

# Happy 4th of July



**Cover:** Judge Cynthia Rice,  
Judicial Secretary Sharon Vigorito,  
and Judicial Attorney Sarah Smith  
show their All-American Spirit!

# President's Page

**Kelly Slattery**

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Since passing the bar, or even from the moment you announced you were going to law school, all of us have been inundated with lawyer jokes. I thought we could all use a laugh to lighten our busy and often stressful days, so I scoured the internet to find a few of the best. Enjoy in good humor...

- How does an attorney sleep? Well...first he lies on one side, and then he lies on the other.
- A 50-year-old lawyer who had been practicing since he was 25 passed away and arrived at the Pearly Gates for judgment. The lawyer said to St. Peter, "There must be some mistake! I'm only 50 years old, that's far too young to die." St. Peter frowned and consulted his book. "That's funny, when we add up your billing records, you should be at least 83 by now!"
- When a lawyer gets married they don't say "I do", they say "I accept the terms and conditions."
- What's the difference between a good lawyer and a bad lawyer? A bad lawyer might let a case drag on for several years. A good lawyer knows how to make it last even longer.
- What's the difference between a good lawyer and a great lawyer

A good lawyer knows the law.

A great lawyer knows the judge.

- A lawyer sued the airline after it misplaced his luggage. Sadly, he lost his case.
- What is the difference between a lawyer and a pitbull? Jewelry.
- How many lawyers does it take to change a light bulb?  
How many can you afford?  
Three. One to climb the ladder to turn the bulb, one to shake him off the ladder, and one to sue the ladder company.
- How was copper wire invented?  
Two lawyers were fighting over a penny.
- A man went to a lawyer and asked what his fee was. "\$100 for three questions," answered the lawyer. "Isn't that a little steep?" said the man. "Yes," said the lawyer. "Now, what's your third question?"
- It was so cold outside I saw a lawyer with his hands in his own pockets.
- I broke a mirror and got 7 years bad luck, but my lawyer thinks he can get me 5.

(Continued on page 7)

# Remembering David Lowe

**Judge David M. Ondrey**

*Geauga County Common Pleas Court, 440-279-2015*

As most every Geauga Bar Association member likely already knows, we lost long time Chardon attorney David E. Lowe to cancer on May 9, 2019. Though David's health struggles over the past 20-some odd years had gradually become public, it still came as a shock to many of us that he had finally succumbed at 82 to the disease. David had fought so bravely, so energetically, so optimistically for so long that many of us thought he would go on for years to come, more likely to be felled by a passing car than to a health setback such as this.

I was fortunate to practice law with David since the very beginning of my own career some 39 years ago. He was eternally affable, reasoned, conscientious, and successful. David could be a determined litigator and advocate when necessary, but his real style was to kill you with charm, wit, and respectful behavior. I cannot think of a lawyer or a Judge who did not like David, even when they locked horns over liability, or alimony, custody, or damages. As he often reminded me, his trial record was largely successful because he knew when to hold them and when to fold them. David understood and often advocated for compromise, settlement, and realism. When those goals were impossible, he knew how to put to-



gether his client's best possible case.

If you ever got to speak with David, you probably soon found out he had Texas in his background, his ancestors coming to that State from Virginia prior to the Civil War. He was proud of his family's Texas Ranger background and for years was especially keen on visiting his relatives on the family ranch "Stoney Lonesome" in West Texas.

Eventually, he was bitten by two more important influences, which inexorably pushed the ranch into the background: his 33' Tartan sailboat and his beautiful bride, Beverly, who he married not long before his first cancer diagnosis. If Beverly ever regretted hitching up with a new cancer patient, she never expressed it. Instead she pushed and prodded and babied him through the many years of treatments, setbacks, and successes. Together they also traveled the world over. Beverly

especially encouraged David in his domestic relations practice, often accompanying him on seminars and family law lawyer gatherings. David preserved some scraps of his long bachelor life, but happily let Beverly take the domestic reins, turning their Chardon home into one of the most beautiful and unusual homes in northeast Ohio. And David preserved his private library space, filled with thousands of

books as he read constantly.

