

State of the Judiciary
Chief Justice Maureen O'Connor, Ohio Supreme Court
Message to Ohio Judicial Conference
September 12, 2019

Good morning, everyone.

Thank you, Judge Powell, for your kind introduction.

This is the ninth time I have been privileged to stand in front of you and deliver this address. Believe me when I say that it is my privilege to be able to do so.

[Talks about the memory of the late Chief Justice Thomas Moyer.]

Looking back over the past 12 months, I must say, overall, it has been a good year.

We have challenges that at times seem never ending but the good news is that we as the judiciary are meeting those challenges as difficult as they are. And doing so in a way that allows the influence of our work to continue to spread beyond the borders of Ohio.

[Comments about the SC's Office of Public Information]

Our ideas and actions will inspire judges, attorneys and the constituents of court systems around our great nation.

Before I give you some details about where we've been – and where we need to go as we forge ahead – I have a few acknowledgements.

I want to offer my congratulations to the award recipients.

[Judicial Conference awards recognition.]

And now, I would like to welcome all of the new judges who are here today.

In all, 63 currently sitting new judges are on the bench. It is their first time being here. That's nine percent of the judiciary, our 722 judgeships.

We're in a constant state of flow, a constant flux. And I don't think that's a bad thing. It's always good to get new perspectives. Also, since we convened last time, we have two new justices on our Court: Justice Michael Donnelly, who previously served on the Common Pleas Court in Cuyahoga County, and Justice Melody Stewart, who served on the Eighth District.

I'm sure that I speak for my colleagues when I say that it has truly been a pleasure to share the bench and conference table with Justice Donnelly and Justice Stewart.

Our Court is here today, so I also would like to recognize Justice Sharon Kennedy, Justice Patrick Fischer, and Justice Pat DeWine.

I appreciate the teamwork and professionalism of my colleagues and I think they would agree that we have a good group.

We also have a brand new Administrative Director of the Court, Jeff Hagler. Many of you have met Jeff since he came on board this summer after leaving the Army as a full colonel.

Jeff spent 29 years on active duty in the Army – 21 of those as a judge advocate. Being the Court's A.D. is an entirely new type of position for Jeff.

But I know that we can simply swap the words from his Army title, from judge advocate to an advocate for the judges.

Jeff will be working for the Court, and will lead our staff as they provide the variety of services they do and the projects they take on.

An institution like the Supreme Court can always use a new set of eyes at the top. I'm very proud of our staff and the work they do and Jeff has already seen their hard work and dedication and is settling right in.

Please keep in mind that Jeff is someone who welcomes any way there is to offer help to Ohio's judiciary.

I would be remiss if I didn't acknowledge the work of deputy administrative director Stephanie Hess. She relieved me of every stress when Mike Buenger left last fall.

We have a remarkable staff in government and I count my blessings every day for their level of competency.

I also want to acknowledge Paul Pfeifer, who has done a great job as the executive director of the judicial conference. I think Paul has settled right in.

I'd like to continue with the theme of "Building Public Confidence." There is no greater goal for us as judges than having the confidence and the trust of our fellow citizens.

Public confidence is critical. Without public confidence, our influence wanes.

You will recall Alexander Hamilton's observation in Federalist paper Number 78. He wrote that the judiciary would have, quote: "... no influence over either the sword or the purse."

That's by design. The judiciary, he continued, "may truly be said to have neither Force nor Will, but merely judgment." He was right. We can't raise money and we can't raise an army on our own.

Yet, for our society to survive as a republic, and as a democracy, the work of the judiciary must be respected, be trusted, and decisions obeyed.

When the public hears the word "judiciary" – or hears or reads your name, Judge So-and-So, it is imperative that the words bring to mind confidence, and fairness, and integrity. The court system and you are one and the same ... you are the court, you are the rule of law, and you are the face of authority.

We saw evidence of this power in last year's election when you, as judges, in partnership with the prosecuting attorneys and the OSBA, spoke out against Issue 1. Our message prevailed. The words of justices, judges and magistrates were the key. If the public had not trusted you, believed

in your logic and your word, we would not have been successful in defeating Issue 1.

