-part test from *Allstate Ins. Co. v. Cleveland Elec. Illum. Co.*, the court concluded that PUCO's administrative expertise was required because resolution of the claims depended on interpreting and applying energy company's PUCO-approved energy-choice pooling-service tariff, particularly its reconciliation provisions, and also concluded that the challenged conduct constituted practices normally authorized for a public utility; under R.C. 4905.26, complaints alleging unreasonable or improper measurements or practices relating to utility service fall within PUCO's exclusive jurisdiction, even if framed as tort claims.

Construction/Certificate/Environmental compatibility/Public interest/Necessity. In re Application of S. Branch Solar, L.L.C. | 2025-Ohio-5679 | Supreme Court of Ohio | 12/24/2025 Power siting board's order granting solar utility's certificate of environmental compatibility and public need to construct a 130-megawatt solar-powered electric-generation facility is affirmed on reasoning that substantial probative evidence supported the board's findings that the project's environmental impacts

were adequately mitigated, that the facility represented the minimum adverse environmental impact, and that the facility would serve the public interest, convenience, and necessity, R.C. 4906.10(A); as well, the board complied with R.C. 4903.09 by issuing detailed findings and a reasoned written decision, and citizen's assertions that the board misapplied statutory criteria or relied on incomplete information regarding environmental impacts, wildlife, flooding and drainage, setbacks, economic effects, and public opposition, are without merit.

Real Property

Contractual rights/Neighboring property/Bona fide purchaser. Fox v. Schwartz & Dompier | 2026-Ohio-1025 | 5th Appellate District | 03/24/2026 In plaintiff-property buyer's action seeking a declaratory judgment to find contractual rights allowing certain actions to be taken by plaintiff with respect to neighboring property purchased by appellants, trial court's judgment in favor of plaintiff on reasoning that appellants were not bona fide purchasers for value is reversed because the trial court's ruling was based on an incorrect factual finding that appellants were present when the underlying "proposal" between plaintiff and seller was signed—applying the definition of a bona fide purchaser (requiring value, good faith, and lack of notice)—so the case is remanded for the trial court to reconsider the issue based on proper evidence and in its role as factfinder; however, the trial court's rejection of plaintiff's tortious interference with contract claim is affirmed where the evidence of interference and damages was too speculative.

Condominium dispute/Settlement agreement/Enforcement. Griffith v. Chelsea Condominium | 2026-Ohio-928 | 8th Appellate District | 03/19/2026 In condominium owners' action against association asserting fiduciary, contract, negligence, and declaratory claims, including derivative claims, trial court's orders enforcing the parties' derivative settlement agreement are affirmed in part and reversed in part where the agreement unambiguously required full payment of settlement proceeds to the association, precluding reliance on extrinsic evidence and barring deduction of litigation expenses, and the court properly denied filing a separate agreement under seal, properly reconsidered its nonfinal order under Civ.R. 54(B), and found a breach permitting discretionary attorney's fees as compensatory damages for enforcement litigation, but the fee award is reversed and remanded for failure to consider mitigation of damages.

Foreclosure/Satisfaction of judgment/Homestead exemption/Reconsideration. Weese v. Dalton | 2026-Ohio-796 | 5th Appellate District | 03/09/2026 In creditor's foreclosure action seeking to satisfy a judgment against homeowner's late husband, the court grants homeowner's App.R. 26(A) application for reconsideration and acknowledges that it erred in its prior opinion by treating the creditor's judgment lien as attaching to the entire property rather than only to the undivided one-half interest the husband owned when the creditor filed the certificate of judgment, as required by R.C. 2329.02; because a judgment lien attaches only to the debtor's actual interest, the lien reached no more than half of the property's appraised value, and the homeowner's homestead exemption under R.C. 2329.66(A)(1)(b) and (D)(2) exceeded the amount of that lien, so the creditor may not proceed with foreclosure.

Eviction/Service/Verbal agreement/Plain error. Finn v. Rutherford | 2026-Ohio-760 | 6th Appellate District | 03/06/2026 In forcible entry and detainer action, the trial court's judgment in favor of landlord based on tenant's nonpayment of rent is affirmed, and tenant's arguments that service of process was improper, that the trial court failed to apply city's "Pay to Stay" ordinance, and that a verbal agreement allowed her continued occupancy are without merit where the tenant waived these arguments by failing to file objections to the magistrate's decision as required by Civ.R. 53(D)(3)(b)(iv), which generally bars appellate review of unobjected-to findings absent plain error, service was valid under local rule because the summons and complaint were posted at the tenant's residence, and tenant failed to provide a transcript of the hearing, preventing review of factual issues.

Foreclosure/Pay off/Fair Debt Collection Practices Act/Charges. U.S. Bank v. Ballard | 2026-Ohio-673 | 2nd Appellate District | 02/27/2026 In bank's foreclosure action alleging default on a mortgage in which the borrower and the property owner filed counterclaims asserting violations of the Fair Debt Collection Practices Act (FDCPA) and improper collection of charges where, after the borrower paid the loan in full and the trial court vacated the foreclosure judgment and dismissed the complaint, the appellate court limited its review to the counterclaims and affirmed summary judgment in favor of the bank on those issues since the borrower and owner failed to produce evidence that the amounts claimed were unauthorized or misleading under the FDCPA, with the record showing that the disputed charges were permitted by the mortgage, and there was no evidence that the amounts included attorney fees or court costs or otherwise violated the FDCPA.