But David's love of the high seas never faltered. He sailed much of the Great Lakes on his "Amega," often solo. I can testify as a cabin boy on several trips with him—the guy was fearless and extremely knowledgeable on both the complexities and simple joys of sailing. He sailed often, even during these last few summers, although his health was slowly diminishing. He told me once "when I can't do this anymore, then I'll know I'm ready to go."

Well, to his surprise, that moment never really came. David never gave up sailing, never gave up Beverly, never even gave up practicing law at Thrasher Dinsmore & Dolan. David just lived his terrific life right up to the end. We in the Geauga Bar Association are all the better for having been a part of that life.

***Bon voyage, Captain Lowe!*** 🌸



## In Honor of the Renaming of the Geauga County Bar Association's Legal Aid Brief Advice Clinic as the "The David Lowe Memorial Legal Aid Brief Advice Clinic"

July 27, 2019

To honor David E. Lowe, Esq., who passed away recently after a long and courageous battle with cancer, the Geauga County Bar Association, by acclamation, hereby renames its Chagrin Falls Park Community Center legal aid clinic in his memory.

Attorney Lowe fought for increased access to justice for all members of our community with the same passion, tenacity, and determination as he fought his illness. Throughout his career, Attorney Lowe contributed his time and treasure to support the work of The Legal Aid Society of Cleveland, particularly in Geauga and Lake counties. He was a volunteer attorney, financial supporter, and most importantly, led the effort to increase attorney pro bono participation in our area by his example.

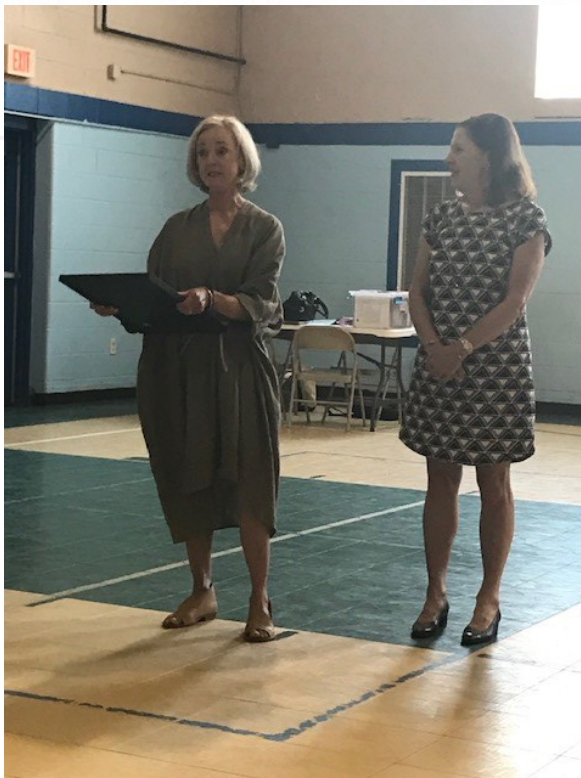
The capstone of his work was his conception and leadership in establishing the first regular legal aid brief advice clinic in Geauga County. The clinic was first established in 2017. Attorney Lowe recognized and identified an underserved population in the Chagrin Falls Park residential development. The park's residents are primarily minority families in the low to moderate income range and are frequently appearing in our local courts without counsel.

Because of his efforts, bar association members now staff a brief advice clinic every other month at the park's community center. The community refers to the clinic as their "law firm."

Attorney Lowe's skill for friendly persuasion brought lawyers to the people to help them with their legal questions or problems. Despite his health challenges, he would come to each clinic, meet with clients, and assist younger volunteer attorneys who may not be as experienced as he.