Today, we still can support sentencing reform, not as an ill-conceived constitutional amendment, but as an effective statutory measure.

House Bill 1 as a statute would encourage treatment for addiction while maintaining the essential specter of a felony conviction. It would help communities by supporting criminal defendants to rebuild their lives – after they have had success in the rehabilitation.

The road to rehabilitation from drug addiction can be long. Should this bill become law, it would grant a chance at real success to those who travel that road. House Bill 1 would create a presumption in favor of intervention- in-lieu of conviction for 4th or 5th degree felony drug-related offenses.

This would make an opportunity to succeed come first and foremost for the defendants, reward those who stick with treatment and succeed – while recognizing the reality that sometimes relapses occur as a part of recovery.

It would also provide those with low-level convictions a chance to apply for record sealing, and to do so faster, at one-third the pace than they can do now. Instead of three years, it would be one year to have a record sealed.

While I'm talking about HB1 I should clear up a misconception about 4th and 5th degree drug offenders that are in prison.

How often do you hear that judges are putting first time low level drug offenders in prison? That was the rap during Issue 1. The number 2,500 was bandied about. Well, here is the accurate version.

Our Supreme Court staff crunched the available data on drug offenses. They cross-referenced DRC lists and the OCN case data. They looked at the total number of offenders sentenced to prison in 2018 with an F-4 or F-5 drug possession conviction, which was 2,314 in 2018.

DRC provided us with a list of all 2,314 offenders committed to DRC who had as their most serious offense an F4 or F5, and whom had at least one drug possession offense, alone or in combination with other non-possession offenses.

Because the information out there is that the courts incarcerated 2,500 low- level drug offenders it was important to parse the numbers with what information we had available to us.

Our staff estimated that of those for whom we found conviction records, at least 81 percent had prior felony convictions at the time they were sentenced. They were not first-time offenders.

The information about prior convictions matched up with sentences is hard to determine. But it is known that at least 81 percent were not first-time 4s or 5s.

Only 19 percent – about 300 inmates – appeared to be first-time offenders. What was involved in their commitment to DRC most likely was noncompliance with probation – maybe a plea deal, or a host of other reasons. The misperception that there are judges who consistently commit 4s or 5s to prison is spoken, but when the stats are examined that is not the case.

That is not what our judiciary is doing.

And those low-level 4s or 5s with prior convictions may already have had chances at treatment while on probation -- intervention in lieu of. And they were unsuccessful with diversion or received help through a drug court.

Under certain circumstances, a judge might reasonably conclude that alternatives to prison had been exhausted for an individual, and that incarceration was the proper course.

Let's work together as judges – and together with the General Assembly – to ensure that we take the proper path this fall going forward on HB 1.

All of this is reminiscent of our work last fall when the power of the collective judicial voice not only was heard but was heeded.

Drug addiction and treatment is one of those seemingly never-ending challenges. But believe me when I say we are making headway, and with the support of the legislature and the support of Governor DeWine we will see more successes. Our goal is an expansion of opportunities for treatment and recovery for all Ohioans who have a substance abuse disorder.

As judges the most enduring path to public confidence is embedded in the work we do each and every day when we remember that and act accordingly.

Our work – and the way we do it – speaks loudest and most clearly. The foundation of our mission as judges is to be legally competent, to be totally professional, and to be service-focused. This means performing your sworn duty to fairness, and upholding the law – even when it's a personal challenge to do so, or a philosophical challenge, to do so.

That can seem like a difficult task given today's political climate. But it's the core of our mission. Adhering to these fundamental and foundational principals separates us from the short-term – and often short-sighted – political forces around us. It is our base for public confidence and support.

Your beacons must be our state constitution, our federal constitution, legal precedent and the thoughtful administration of justice.

This past year, as it has for many years, the National Center for State Courts' surveys government accountability, confidence in the judiciary and the legislature and the executive branch.

No surprise that the judiciary is at the top. The judiciary consistently maintains the confidence of the public when compared to the other branches.

Yet, there's room to move upward in the public eye and the public's mind. Courts represent the only personal contact many citizens experience when it comes to engaging directly with government.