Zoning status email/Appeal/Timeliness/Decision. 729 W. 130th St., L.L.C. v. Hinckley Twp. Bd. of Zoning Appeals | 2026-Ohio-595 | Supreme Court of Ohio | 02/25/2026 In property owners' appeal to the board of zoning appeals of zoning inspector's email advising them that their tavern had lost its nonconforming-use status where the board dismissed the appeal for being filed untimely, affirmed by the trial court, the court of appeals' judgment that the email being appealed was not an appealable "decision" under R.C. 519.14 and 519.15 is affirmed on reasoning that "decision" means a formal action taken in enforcing zoning regulations, and inspector's email was merely an informal advisory response to the owners' inquiry and did not constitute an order, requirement, or enforcement action under R.C. Ch. 519 or the township zoning resolution; because the email was not an enforceable administrative decision, it did not trigger the 20-day appeal deadline, and the township board of zoning appeals lacked jurisdiction to dismiss the owners' appeal as untimely.

Foreclosure/Default judgment/Unpaid assessments/Summary judgment. Hitchcock v. Delta Trust | 2026-Ohio-600 | 11th Appellate District | 02/23/2026 In foreclosure action filed by county treasurer in which homeowners association asserted a cross-claim against property owner for unpaid assessments, trial court's summary judgment in favor of owner is affirmed in part, reversed in part, and remanded on reasoning that the trial court erred in concluding that a prior foreclosure judgment and sheriff's sale extinguished the subdivision's recorded declaration of restrictions, restrictive covenants generally run with the land and remain enforceable after foreclosure if a subsequent purchaser had actual or constructive notice, and the sheriff's deed and preliminary judicial report did not establish the absence of restrictions, so factual

issues remained regarding whether the declaration of restrictions appeared in the chain of title and thus provided constructive notice to the purchaser; as well, the trial court improperly relied on R.C. 5312.02(D) concerning recorded bylaws where the record did not establish its applicability.

Fraud/Sale/Agreement/Lease. Roesel v. DQ Dream Properties, L.L.C. | 2026-Ohio-608 | 12th Appellate District | 02/23/2026 In commercial property buyer's action alleging fraud against the sellers based on representations in purchase agreement and addendum that no tenant rights existed on the property, summary judgment in favor of buyer was error because genuine issues of material fact existed regarding the buyer's justifiable reliance, and although a pre-existing lease allowed a third party to use part of the property, the evidence showed the buyer had prior knowledge of the tenant's presence, and the buyer requested an addendum addressing the tenant before closing, so these circumstances created a factual dispute as to whether the buyer reasonably relied on the sellers' representations; trial court's order granting summary judgment to buyer on the fraud claim is reversed and remanded for further proceedings.

Mortgage recording/Class action/Standing/Statutory amendment/Dissent. Voss v. Quicken Loans, L.L.C. | 2026-Ohio-531 | Supreme Court of Ohio | 02/19/2026 In plaintiff's class action against defendant-mortgage company, seeking damages for violations of the mortgage-recording statute, R.C. 5301.36, alleging that defendant failed to timely record satisfaction of mortgages upon full payment, defendant's lack of standing-based motion for summary judgment was properly denied on reasoning that R.C. 5301.36 validly confers statutory standing on a mortgagor or property owner to recover damages when a lender fails to

timely record a mortgage release, affirmed by the court of appeals; however, certification of a statewide class is reversed where a class action was not a “superior method” to adjudicate the controversy, Civ.R. 23(B)(3), once the General Assembly amended R.C. 5301.36(C) (2) to prohibit class-wide recovery of statutory damages for violations, and applying Ohio’s retroactivity test, the amendment was remedial and therefore was applicable to ongoing proceedings, requiring decertification of the class, so the case is remanded for further proceedings consistent with this ruling, and there is a dissenting opinion.

Foreclosure/Satisfaction of judgment/Homestead exemption.

Weese v. Dalton | 2026-Ohio-537 | 5th Appellate District | 02/13/2026

In creditor’s foreclosure action seeking to satisfy a breach of contract judgment against homeowner’s deceased husband, trial court’s ruling that the homestead exemption barred foreclosure is reversed where the exemption in R.C. 2329.66(A)(1) (b) protects only the homeowner’s equity interest in the property and does not prevent a creditor from pursuing a forced sale to satisfy a valid judgment lien, and although the homeowner was entitled to claim the statutory homestead exemption for her residence, the statute does not prohibit foreclosure proceedings where the creditor seeks to enforce a lien against the property, so trial court’s judgment is affirmed in part, reversed in part, and remanded for further proceedings.

Sale/Specific performance/Deceased seller/Claim against estate.

Oasis Home Buyers, L.L.C. v. Estate of Thomas | 2026-Ohio-487 | 2nd Appellate District | 02/13/2026 In plaintiff-real estate company’s action for specific performance of contract to purchase real estate owned by seller, who died prior to closing on the contract, summary judgment in favor of defendants-estate and heirs is affirmed on reasoning that plaintiff was a “creditor” of seller-decedent’s estate because plaintiff had a contractual right of action against seller and was required to present its claim within six months of seller’s death, R.C. 2117.06(A)–(C), so because plaintiff failed to timely present a claim or initiate estate proceedings to preserve its rights, plaintiff’s claim was barred as a matter of law; relying on cases defining “creditor” broadly to include anyone with a right of action against a decedent, the court of appeals rejected the argument that a specific performance claim against heirs avoided probate presentment requirements.

Foreclosure/Purchase of property/Subsequent sheriff’s sale/Redemption.