Attorney Lowe assembled a core group of dependable attorneys to staff the clinic, brought local judges on board who would make sure there was plenty of food for the clients and volunteers, and most importantly, assured the residents that this was a safe and confidential clinic, particularly when the clinic first started.

The best tribute to Attorney Lowe's work at the clinic came at the first clinic held after his death. When one of his clinic clients learned of his passing, she shared her sense of loss and her positive client experience, explaining how Attorney Lowe's counselling "changed her life."





# Secretaries Day

Something different was on the menu this year for the annual Secretaries Day event held at Munson Township Hall on June 26, 2019. A patriotic theme and food trucks from Nick's Gyros and King Kone truly made the luncheon an All-American Picnic to remember. After munching on grilled burgers, chicken gyros, french fries, fresh fruit salad, and ice cream sundaes, if you weren't too full, you could try a slice of pie from one of the award-winning pies entered in the pie baking contest. Or you could admire the winning patriotic hats worn by 11<sup>th</sup> District Court of Appeals Judge Cynthia Rice and her staff, Sharon Vigorito and Sarah Smith. We were even treated to a visit by our own Bar Secretary, Krystal Thompson, with her new son, Logan, who was born on April 28<sup>th</sup>. Overall, another successful event coordinated by Event Chair Ann D'Amico and her committee!

—Lisa Carey ❁



# All-American Picnic



**Secretaries Day, Munson Town Hall, June 26, 2019**





# Obtaining a Judgment For Attorneys' Fees for Prosecuting Claims and Defending Counterclaims

**Jo A. Tatarko**

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Under the American rule, litigants in most civil cases cannot recover their attorneys' fees. However, there are exceptions. A party can seek to recover its attorneys' fees under certain statutes, when there is a finding of fraud and/or punitive damages against the other party, and when there is a fee-shifting provision under the contract involved in the underlying dispute. For example, if party A sues party B for breach of contract and the court finds for party A, then party A can seek attorneys' fees if there is a provision in the contract that allows it to do so. This article will examine what happens when party A also seeks to recover attorneys' fees relating to defending counterclaims brought against it by party B.

In order to determine the amount of attorneys' fees that should be awarded, a trial court must first calculate the "lodestar" amount by multiplying the number of the attorney(s) hours reasonably expended by a reasonable hourly rate.<sup>1</sup> Secondly, the trial court

must review the lodestar amount based on the factors listed in Ohio Rules of Professional Conduct 1.5 (A) and modify accordingly.<sup>2</sup> The factors relate to the nature of the litigation, the skills of the attorney(s) and the workload of the case, including its impact on the attorney's caseload, the customary fees charged, the amount in controversy and results obtained, and the reputation and ability of the attorney(s) involved.

Oftentimes, the party seeking attorneys' fees will not only be prosecuting its own claims, but also defending itself against counterclaims brought by the opposing party. The legal work that is done on the claims and counterclaims may not be easily separated, if at all. This is especially true when a claim for breach of contract meets with counterclaims for fraud or other alleged breaches related to the contract, such as a breach of warranty claim.

Ohio courts have held that a court must award attorneys' fees for the amount of time spent pur-

suing the claim for which the fees may be awarded only when it is possible to separate the time spent on the claims in such a manner.<sup>3</sup> If the claims and counterclaims involve common facts or are based on related legal themes and it is difficult to separate the hours on a claim-by-claim basis, the party seeking attorneys' fees will not be prejudiced.<sup>4</sup> Rather, where multiple claims revolve around the "same allegations, facts, discovery, and legal arguments," attorneys' fees can be awarded for time spent on all the claims.<sup>5</sup>

Claims for attorneys' fees are individual and very fact-specific. These claims often require expert testimony.