The public also judges us by the age-old maxim: "Justice delayed is justice denied."

That idea is embedded in the law as far back as the first century. It's been repeated countless times. That's because it is an ideal that should never ever go away.

By way of anecdote, I was recently in Trinidad and I sat in on a status hearing. The defendant was incarcerated pre-trial for nine years.

[More on Trinidad's system]

The Magna Carta declared in 1215 that "...to no one will we refuse or delay, right or justice." This right also is enshrined in the Sixth Amendment to the U.S. Constitution.

I want to commend our judges who have worked to clear cases efficiently and judiciously. That's not an easy task today. Cases have become more complex and in many respects the rise in specialized dockets reflects this complexity.

Yet, some judges allow a great deal of time to slip unfortunately – sometimes in multiple cases on their dockets. This is justice delayed. And the problem affects public confidence in the court system. It's just a delay for parties, for the victims and the judicial system itself.

We took a big step to improve public confidence in the Ohio legal system in February when we launched – on our Supreme Court website – an interactive tracking tool to monitor caseloads. We call it the Data Dashboard.

These charts, graphs and statistics provide you, our justice partners, and the general public with an interactive visualization of trial court caseload data. Current and historical data on caseloads, dispositions, and court performance are right there, easy to see and easy to digest.

The dashboards serve two main purposes: They are a tool for local courts to monitor caseload trends, and to provide a basis for improving case flow management. And, they are designed to serve the critical function of increasing public trust and confidence in Ohio's court system. The dashboards accomplish this by increasing transparency and accessibility to court data.

Individual dashboards have been published for each of the various subject- matter divisions within our courts of common pleas, and for municipal and county courts.

Work is currently under way to migrate the statistics we collect from the courts of appeals into the data management system that underlies the dashboards and that will be another component. Our goal is to publish appellate court dashboards in 2020.

The Supreme Court staff members who created the dashboard received direction from the members of the Supreme Court's Advisory Committee on Case Management.

The staff wanted to understand the usefulness of the data dashboard concept from your viewpoint – the vantage point of judges, magistrates, and court administrators.

Members of the advisory committee included 17 judges, a magistrate, six court administrators, representing both trial and appellate courts. Prior to publishing online, staff appeared at each of the various trial court judicial association meetings to explain the dashboards origin and development.

In this initial stage, the Data Dashboard only permits users to examine data at the court-wide level. The staff did a great job. They placed live demonstrations on computer screens, fielded questions, and obtained feedback.

Then, the Advisory Committee on Case Management recommended including judge-level data. Local courts requested judge-level data as well.

So, now we are updating the dashboards to include this data. It's almost ready to roll. You will see this data on our website before this month is out.

[Recognition of staffers by name who worked on the system.]

Here is an important point regarding judge-level data. This update to our website only impacts Ohio's multi-judge courts.

This is because 73 percent of our trial courts are single-judge courts. The breakdown is 78 percent of our municipal and county courts and 69 percent of our common pleas courts. That means all the data for single-judge courts has been out there since February of this year. Only counties with multiple judgeships will experience the update, so that all judges can fairly be represented.

Earlier this summer, we notified court administrators in multi-judge courts whose judges have sizable percentages of their caseloads "aging" past the Supreme Court time standards. Those are judges whose overage rates are greater than 15 percent.

We offered assistance to those courts to help them ensure the validity of their reported data, and to support their case flow management practices. That comes about through Supreme Court education, training and consulting services.

Data quality is paramount. Good data supports good decision-making.

These dashboards make data much more interesting and engaging than traditional old-school-style reports. These dashboards will help courts see how they're performing, where they need improvement, and to see what is happening with their incoming caseload trends. They will be able to use that information in their organizational planning and operations. We are seeking to help courts demonstrate their management capabilities, without which they will be prone to interference from outside of the judiciary. Judges have to manage their own courts.

And, we are trying to increase public confidence in the judicial system.

Since change is constant in our society, our reactions and attitudes must reflect the dynamics of our state and our nation. To run our court systems efficiently -- and with fairness -- we must accept the fact that our mission and our methods require adaptation.