Kaba v. Cuyahoga Cty. Treasurer | 2026-Ohio-355 | 8th Appellate District | 02/05/2026 After foreclosure judgment and plaintiff’s acquisition of title to the property, followed by sheriff’s sale of the property to another individual, prompting plaintiff to file the instant conversion, federal debt collection and fraud action, trial court’s Civ.R. 12(B)(6) dismissal of plaintiff’s complaint is affirmed because Ohio law does not recognize conversion of real property, the Federal Debt Collection Practices Act does not apply to county tax collection or foreclosure proceedings, and plaintiff failed to plead fraud with the particularity required by Civ.R. 9(B); as well, plaintiff’s argument that the court violated Civ.R. 41(B)(1) by dismissing his complaint without notice lacked merit because the dismissal was based on failure to state a claim under Civ.R. 12(B)

(6), not on failure to prosecute, and plaintiff’s motion to redeem the property in the foreclosure action was properly denied where the court determined that plaintiff was a lis pendens owner and that confirmation of the sheriff’s sale extinguished plaintiff’s right to redeem.

Eviction/Manufactured home/Owner’s death/Motion to vacate.

Dyer’s Manufactured Hous. Community v. McCoy | 2026-Ohio-330 | 10th Appellate District | 02/03/2026

In plaintiff-manufactured housing community’s forcible entry and detainer action against deceased tenant for nonpayment of lot rent, resulting in judgment of restitution for plaintiff, trial court’s denial of intervenor-daughter’s motion to vacate the subsequent writ of execution and denial of her R.C. 2323.51 sanctions motion are reversed where the appeal is not moot, even though the writ had already been executed and the home sold, because daughter’s Civ.R. 60(B)(3) motion alleged that plaintiff had obtained the writ through fraud—specifically, an affidavit falsely stating that the tenant was alive and still the titled owner—in order to show compliance with the statutory notice and title search requirements of R.C. 1923.12; as well, the writ of execution order was a final judgment, making the daughter’s sanctions motion timely.

Foreclosure/Forfeiture/Service/Hearing/Dissent.

Lamancusa v. Webb | 2026-Ohio-229 | 11th Appellate District | 01/27/2026 In county treasurer’s tax foreclosure action against taxpayer-property owner seeking to recover delinquent property taxes, resulting in default judgment and trial court’s order for the property to be transferred directly to county land bank, in accordance with R.C. 5721.19 and 5722.03, trial court’s denial of taxpayer’s unknown heir’s motion to vacate the judgment for lack of service, without a hearing, is reversed where heir was entitled

to a hearing on her challenge to service by publication to determine if treasurer exercised reasonable diligence pursuant to Civ.R. 4.4(A) and R.C. 2703.24, and reliance on in rem nature of proceedings was invalid because the full value of the property was forfeited to the land bank without any provision for heirs to receive excess equity, R.C. 5721.20; there is a dissenting opinion.

Zoning/Conditional use/Inexact request. Cavanaugh Ents. v. Steubenville Planning & Community Dev. Office | 2026-Ohio-228 | 7th Appellate District | 01/26/2026

In business' application seeking a conditional use permit for multi-family development in a commercial district, resulting in approval by the zoning commission, the trial court's judgment vacating the commission's decision is affirmed since the commission's decision was erroneous based on the inexactitude of the requested conditional use, coupled with the similarly inexact representation regarding construction or adaptive reuse, making the permit susceptible to a use plainly not authorized by city—constructing an apartment building in a commercial district—which constituted rezoning of the property.

Foreclosure/Senior mortgage/ Sheriff's sale/Excess proceeds. Pen-Mac Loan Servs., L.L.C. v. Nespeca | 2025-Ohio-5622 | 7th Appellate District | 12/17/2025

In foreclosure action filed by plaintiff-senior lien holder against defendants-debtor, co-debtor and junior lienholder, resulting in default judgment, foreclosure and sheriff's sale of the property, the trial court exceeded its authority by restricting plaintiff to recovery of only the principal balance of its mortgage and by relieving the purchaser of any obligation to pay accrued interest or costs where the foreclosure decree and the order confirming sale expressly provided that the property was sold subject to plaintiff's senior mortgage, R.C. 2329.20, leaving that lien and the obligations secured by

it unaffected, and because those orders were final and unappealed, the trial court could not later diminish plaintiff's rights in the context of distributing excess sale proceeds; as well, while R.C. 2329.44 governs the clerk's duty to notify and pay excess proceeds, a debtor's statutory right to such proceeds is secondary to valid claims of lienholders, and equity does not permit re-adjudication of mortgage rights already fixed by final orders, so the trial court erred in issuing an order granting debtor's motion for distribution of excess funds in the full amount held by the clerk.

Taxation

Personal property/Receiver/Sale of asset/Tax obligation. Osborne v. Parkview Fed. Sav. Bank | 2026-Ohio-260 | 8th Appellate District | 01/29/2026

After a court-appointed receiver sold a natural gas pipeline owned by guarantors of a loan in default to gas company where county treasurers attempted to foreclose on the pipeline for unpaid public utility personal property taxes, the trial court's order enforcing its earlier order approving the receiver's sale "free and clear" of liens is affirmed since the pipeline was classified as personal property—not real property—so lien statutes such as R.C. 323.11 and 323.47 governing real property tax liens did not apply, and amended R.C. 2735.04(D) requires notice only for sales of real property, so lack of additional notice to the counties did not violate due process; because receivers may sell assets free and clear of liens when approved by the court, the counties' tax claims remained obligations of the debtor rather than attaching to the purchaser.