## Endnotes

1. *Bittner v. Tri-County Toyota, Inc.*, 58 Ohio St. 3d 143 (1991).
2. *Id.*
3. *Miller v. Grimsley*, 197 Ohio App. 3d 167 (10th App. Dist. 2011).
4. *Hustler Cincinnati, Inc. v. Elm 411, LLC*, 2014-Ohio-5648 (1st App. Dist. 2014).
5. *Id.*



## President (from page 1)

- You might be a lawyer if:  
You are charging someone  
for reading these jokes.  
The shortest sentence you  
have ever written was

more than 8 words  
long.  
You have a daughter  
named Sue and a son  
named Bill.

Your other car is a BMW.  
When your spouse says "I  
love you," you cross-  
examine them. ❁

# Changing Seasons: A New Leaf in Drug Sentencing

**Allie Mikolanis**

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Judge Carolyn J. Paschke is making history. She isn't just breaking ground as Geauga County's first female Common Pleas Court Judge, but she is also transforming the ways in which the County manages drug crime offenders. Through creating the first drug court program in Geauga County, Judge Paschke is tackling recidivism by offering treatment for victims of addiction. The drug court, appropriately titled the "New Leaf Program," was created to improve the lives of those with substance dependencies, offering resources and opportunities to overcome addiction.

## **Current Problem**

Under the status quo, the Court treats drug crimes as felonies, with offenders placed behind bars instead of treatment centers. Recent research, though, has recommended rehabilitating drug offenders instead of incarcerating them. Former U.S. Surgeon General Dr. Vivek Murthy published a report in 2016, advising that "addiction is a chronic disease of the brain and it's one that we have to treat the way we would any other chronic illness: with skill, with compassion and with urgency."<sup>1</sup> While Ohio law has traditionally approached drug offenders with

handcuffs and jail cells, the New Leaf Program heeds this call to action through treatment programs and partnerships.

In a state that had the second highest rate of opioid overdose deaths in the United States in 2017, there is no question that Ohio is at the forefront of the battleground against opioids in America.<sup>2</sup> However, this crisis is not hopeless: The National Institute of Justice found in 2018 that drug courts reduce recidivism by 17 to 26 percent, resulting in public savings of an average of \$6,744 per

*(Continued on page 9)*



## New Leaf (from page 8)

participant.<sup>3</sup> The New Leaf Program applies this solution that has worked in counties nationwide to address opioids at home.

### Overview

The Ohio Supreme Court Specialized Docket Section certified the New Leaf Program earlier this year. It is a 16-24 month program where participants progress through various phases, partnered alongside Judge Paschke and a Treatment Team. The rigorous process was formulated to ensure that participants who truly seek help will have the opportunity to break the cycle of addiction; participants who want to continue using drugs and solely apply to New Leaf as an alternative to incarceration will not last through the strict monitoring and phases of the program. As such, successful completion is contingent upon compliance.

### Stakeholders

Potential participants may be referred to the New Leaf Program at any point in their cases, and if found eligible, they will be screened via the Ohio Risk Assessment System (ORAS). Based on the issues that the ORAS flags, the participants will then be given an individualized treatment plan. The target population for the program is drug users who require a court-monitored, structured program in order to turn new leaves in their lives. The maximum enrollment for the program is set at 25 participants.

The participants will work in tandem to the Treatment Team, a group comprised of the Judge;

probation officer; licensed treatment providers; prosecutor; defense counsel; and various agencies that include, but are not limited to, NEOCAP (Northeast Ohio Community Alternative Program), Ravenwood Health, Lake-Geauga Recovery Centers, and the Geauga County Sheriff. Each member of the Treatment Team has specific responsibilities in supervising and guiding the participants. Together, the Team coordinates daily operations and engages in community outreach.

### Implementation

There are six phases to the program in order to provide structure, a sense of progress, and specific goals for the participants. The phases include Orientation, Compliance, Program Engagement, Growth and Development, Maintenance, and Pre-Grad. Each phase has a set number of steps that must be met to move onto the next phase.

There are several expectations for participants that remain thought the phases of the program including dress code, honesty, sobriety, punctuality, and attitude. Participants must comply with the expectations or face sanctions. Sanctions are immediate penalties that range in severity, depending on the participants' non-compliance.