Our courts need to be flexible and they need to be nimble.

Flexible -- to identify a need and to identify a solution that might seem out of the course of business as usual. Being nimble means being quick to make things happen by having the ability to adapt. That's why judicial education is so valuable. Exposure to a new or innovative way to address a problem helps us all become better public servants.

Reflect on your decisions and discern what works best and what doesn't -- and how to incorporate best practices. This isn't simply an ideal. Adapting to changes in society has become a hallmark of our judiciary in Ohio.

We are innovators. We are problem solvers. Why? Because we have to be.

Who else is there to do what we do? We do it because this is the life we have chosen.

We have adapted well to these difficult times. The number of examples is tremendous. I wish I could tell you about all of them. But instead I will give you a large sampling of the adaptations and innovations that courts around our state have instituted.

One of the best examples of innovation continues to be the Regional Judicial Opioid Initiative.

The Supreme Court of Ohio led the development of this group three years ago. We broke down the barriers posed by political, legislative, business and physical boundaries among the eight states that belong to RJOI.

We attacked the opioid problem in league with law enforcement and prosecutors, the mental health community, treatment providers, medical and academic leaders, and non-governmental organizations. Our approach and our processes were copied in the six New England states and nationally as well.

[There is a national opioid partnership as well – from COSCA and the CCJ.]

The problem remains with us, but we are so much further ahead in fighting the epidemic and slowing down its spread than we were three years ago when we convened R-JOI in Cincinnati.

Progress has come because we knocked down barriers. Among them was the long-held prejudice against using medications in treatment.

Bad ideas and outdated thinking die hard, but I think we have turned the corner on this one. Medication Assisted Treatment does work.

That's not just my opinion. The federal Centers for Disease Control and Prevention has developed a list of overdose-prevention strategies based on exhaustive studies from within the United States and globally.

The CDC study takes into account the complexities of the human body and the complexities of drugs. It also factors in data from convicted drug users. To sum it up, the evidence is in. Actually, it's been coming in for years. It's scientific and it's compelling. Medication-Assisted Treatment is effective – generally and in criminal justice settings.

You can learn more from our Specialized Dockets Section of the Supreme Court.

Also, the Ohio Department of Mental Health and Addiction Services is hosting regional MAT symposiums in the coming weeks and months. At these symposiums, you and your staff can learn all about how to implement MAT in the criminal justice setting. You also will learn that, in Ohio, MAT is reimbursed by Medicaid. So there's no reason not to use MAT.

Meanwhile, the ATP – the Addiction Treatment Program – in our state is funded now at \$6 million and it's proving to be effective.

Our new state budget will increase the number of drug courts from the current 115. (Note: 115 is the number for courts that are strictly drug courts. The total rises to 184 when family dependency

courts, veterans courts and other special dockets courts that deal with drug issues are added.)

Addiction treatment numbers and the tragedy of overdose deaths are trending in the right direction. Not quickly enough, of course. But they are moving in ways that show our labors are making a substantial impact and that we can continue to make progress.

This is a good time to recognize three judges who have worked so hard on our regional opioid effort from the very beginning:

Judge James Shriver of the Clermont County Juvenile and Probate Court; Judge Anthony Capizzi of the Montgomery County Juvenile Court; and Judge Jack Durkin of the Mahoning County Common Pleas Court.

Their day jobs on the bench have made lives much better for thousands of Ohioans struggling with drugs and – by extension – their families and their communities.

Addiction doesn't just affect the individual. Their extra-credit work with RJOI has pushed their experience, ideas and insights across state borders. They have become part of the national brain trust in the fight against this drug epidemic.

I also want to recognize the Manager of Specialized Dockets – all 258 of them – at the Supreme Court. That's Monica Kagey. Monica's work is nothing short of stellar.

RJOI is all about sharing, and I would like you to share in my recognition to these judges and to Monica for their smart, caring and dedicated work in certifying these courts and helping make them work.