Commercial activity/Gross receipts/Sitused to Ohio/Dissent. Jones Apparel Group/Nine West Holdings v. Harris | 2026-Ohio-74 | Supreme Court of Ohio | 01/14/2026 Board of Tax Appeals' (BTA) denial of taxpayer's refund of commercial-activity tax (CAT) is affirmed on reasoning that taxpayer failed to meet its evidentiary burden to establish the amount of gross receipts not sitused to Ohio where, under R.C. 5751.02 and 5751.01(F)–(G), CAT applies to taxable gross receipts sitused to Ohio, R.C. 5751.033(E), which looks to where tangible personal property is ultimately received after all transportation is complete, and although the court did not agree with the tax commissioner's argument that R.C. 5751.033(E) imposes a "contemporaneous knowledge" requirement and acknowledged that goods shipped through an Ohio distribution center may ultimately be received outside the state, the court concluded that taxpayer did not provide documentary evidence quantifying the amount of merchandise actually delivered outside Ohio; testimonial estimates and post-period sampling analyses were insufficient to satisfy R.C. 5751.08(A), which requires taxpayers seeking refunds to substantiate the amount claimed with supporting documentation, and there is a dissenting opinion.

Commercial activity tax/Refund/ Situs/Resale of products/Dissent. VVF Intervest, L.L.C. v. Harris | 2025-Ohio-5680 | Supreme Court of Ohio | 12/24/2025 Board of tax appeals' order granting taxpayer's request for refund of commercial-activity tax (CAT) paid on gross receipts from its sales of soap products to customer is reversed since the gross receipts were properly sitused to Ohio where the customer received the goods at an Ohio distribution center after transportation was complete, even though customer later resold and shipped the products out of state, supported by R.C. 5751.02(A), 5751.01(F) and (G), and the situsing

Taxation (Continued)

statute, R.C. 5751.033(E); as well, the board's "continuous transportation" theory did not apply since R.C. 5751.033(E) focuses on the location at which the purchaser receives the property from the seller, not on subsequent resales, the assessed CAT did not violate any constitutional provisions, and there is a dissenting opinion.

Income/Municipal/Compliance/Mandamus/Taxpayer/Standing. State ex rel. Martens v. Findlay | 2025-Ohio-5589 | Supreme Court of Ohio | 12/18/2025 Petitioner-taxpayer's petition for a writ of mandamus to compel respondents-city and officers to comply with municipal income-tax statutes, R.C. Ch. 718, and to enjoin tax-collection efforts against himself and other taxpayers, is dismissed, Civ.R. 12(B)(6), on reasoning that petitioner lacked standing because he failed to allege a direct and concrete injury fairly traceable to the city's conduct distinct from that suffered by the public at large, instead asserting only generalized taxpayer harm, and defendant's reliance on the "public-right doctrine" is without merit, as it had been expressly overruled in *State ex rel. Martens v. Findlay Mun. Court*, 2024-Ohio-5667; as well, defendant's motion to supplement the record, S.Ct. Prac.R. 15.08, is denied where his proposed third amended complaint was never filed, and his request for oral argument, S.Ct. Prac.R. 17.02(A), is denied because the case did not present complex issues or matters of great public importance.

Torts

Property erosion/Stormwater management/Immunity. Dalton v. Hubbard | 2026-Ohio-1101 | 9th Appellate District | 03/30/2026 In executor's negligence action against village, alleging failure to properly maintain a stormwater management system that caused erosion damage, trial court's denial of village's political subdivision immunity-based motion for summary judgment is reversed where, although the complaint was framed in terms of maintenance and operation, the evidence showed that the claim challenged the design and construction of the stormwater system and subsequent modifications, which constituted governmental functions under R.C. 2744.01(C)(2)(l), not proprietary functions under R.C. 2744.01(G)(2)(d); because the alleged defects would require redesign or reconstruction rather than routine maintenance, the exception to immunity in R.C. 2744.02(B)(2) did not apply as a matter of law, and the village was entitled to immunity.

Negligence/Windy conditions/Umbrella/Summary judgment/Dissent. Colwell v. Bob & Shawn Ents., L.L.C. | 2026-Ohio-976 | 12th Appellate District | 03/23/2026 In plaintiff's negligence action against defendant-saloon for injuries caused by a patio umbrella blown by the wind, summary judgment for defendant is reversed where, as a business invitee, plaintiff was owed a duty of ordinary care that included protection from foreseeable risks posed by wind-dislodged umbrellas, genuine issues of material fact existed as to breach, including evidence that umbrellas were not secured and that no procedures addressed windy conditions, and also, defendant failed to establish its Act of God defense as a matter of law because evidence regarding wind conditions and causation was limited and conflicting, permitting a finding that negligence may have contributed to the injury; there is a dissenting opinion.

Negligence/Fall on bus/Immunity/Open-and-obvious. Hopkins v. Greater Cleveland Regional Transit Auth. | 2026-Ohio-936 | 8th Appellate District | 03/19/2026 In negligence action by bus rider, arising from fall, summary judgment for transit authority is reversed since, although the transit authority asserted political-subdivision immunity under R.C. 2744.02(A)(1), there were possible exceptions for bus driver's negligent operation of a motor vehicle and for proprietary functions, R.C. 2744.02(B)(1) and (B)(2), and reinstatement of immunity, R.C. 2744.03(A)(3) and (A)(5) was rejected; as well, the open-and-obvious doctrine did not bar recovery because rider alleged "dynamic" negligence—specifically, that the driver was speeding and brought the bus to an unusually sudden, forceful stop—rather than a purely static hazard, and evidence, including rider's affidavit, expert testimony, and video footage, created triable issues as to whether the stop was unusually violent under standards articulated in *Yager v. Marshall*.