Alongside the role of sanctions, New Leaf emphasizes incentives in order to motivate personal growth. Compliance will result in constructive feedback in the form of incentives. Incentives are given at a 4:1 ratio, with four incentives for every one sanction, underscor-

ing the importance of positive reinforcement in the program. The participants' behaviors will be monitored by random home visits, drug testing, and feedback from treatment providers.

### Completion

Participants may either successfully complete the program, face unsuccessful termination, be neutrally discharged, or be given an inactive status. Successful completion is contingent upon fulfilling requirements and demonstrating growth. One is nominated for graduation by a Treatment Team member, and the participant is then reviewed by the entire Team. During the review, the Team submits a formal recommendation to the Specialized Docket Judge regarding the completion of the participant. The Judge then determines that the participant has successfully completed the program and can graduate.

### Impact

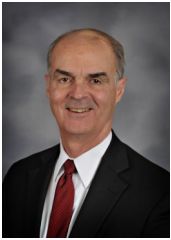
The effectiveness of the program will be evaluated through data collection regarding future criminal behaviors, impact on substance dependency, and impact on life circumstances. Fifty-six (56) of Ohio's eighty-eight (88) counties have drug court programs, with each implementing a holistic approach to reduce recidivism and incarceration costs. If the success stories of the drug courts across Ohio are any indicators, Geauga County's New Leaf Program will not just give drug users an opportunity to transform, but it will also

*(Continued on page 10)*

# Cases of Interest

## Pearce Leary

*Pearce Leary, Esq., [pearceleary@windstream.net](mailto:pearceleary@windstream.net)*



State of Ohio vs. Luther, 2018-Ohio-4568

Officers stopped defendant while riding a bicycle on suspicion of public urination; pat him down for weapons; remove small hard shell case from pocket; open case and find drugs and paraphernalia. Held: motion to suppress should have been granted. Pat down and removal of case legal; but opening case violates Terry. Face-to-face encounter, during daylight, by two armed officers with a defendant who was complying with their orders and could only escape via bicycle militates against any finding of a realistic threat.

Accettola vs. Big Sky Energy, 2018-Ohio-5076

Plaintiff previously judicially terminated oil and gas lease with defendant. Defendant did not remove its equipment for the next three years. Plaintiff sued for trespass and jury awarded \$30,000 in compensatory damages. Court added an award of attorney's fees. Held: verdict affirmed but attorney's fees award reversed. Even though there was limited testimony as to economic loss, jury could award damages for intangible, non-economic loss such as inconvenience,

aggravation and frustration. Attorney's fees unavailable when punitive damages not awarded clarifying some confusion in the existing case law.

Colburn vs. Cooper, 2018-Ohio-5190

Plaintiff files for accounting from defendant who holds economic POA for mother. Defendant moves to dismiss asserting lack of standing as mother has guardian and plaintiff's right to an accounting as a presumptive heir and designated beneficiary under mother's will only vests upon mother's death. Trial court dismisses. Held: reversed. Plaintiff, as presumptive heir and designated beneficiary of mother has standing to demand an accounting.

Reamensnyder vs. Marino, 2018-Ohio-5336

Defendant installed cement driveway. During first winter it cracked and chipped because, as parties agreed, water pooled under the cement and froze. Judgment for plaintiff in small claims court. Held: reversed. Merely proving the existing of a defect does not carry the burden of proof without expert testimony that the defendant failed to use ordinary care.



### New Leaf (from page 9)

bring a change of season in Geauga County, turning a new leaf to how the Court approaches justice in drug sentencing.