Innovative judges are all around us this morning. Their stories are instructive. Except for the black robes and wood paneling, the courts of today bear little resemblance to those of decades past – or even a decade ago. Societal changes are moving quickly. But so are we. Many courts are employing technology to innovate and serve our citizenry.

All of you know my long record as an advocate for access to justice. There's some great examples.

The Cuyahoga County Common Pleas Court, Domestic Relations division, has an app for that.

It's called the CourtConnect Mobile App. It's free of charge and gives county residents 24-7 access to their cases. It connects both pro se litigants and also attorneys with the court.

Judge Francine Goldberg and her staff discovered that most economically challenged people coming before her court lacked access to a computer or an iPad. But nearly every one of them has a mobile phone.

Now, families can be connected directly to the legal system, and navigate easily to get information about their cases instantly.

This is such a big step forward in access to justice. As Judge Goldberg points out, "It levels the playing field for everyone."

Now, constituents don't have to be in the courthouse to get information – or some place in front

of a computer. They can be at the grocery store or anywhere else and receive notifications or look up information vital to their cases.

In Greene County, a truancy app is being piloted by the juvenile court, the county schools and the Xenia school district. Also partnering are the Dayton Mediation Center, the Supreme Court of Ohio's Commission on Dispute Resolution and a non-profit called the Resolution Systems Institute.

Judge Adolpho Tornichio sees the program appealing to what he calls "the technological generation."

Greene County students use the app to find help if they are missing school due to illness, lack of transportation, conflicts at school or some other problem.

This creates a pipeline of connectivity.

The chair of the work group, Marion County Family Court Judge Robert Fragale notes that problems with school attendance can be an early indicator – often the first indicator – of a child at risk. This allows intervention to begin.

That makes this app not just another icon on a phone, but a critical tool is that connection.

At the Domestic Violence section of the Cuyahoga County Common Pleas Court, the paperwork volume is very high. All of you know how that goes.

The court and its IT colleagues have created a workflow system that automatically populates forms and moves them electronically to the hearing officer. They worked with their case management vendor to develop customized software in order to do this.

Now, the petitioner fills out forms by matching up his or her needs with choices that populate in real time. The court reviews the packet and moves it along to the hearing officer and, eventually, the clerk.

The amount of time saved and blind alleys avoided is something only you, as judges, and court administrators and staff, can appreciate. I must say, this is quite an advancement.

The Montgomery County Common Pleas Court, General Division, is now using an automated system that sends texts, calls, and emails to jurors. They also are starting to use this system for defendants on pre-trial supervision for court hearings – and also office visits, treatment appointments and drug-use checks. There is no doubt this technology has aided the courts.

This court's new case management system for probation and pre-trial has messaging features. In addition, they are launching a new website, installing wayfinding check-in kiosks, creating a data analytics dashboard, using handheld scanners for checking in jurors, and researching e-signature pads.

They are also using two-way video monitoring with the jail, like many of you do. Montgomery County and Dayton are a high-tech place, and its courts reflect that local inventiveness.

This is a good place for me to remind everyone that efficient processes in courts allow more time

for judges to delve deeper into individual cases.

Our workload shift is toward more thoughtful review of cases. That's a good thing. Technology initiatives are all around us.

We have factories that turn out thousands of motor vehicles a day, world- class computing companies, a significant federal presence such as NASA and military bases here in Ohio. High tech is infused deeply into every major business in Ohio, from insurance companies to banks to agriculture, food processing and so many other sectors.

Why shouldn't we look to the problem-solving nature of technology around us to meet the goals of our judiciary, such as bail reform and access to justice?

The answer is: We are doing this, to some degree. But we can and we must go so much further.

Government at all levels must use technology to advance the justice systems. The Ohio judiciary has been on this track for years, especially for the last five years.

Our Supreme Court tech grant program has made justice more efficient across the state. Court management systems have been upgraded to improve case flow, hardware has been upgraded and replaced, digital notification systems like those I just talked about have been installed, and the list goes on and on.

This past year, the Supreme Court awarded \$2.9 million dollars in tech grants to 47 court projects. That brings our total outlays since I started this program five years ago to more than 14 million dollars from the Supreme Court's budget to local courts. The variety of expenditures reflects the innovation of our courts.