Negligence/Immunity/Physical defects. Dove v. Cincinnati Metro. Hous. Auth. | 2026-Ohio-677 | 1st Appellate District | 02/27/2026 In plaintiff-resident's negligence action against defendant-housing authority, asserting that she was injured when she fell in her shower after defendant failed to install a grab bar that it had previously approved as a reasonable accommodation for her disability, trial court's denial of defendant's political subdivision immunity-based motion for summary judgment is affirmed where, applying the three-tiered immunity analysis, the court focused on the exception in R.C. 2744.02(B)(4) for injuries caused by negligence due to physical defects in buildings used for governmental functions, with the absence of a safety feature constituting a physical defect under certain circumstances, and because defendant had approved the grab bar as a necessary accommodation,

the shower's lack of the bar constituted a physical defect, creating a genuine issue of material fact and defeating immunity at the summary-judgment stage.

Defamation/Non-disparagement agreement/Privilege/Damages.

Hilty v. Donnellon McCarthy Ents., Inc. | 2026-Ohio-434 | 1st Appellate District | 02/11/2026 In plaintiff-employee's defamation and related claims action against defendant-former employer for making false statements to plaintiff's potential clients in violation of non-disparagement clause in the parties' settlement agreement after plaintiff was discharged from his position, judgment in favor of defendant is reversed where evidence shows that defendant made a false statement about plaintiff to a potential client, and the statement did not further a mutual business interest and was not protected by qualified privilege, plaintiff proved the elements of defamation and should not have been required to demonstrate actual malice to prevail; absent actual malice, the jury found all essential elements of defamation in plaintiff's favor, so the case is remanded with instructions for the trial court to enter judgment for plaintiff on the defamation claim and to conduct a trial as to damages.

Legal malpractice/Damages/

Calculation. Reece v. Davis-Williams | 2026-Ohio-328 | 10th Appellate District | 02/03/2026 In plaintiff-employee's legal malpractice action against defendants-counsel and law firm, alleging negligent representation in underlying employment discrimination action, which was dismissed under the statute of limitations, where plaintiff obtained default judgments against defendants, the trial court erred in employing the case-within-a-case standard rather than the some-evidence standard and in its calculation of damages awarded to plaintiff as a nuisance fee since evidence shows that counsel's actions foreclosed plaintiff from

bringing the discrimination action, expert testimony opined that plaintiff would have prevailed at trial, there was some evidence of merit in the underlying discrimination claims, and the best measure of damages was the value of plaintiff's discrimination claims, so the case is remanded for a new hearing on damages.

Wrongful imprisonment/Summary judgment/Actual innocence. Beavers v. State | 2026-Ohio-285 | 2nd Appellate District | 01/30/2026

After plaintiff served his prison sentence and the instant court ordered the trial court to conduct a new trial, followed by trial court's dismissal of the charges against plaintiff, in plaintiff's wrongful imprisonment action—that required a finding of actual innocence for plaintiff to prevail, R.C. 2743.48(A)—trial court's order granting summary judgment to the state is reversed and remanded on reasoning that the trial court erred by weighing witness credibility and resolving factual disputes at the summary-judgment stage, contrary to Civ.R. 56(C), since the instant court had stated in its prior decision that genuine issues of material fact existed regarding actual innocence and that reasonable minds could differ on the evidence presented, summary judgment was improper, and the case is remanded to conduct a trial.

Negligence/Duty of care/Physical injuries/Emotional distress.

Cephas v. Ohio Dept. of Rehab. & Corr. | 2026-Ohio-326 | Court of Claims | 01/28/2026 In plaintiff-inmate's negligence action against defendant-department of corrections, alleging that defendant's employees breached the duty of care, which was the proximate cause of injuries sustained in attack by other inmates, the magistrate recommends judgment in favor of plaintiff where defendant conceded that it owed plaintiff a duty of care and breached that duty, plaintiff proved damages concerning

emotional distress suffered during the attack and pain and suffering after the attack, and magistrate recommends that plaintiff is entitled to compensatory damages based upon his injuries.

Medical malpractice/Dismissal/Without prejudice/Vacation/

Final order. Dotson v. Durrani | 2026-Ohio-174 | 1st Appellate District | 01/21/2026 In plaintiffs' medical malpractice action against defendants-surgeon and his practice where the trial court granted defendants' motion for judgment on the pleadings—dismissing plaintiff's complaint without prejudice—for plaintiffs' failure to include a Civ.R. 10(D)(2) affidavit of merit with their amended complaint, the trial court erred in sua sponte vacating its judgment dismissing the complaint where plaintiffs remained able to refile the action with the affidavit of merit, the entry of dismissal was not a final appealable order, and the trial court was divested of jurisdiction to reconsider and vacate that judgment on its own motion.

Wrongful death/Survivorship/Duty/Independent contractor.

Cooper v. Lyft Inc. | 2026-Ohio-765 | 2nd Appellate District | 01/16/2026 In plaintiff-wife's wrongful death and survivorship action against defendant-ride share company, arising from the fatal shooting of husband-ride share driver during an attempted carjacking by riders who had requested a ride through the defendant's platform, summary judgment in favor of defendant is affirmed on reasoning that defendant owed no legal duty to protect the driver, an independent contractor, from the criminal acts of third parties, and under Ohio law, a party that hires an independent contractor generally has no duty to protect the contractor from hazards inherent in the work unless it actively participates in the work creating the danger; in the instant case, defendant did not actively participate in the driver's work because drivers retained discretion

Torts (Continued)

to accept or reject ride requests, defendant's platform-safety features constituted only general oversight, and defendant had no duty based on specific superior knowledge of the danger and did not voluntarily assume a duty through its policies or terms of service.

Negligence/Voluntary dismissal/ Refiling/Saving statute/Dissent.

Sauter v. Integrity Cycles, L.L.C. | 2026-Ohio-88 | Supreme Court of Ohio | 01/15/2026 In plaintiff's negligence action against defendants for injuries sustained in motorcycle accident where plaintiff voluntarily dismissed his original complaint, Civ.R. 41(A), on January 5, 2022 and refiled it on January 6, 2023, invoking the saving statute, R.C. 2305.19(A), the court of appeals' holding that the one-year refiling period under the saving statute extended an extra day is reversed since the statutory phrase "within one year" means within a calendar year ending on the same numerical date as the dismissal, and applying Ohio's time-computation statutes, including R.C. 1.14 (excluding the first day and including the last), R.C. 1.44(B) (defining a year as twelve consecutive months), and R.C. 1.45 (ending a period on the same numerical day), the court determined that the refiling deadline was January 5, 2023, so therefore plaintiff filed one day late, his action was time-barred, and the trial court's summary judgment was reinstated; there is a dissenting opinion.

Wrongful death/Emergency call/ Immunity/Dissent. Widdowson v. Lake Cty. | 2026-Ohio-67 | 11th Appellate District | 01/12/2026

In wrongful death and related claims action by plaintiffs-administrator of the estate of decedent and his mother against defendants-county and personnel, arising from death of decedent after he made a 9-1-1 emergency call, summary judgment in favor of defendants is affirmed in part for the county, supervisory officials and responding deputies, since under R.C. 2744.02(A)(1)

their conduct amounted at most to negligence rather than wanton or reckless conduct, R.C. 2744.03(A)(6)(b); however, summary judgment as to 9-1-1 dispatchers is reversed on reasoning that genuine issues of material fact existed whether, after learning that the caller stated he could not breathe, they acted in a wanton or reckless manner by failing to reclassify the call as a medical emergency, and statutory immunity under R.C. 128.96(B) did not apply because the alleged misconduct did not involve the issuance of emergency instructions through a 9-1-1 system, with other claimed exceptions to immunity under R.C. 2744.02(B) also not applying, so the case is remanded for further proceedings solely as to the dispatchers, and there is a dissenting opinion.

Negligence/Food/Injurious objects/ Judgment on pleadings.

Fauvel v. Pacific E. Coventry, Inc. | 2025-Ohio-5631 | 8th Appellate District | 12/18/2025 In plaintiff's negligence action against defendant-restaurant alleging injury which required hospitalization from eating bones in her food, the trial court erred in granting defendant's Civ.R. 12(C) motion for judgment on the pleadings where the court did not undertake the blended analysis of the reasonable expectation test and the foreign-natural test, which would require consideration of specific facts of the case to determine if plaintiff could reasonably anticipate and guard against eating injurious objects, and judgment on the pleadings is restricted solely to the complaint and answer.

Traffic and OVI

Discovery/Written request/Failure to provide.

Cleveland v. Johnson | 2026-Ohio-739 | 8th Appellate District | 03/05/2026 Defendant's conviction of following too closely, R.C. 4511.34, is reversed and remanded since the trial court improperly allowed the case to proceed to trial without the required discovery, implicating defendant's Sixth Amendment right to present a defense, where defendant, proceeding pro se, had filed a written demand for discovery, Crim.R. 16 and Traf.R. 11(D), requesting items such as witness information, police reports, and dashcam or bodycam video, but although the trial court initially continued the trial to allow the city to provide discovery, the prosecution never produced the requested materials, the lack of discovery was attributed to defendant's refusal to provide an email address for electronic delivery, and the prosecution had an affirmative duty under Crim.R. 16(B) to provide discoverable materials once a written demand was made.

Aggravated vehicular homicide/ Aggravated vehicular assault/

Per se OVI. State v. Slepsky | 2026-Ohio-709 | 11th Appellate District | 03/02/2026 The court of appeals affirmed defendant's convictions by no-contest pleas for aggravated vehicular homicide, R.C. 2903.06(A)(2)(a), and two counts of aggravated vehicular assault, R.C. 2903.08(A)(1)(a), and the trial court's imposition of an aggregate 48-month prison sentence, with the appellate court holding that the trial court did not err in granting the state's motion in limine excluding evidence of marijuana metabolite levels in defendant's blood and of impairment testimony since the state proceeded under the per se OVI provision in R.C. 4511.19(A)(1)(j)(viii)(II), making that type of evidence irrelevant.

Red-light violation/Restitution/Causal nexus. State v. Veal | 2026-Ohio-488 | 2nd Appellate District | 02/13/2026 In a conviction by guilty plea to driving without a valid license and by no contest plea to minor misdemeanor red-light violation, arising from a collision and victim's resulting loss, the trial court's order for restitution to victim is reversed since restitution in misdemeanor cases is limited to economic losses suffered as a direct and proximate result of the offense under R.C. 2929.28(A)(1) and 2929.01(L), and may not be imposed for a minor traffic offense—the red-light violation—that can be handled by a traffic violations bureau under Traf.R. 13; since the collision was caused by the red-light violation, rather than the defendant's lack of a license, the causal nexus required for restitution was absent.