Closing gaps also reflects deficiencies. Happily, these problems are being addressed. I just shared a few innovation examples with you.

Here are some examples from juvenile courts:

- Clermont County used \$17,000 of tech funds to create an electronic portal for access to cases, and to vital information from Child Protective Services and their prosecutor's office, linking those entities together
- Coshocton County created a help center for civil filings and for better history data on child welfare cases.
- Gallia County purchased software for due-date notifications and report creation.
- Greene County installed a video conference system for hearings and Child Protective Services matters.
- Muskingum County created a kiosk so the public can download forms from a website.
- Perry County is using Smart Boards for the presentation of evidence, findings and documents from agency laptops and from their courts.

These are just a few examples. They give you a good idea of the innovations being used to speed up trials and provide fair access to courts.

The Supreme Court, meanwhile, has been providing family dependency courts and juvenile courts with funds so that texting capabilities can be added to case management systems. In those two areas, the value of communications by text cannot be overrated. Instant communications is revolutionizing the way courts reach out.

Texting reaches parents to notify them and their attorneys of hearings in family court.

Texting gives notice and updates for alcohol and drug testing and other requirements.

Texting cuts way back – by as much as one-third – on failure-to-appear findings. It also is economical. It pays for itself.

We're waging a fight to improve the effectiveness of courts on many fronts.

Please apply for these grants. Each year we consider dozens of proposals at the Court. You can obtain a list of past and current projects to get some ideas. I encourage you to apply.

Technology and resource management can lead you and your staff to new thinking and new agendas, and new ways of seeing and solving problems.

There are many technological activities within the Supreme Court.

One that I'm very proud is the recent production of a documentary film.

A video producer who works in our Public Information Office – Anne Fife – chronicled the drug courts in three counties. The result was the documentary film, "Second Chances: One Year in Ohio's Drug Courts."

As judges, you have had a chance to earn Judicial College credits by watching the film online in conjunction with materials from the College. If you have not watched it, I encourage you to do so. It's free and you get judicial credit.

I want to thank the three judges who star in the film – along with their hardworking staffs:

Judge Joyce Kimbler of the Medina County Common Pleas Court; Judge Teresa Ballinger of the Marion Municipal Court;

and Judge Fred Moses of the Hocking County Municipal Court.

This film reflects the difficult work on the bench and the hard, hard grind of drug court participants in overcoming the scourge of addiction.

[More recognition of the judges]

Another use of technology from our in-house staff is called Under Advisement.

I planted the idea a while ago with our staff and I have to recognize Sara Stiffler for her great work on this.

All of you know about off-site court and the journeys by our justices to all corners of the state. We do that twice a year. But it is limited.

The Civic Education Section of the Court is introducing to our high schools this month a version of Off-Site Court that teachers can download from a web site and use in the classroom. One high school teacher has already used it in the first full week of school.

Under Advisement follows two previously decided cases and employs videos of oral arguments and complete lesson plans and a teacher's guide. The course also involves the participation of local judges and attorneys who can help teach the subject along with the teacher. To be a resource. It's a full package of material for teachers.

The course can be taught in three or four days. Teachers have the freedom to use the materials at any time that fits their schedules.

Local participation is a plus, so stay tuned to learn how you can become involved in your community by helping your teachers teach the course and – more important – help students learn about the law and the judiciary.

I want to showcase some other court initiatives – and innovations -- from the past year that you should know about.

Courts in several Ohio counties are trying to de-mystify the probate process for their local citizens by offering community presentations aptly named “The Good Deeds Program.

When it was rolled out last month in Delaware County, a “full house” of 250 people attended to learn about estate planning options and how to plan so as to minimize family confusion after their death and ward off arguments and ill will.

Real estate survivorship deeds, filing title affidavits and shortcuts – and avoidance – of probate – were explained in layman's terms. It sat very well with the attendees. Delaware was inspired by programs in progress in Geauga, Lorain and Summit counties. So bravo to those courts as well.

Sometimes work at the county-court level earns national recognition – and help.