Maintain marked lanes/Appointment of counsel/Venue. Highland Hills v. Safford | 2026-Ohio-456 | 8th Appellate District | 02/12/2026 Defendant's bench-trial conviction of minor misdemeanor failure to maintain marked lanes under city ordinance is affirmed where because the offense was a minor misdemeanor not punishable by jail, defendant was not entitled to appointed counsel, so the trial court did not err in failing to advise defendant of such a right, and also venue was established under R.C. 2901.12(A) and Ohio Const. Art. I, Sec. 10 through testimony, police response evidence, and the citation identifying the city and county, with venue not needing to be proven in express terms if shown by the totality of facts and circumstances; as well, the trial court properly credited testimony that defendant merged into another vehicle's lane, causing the collision.

Impaired driving/Involuntary intoxication/Strict liability/Sufficiency and weight of evidence. State v. Cohen | 2026-Ohio-410 | 5th Appellate District | 02/05/2026

The court of appeals affirmed the jury conviction of defendant for OVI, R.C. 4511.19(A)(1)(a), with the appellate court holding the trial court did not err by refusing to instruct the jury on involuntary intoxication since OVI under R.C. 4511.19 is a strict-liability offense, and a culpable mental state is not a required element to prove under R.C. 2901.21(B), and thus involuntary intoxication is not a defense, and the court of appeals concluded that the evidence was legally sufficient, and the conviction was not against the weight of evidence in light of eyewitness testimony, police observations, body-camera footage, and expert testimony demonstrating defendant's driving and faculties were appreciably impaired by alcohol, drugs of abuse, harmful intoxicants, or a combination of them.

OVI/Traffic stop/Suppression. State v. Coleman | 2026-Ohio-203 | 2nd Appellate District | 01/23/2026 Defendant's OVI conviction is reversed and remanded where the trial court erred in denying defendant's motion to suppress evidence obtained pursuant to a traffic stop because the traffic stop was not supported by reasonable, articulable suspicion where the trooper stopped defendant based on an alleged red arrow violation under R.C. 4511.13(C)(2)(a), but trooper admitted that he did not observe defendant cross the stop line on a red arrow and could not say what signal was displayed when she entered the intersection, the evidence showed defendant was already lawfully in the intersection and waited for oncoming traffic to clear before turning, conduct permitted under R.C. 4511.13(A)(2), so where trooper's belief that a violation occurred amounted to speculation rather than objective facts, the stop was unlawful;

all evidence obtained after the stop—including observations of intoxication and field sobriety tests—was inadmissible as fruit of the poisonous tree.

Suppression/Hearing/Factual issues. State v. Jackson | 2026-Ohio-177 | 5th Appellate District | 01/21/2026 In prosecution of defendant charged with traffic and OVI-related offenses following a warrantless traffic stop, trial court's denial of defendant's motion to suppress is reversed since the court erred by resolving disputed factual issues without conducting an evidentiary hearing where, although the trial court denied the motion and later issued findings concluding that a marked-lanes violation occurred, it did so based solely on its own review of dash-camera footage without taking testimony, and that procedure violated Crim.R. 12 and 47, which require a suppression hearing when a defendant sets forth specific factual and legal grounds challenging a warrantless search.

Aggravated vehicular assault/Proximate cause/Sufficiency of evidence. State v. Balmert | 2025-Ohio-5588 | Supreme Court of Ohio | 12/18/2025 Defendant's conviction of aggravated vehicular assault is affirmed as being supported by sufficient evidence where proximate cause is a separate and required element under R.C. 2903.08(A)(1)(a), with sufficient evidence supporting the trial court's finding of proximate causation since defendant was operating a vehicle with a prohibited concentration of marijuana metabolites, in violation of R.C. 4511.19(A)(1)(j)(viii)(II), after he struck and seriously injured a state trooper directing traffic, and testimony regarding the effects of marijuana on reaction time, perception, and attention, coupled with defendant's metabolite level far exceeding the statutory limit, permitted a rational factfinder to conclude that the injury was a foreseeable consequence of the statutory OVI violation.

Sentencing/Fine/Waiver. State v. Vanvalkenburg | 2025-Ohio-5580 | 5th Appellate District | 12/15/2025

After defendant pleaded guilty to two counts of operating a vehicle under the influence (OVI), R.C. 4511.19(A)(1)(a) and (d), both fourth-degree felonies due to prior OVI convictions, the trial court erred in waiving the mandatory fine for a felony OVI conviction where the court imposed a 24-month prison term and a fine, but then waived the fine based on indigency, since R.C. 4511.19(G)(1)(d)(iii), mandates a fine of not less than \$1,540 and not more than \$10,500 for felony OVI convictions, with the statute's use of "shall" leaving no discretion for waiver; trial courts lack authority to waive mandatory fines absent statutory language permitting it.

Field sobriety test/Suppression. State v. Willey | 2025-Ohio-5496 | 5th Appellate District | 12/08/2025

In defendant's conviction by no contest plea to operating a motor vehicle while intoxicated (OVI), the trial court erred in denying defendant's motion to suppress the results of defendant's field sobriety test since the state trooper lacked reasonable, articulable suspicion to expand a community-caretaking encounter into an investigatory OVI detention and to administer field sobriety tests where, although the court accepted that the initial encounter was permissible under the officer's community-caretaking function, it emphasized that a request to perform field sobriety tests constitutes a seizure requiring independent justification under the Fourth Amendment and must be supported by reasonable suspicion, applying a totality-of-the-circumstances analysis, R.C. 4511.19(A)(1), and the record showed that any initial impression that defendant appeared "dazed or disoriented" dissipated once the trooper interacted with her, and the trooper observed no impaired driving, no odor of alcohol or drugs, no slurred speech, and no

bloodshot or glassy eyes, with the sole remaining basis for detention being white powder on defendant's face and clothing, which the trooper did not attempt to identify.

OVI/Sentencing/Fine. State v. Solomon | 2025-Ohio-5423 | 10th Appellate District | 12/04/2025

In defendant's fourth-degree felony OVI under R.C. 4511.19(G)(1)(d)(iii), the trial court erred by waiving the mandatory fine and reasoning that since defendant was indigent, all financial sanctions were waived, but the R.C. 2929.18(B)(1)'s indigency-based waiver applies only to fines listed within that division and does not authorize waiver of the mandatory OVI fine; where the state properly objected at sentencing and the resulting sentence failed to comply with statutory requirements, the appellate court reviewed the issue under R.C. 2953.08(B)(2) and (G)(2), concluding that clear and convincing evidence demonstrated the sentence was contrary to law.

Workers' Compensation**Specific safety requirement violation/Guardrails/Proximate cause/Impossibility/Dissent.** State ex rel. Whirlpool Corp. v. Rice | 2026-Ohio-1094 | Supreme Court of Ohio | 03/31/2026

In claim for additional compensation for injuries claimant sustained while crossing over a conveyor belt to make repairs, court of appeals' denial of employer's petition for a writ of mandamus to compel the commission to vacate its order finding that employer violated a specific safety requirement (VSSR) under former Ohio Adm. Code 4123:1-5-05(C)(3) is affirmed on reasoning that the ruling that claimant was required to cross the conveyor belt and that the absence of guardrails proximately caused his injury was supported by "some evidence," and the commission did not misinterpret the rule in concluding that the ladder-top steps constituted "platforms" requiring guardrails; as well, employer's asserted impossibility defense is

without merit because compliance was not impossible and alternative means of employee protection were available, and there is a dissenting opinion.

Rating experience transfer/Obligations/Same employer/Waiver. State ex rel. Suburban Driving School, L.L.C. v. Bur. of Workers' Comp. | 2026-Ohio-597 | Supreme Court of Ohio | 02/25/2026

Denial of relator-driving school's petition for a writ of mandamus challenging bureau's decision to transfer a defunct driving school's experience rating and outstanding obligations to relator as successor employer to defunct school is affirmed since relator did not demonstrate a clear legal right, a clear legal duty, and the lack of an adequate remedy where the bureau acted under R.C. 4123.32(B) and Ohio Adm. Code 4123-17-13(D) (coverage-initiation rule)—rather than relying on Ohio Adm. Code 4123-17-02—which allow transferring prior coverage when two entities are "essentially the same employer;" as well, the relator waived key arguments by failing to preserve any challenge to the bureau's interpretation or application of Ohio Adm. Code 4123-17-13(D), other than plain error, as required by Civ.R. 53(D)(3)(b).

Compensation claim/Default judgment/Appeal/Due process. Fulkroad v. Greater Cleveland Regional Transit Auth. | 2026-Ohio-35 | 8th Appellate District | 01/08/2026 Trial court's sua sponte order granting claimant's claim for compensation is reversed and remanded for further proceedings where the trial court effectively entered a default judgment against employer as a sanction for failing to appear at an initial case-management conference, without a motion, hearing, or opportunity for employer to defend against the sanction, and although the scheduling order warned that sanctions "may" include dismissal or judgment, that notice did not satisfy the due-process requirements

applicable to default judgments, Civ.R. 55 or analogous dismissal standards, which require notice and an opportunity to be heard; the record showed that employer had actively participated in the litigation, its failure to appear was not shown to be willful or in bad faith, and because the default judgment was vacated, employer's Civ.R. 60(B) challenge and objections to later orders were moot.

Temporary total disability/Light duty position/Medical evidence.

State ex rel. Papageorgiou v. Avalotis Corp. | 2025-Ohio-5371 | Supreme Court of Ohio | 12/03/2025 Dismissal of claimant's petition for a writ of mandamus seeking to compel industrial commission to vacate its order denying his request for temporary total disability (TTD) compensation is affirmed where claimant sustained a neck injury while operating a sandblaster for employer and was offered a light-duty position consistent with his physician's restrictions, R.C. 4123.56(A), but failed to report for the assigned duties, leading employer to interpret this as a voluntary abandonment of employment, and while magistrate initially recommended granting a limited writ for the commission to clarify its reasoning, employer's objection was properly sustained by the court of appeals on reasoning that commission's decision was supported by "some evidence," particularly physician's letter stating that the light-duty job that claimant was offered fell within claimant's restrictions, which confirmed the suitability of the offered position.



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Wayne Hassay, Esq., Managing Partner
Maguire Schneider Hassay

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*The UNLIMITED CLE benefit as part of the MVP plan applies to all regular live and self-study programming and discounts are calculated at checkout. Institutes are excluded but discounted at the Ohio Bar member rate. All self-study courses must be completed in the year in which they are selected as they expire on the last day of the calendar year in which they were approved by the Supreme Court of Ohio.

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