Stark County Juvenile Court received a Georgetown University Certification Grant for probation transformation. The program is a collaboration of the national Center for Juvenile Justice Reform and the Council of State Governments Justice Center with funding from the Annie E. Casey Foundation.

The program's goal is to guide and support local probation leaders, judges, attorneys, and others to transform their system-wide approach to probation. It builds on Casey's more than 25 years of experience with the Juvenile Detention Alternatives Initiative and other resources.

I am proud to say that in Ohio, 14 counties are participating in this Juvenile Detention Alternatives initiative. The two newest juvenile courts to join are in Paulding and Greene counties.

Evidence-based diversion programs can be transformative – and Ohio is a leader in setting up youth diversion programs at the county level.

Each year, our Court's Juvenile Justice Subcommittee within the Children & Families Advisory Committee recognizes promising juvenile diversion programs that are evidence-based and

research-based.

One of those juvenile-diversion programs operated within the Mahoning County Juvenile Court has been working for nearly five years on a program. It's called Cyber and Relational Diversion Program, which spells out C-A-R-D. CARD directly responds to the growing problems of sexting, cyber-bullying and sexual harassment.

Mahoning County youths ages 12 to 17 – who are not on probation – can be referred by the court, law enforcement, parents and guardians, school officials, teachers, and community groups. The youths are diverted to counseling sessions about the personal, emotional and legal consequences of inappropriate behaviors with teens. Parents are obliged to attend.

This is an effort to cut them off at the pass. Thanks to Judge (Theresa) Dellick for implementing this program.

As you know, major work was performed this summer by the Task Force to Examine the Ohio Bail System. We are working to implement the task force's recommendations.

One recommendation, to amend Superintendence Rule 5, would require counties with more than one municipal or county court to adopt a uniform bond schedule to be used by each court in the county, so there's continuity, so there's consistency.

I encourage you to respond to this proposal during the public comment period – which ends October 25.

It is my belief that reform in this area is way overdue.

The current system flies in the face of the most basic principle of our justice system.

It's the one phrase that even people with little or no knowledge of the court system can recite:

You're "innocent until proven guilty."

And yet, in state after state, including ours, the majority of jail detainees have not been convicted of anything. They simply are waiting to have their case resolved.

They can't make bail. Some cannot come up with what you and I would consider a nominal sum.

Bail is a concept to allow for release from detention while awaiting resolution of your case – not as a means of keeping one in jail.

Somehow, the concept has gotten backward.

If an actor is a threat to the safety of the community, the witnesses, the victims, or is a real flight risk then bail is not the answer.

For many, just a couple of days behind bars, means they can lose their job. Then they may lose their home. Their support system can collapse.

Where is the gain for society when that happens?

I encourage all of you to read the task force report. Everyone who has a stake in the bail system

was at the table and Judge Kate Huffman did an outstanding job leading the task force, as chair as did Supreme Court employee Tasha Ruth who put the report to paper.

Now, I would like to get back to technology and an awesome responsibility that we face.

While businesses large and small – and even individuals – continue to push the capabilities of digital communications to greater and greater heights, our criminal justice system languishes.

We all know that the ability of the criminal justice system to share access to case dispositions and warrants is lacking.

We're way behind where we should be.

If Silicon Valley and most of our business world is in the information technology driver's seat, I would say that we're not even in the back seat of that vehicle.

We're standing by the side of the road as technology rolls along. The public is clamoring for background checks on gun purchases. We need warrant information. You name it ... Criminal data in general must be available to the appropriate authorities.

We need for law enforcement to have access to criminal information, warrants, protection orders and probation and sentencing data. To serve our citizenry effectively, this data must be available on a fast and reliable basis.

This is not happening in our state. But it must.

Our citizens not only want this but demand that we get current with our information so it can be shared with law enforcement and potentially save lives. But as a state, we are failing.

A sad illustration of the problem can be found in Governor DeWine's recent report on warrants.

The LEADS system -- which stands for Law Enforcement Automated Data System – is designed to allow law enforcement, dispatch centers and the courts to share information on active warrants. But sharing is spotty, to put it mildly.

The Ohio Department of Public Safety found a total of 217,000 outstanding warrants statewide. But research by the Columbus Dispatch found more than 300,000 warrants in just 12 counties.

This discrepancy of information fits definition of a black hole.

Further, of the 217,000 warrants that the LEADS system did have, only 18,000 were entered into the National Crime Information System run by the FBI and used by gun sellers. Only 18,000 – a fraction of the total.

Yes, there are technological hurdles to making criminal information available to those who need it.

The main problem is process. We must do better.

The excuses for poor reporting from the local level range from lack of personnel and lack of funding to address the burden of complex data entry.

It is not that complicated.

The way the system is set up currently, law enforcement makes the call on whether or not to enter warrant information into databases. I think that is unfortunate.

To judges, I say: This is your data. These are your orders. You are issuing warrants. This is your work and it's falling into a black hole. The system is breaking down after the information leaves your court.

So, what can we do? We can work together better.

And we can divide the tasks in ways that provide movement. We can pay attention to the pleading of the public for action.

I have an example of movement in the right direction.

Several years ago, the Ohio Department of Rehabilitation and Corrections began a project to create a probation data warehouse for the entire state. However, one year ago, the DRC decided to halt development due to lack of ongoing funding and shifting priorities.

Early this year, the DRC approached the Supreme Court's IT Division to see if we were willing and able to pick up the effort. It's funny that DRC didn't have the money, but thought the Supreme Court did. But we said yes.

This summer, the Court took over the development and implementation. It is called the Probation Data Repository and it operates under the Ohio Courts Network. Our Court's IT Division created a project team that includes members of the Chief Probation Officers Association to serve as probation subject matter experts.

The project team's immediate objectives include: finalizing design and developing data collection processes and systems; designing and developing the interface with the Ohio Courts Network; assembling all probation offices and probation system vendors so that electronic data sharing capabilities can be built.

We also have a great need to do better when we gather and analyze sentencing information. This is another area vital to public safety.

As I mentioned earlier, offenders being sentenced to prison for 4th-degree and 5th-degree felony convictions was the subject in the past year of great attention. Attempts to analyze historical sentencing information, however, revealed just how fragmented and "non-standard" the reporting of sentencing data can be.

In fact, when we were trying a year ago to explain the disastrous effects of Issue 1 and what it would bring to our legal system, we were unable to gather much of this data as a talking point because it couldn't be aggregated.

The sentencing process is complex and often difficult to reduce to a few standard codes and data fields. But we have to overcome this hurdle.

I have directed our Commission on Technology and the Courts to create a working group to

explore opportunities for standardizing and reporting sentencing information.

The goal is a format that will improve the reporting and analysis of sentencing data.

There is so much work to do. But RJOI and other projects have shown us that barriers to progress aren't insurmountable just because they have existed for decades.

Working together works. Sharing ideas works. Listening to the public works.

As I close, I want to let all of you know that my many years on the bench have given me a great appreciation for the work of today's judges and staffs.

This is my ninth year and I have three more years to go.

Never in the history of our country have the burdens of the judiciary been greater. Or the challenges to our authority more dangerous.

I started out by saying that our branch of government enjoys success even though we have neither the power of the purse or of an army. That the rule of law governs and that's enough.

Yet, here we are, tackling problems and communicating in new ways and powerful ways.

But we have to do more.

I appreciate your dedication and your labors and you deserve the trust of the public. You can gain that trust through the work that you do – as long as the public and the news media know about it. So, make sure you engage locally.

Take part in Judicial Votes Count when you're running for office.

Explain your mission and your vision. And, when you feel you need to, speak up for yourself and your profession.

We have seen and heard way too many uninformed and even nasty characterizations of judges, and the judicial system – and the rule of law itself. When these disparaging remarks come from high quarters, the effect on the public can be devastating if left unanswered.

We answer by explaining how our judiciary works. We do so calmly and forthrightly.

We are here to serve the public. We do that by being true to the law.

Being true to yourself and your profession – our honorable profession – is part of being true to the law.

You deserve to be called "Your Honors." Never forget your own honor. Thanks to you all. God bless, and let's work together.