### Endnotes:

1. Andrew Cass, *Opioid-related Crimes Continued to Climb in 2016*, [https://www.news-herald.com/news/ohio/opioid-related-crimes-continued-to-climb-in/article\\_9697010f-513a-5b6d-a3f6-72d2c90c4fe1.html](https://www.news-herald.com/news/ohio/opioid-related-crimes-continued-to-climb-in/article_9697010f-513a-5b6d-a3f6-72d2c90c4fe1.html) (Dec. 6, 2016).
2. National Institute on Drug Abuse, *Opioid-Involved Overdose Deaths*, <https://www.drugabuse.gov/opioid-summaries-by-state/ohio-opioid-summary> (March 2019).
3. National Institute of Justice, *Do Drug Courts Work? Findings From Drug Court Research*, <https://www.nij.gov/topics/courts/drug-courts/Pages/work.aspx> (May 1, 2018).
4. Katie Wedell, *Ohio looks to expand program proponents say cuts down on crime, saves lives and money* <https://www.daytondailynews.com/news/local/this-local-drug-court-cut-rate-new-felonies-more-than-half/7bG2ivJC8GxRgh9NW183GM/> (Jan. 27, 2019). ❀



# Law Day 2019

**Lisa Carey**

*Carrabine & Reardon, [carey@jcjrlaw.com](mailto:carey@jcjrlaw.com)*

What constitutes a “free society” was the hot topic at the Bar Association’s 2019 Law Day celebration held once again at Guido’s in Chesterland. Since President Dwight Eisenhower established Law Day in 1958, legal communities have come together to discuss issues such as this year’s theme: Free Speech, Free Press, Free Society.

Todd Petersen presented the winners of the student essay contest, whose essays you can read in this issue on the following pages.

Our Law Enforcement Officer of the Year, Geauga County Sheriff’s Deputy Jake Smith, was honored for his quick reaction and thinking in saving the life of a young girl in a house fire in Newbury Township on March 6, 2019.

Deputy Smith told the capacity crowd that this situation illustrates his day to day job as a deputy: “I see good and bad; the beginning of life and the end of life—I see it all. On a daily basis, we have no idea what we are going to be involved in.” He went on to say that helping people,

such as the family who sustained the house fire, is why he does his job.

Finally, keynote speaker, John Karlovec, fellow attorney and publisher of the Maple Leaf, posed questions about the ongoing need for local media and balancing the need to report vs. the need to get the news right. In the age of social media, on-line reporting, and digital documents, Karlovec said that it is even more important for local media to accurately report on local government, schools, and other important local issues. Freedom of

the press is one of the most cherished liberties, but the press has an obligation to make every effort to get their facts correct before airing or publishing. In this day of “breaking news,” the media plays a very important role upon which the public has come to rely. 🌟



# Law Day Student Essay 2019

**Isabella Benz**

*Kenston High School, First Place*



Not only does the old policy of loco parentis allow for censorship, but there has been a landmark case that explicitly states the school's ability to prohibit certain articles from being published in the school's newspaper without violating the student's First Amendment right of freedom of speech. This case, *Hazelwood v. Kuhlmeier* (1988), discussed the matters of students who thought their principle had violated their rights by deleting articles they had written from the school-sponsored newspaper. In a five to three ruling, the Court decided that because the school was funding the paper and that it was not intended for the entire public, administration had the right to censor its contents.

Therefore, based on this case, the principle has the absolute right to prohibit articles in which he or she deems inappropriate for the school newspaper.

Now that technology has become more advanced, social media has now been called into question in terms of protection and censorship as well in public schools. Based on the same principals of the *Hazelwood v. Kuhlmeier* case, the school can monitor and delete content on the school's social media page as well because it is school-sponsored, and thus the school has legitimate interest in what is posted.

Although students have been taught by their history teachers that they are free to say whatever they please under the First Amendment, there are always limitations to every freedom. In order to keep students safe and the school's image looking as positive as possible, administration is able to actively exercise its rights to omit articles from both the school paper and any social media pages it hosts under its name. Both students and school administrators should be educated about their rights in relation to each other in order to produce a more aware and accepting atmosphere. 🌸

Freedom of speech has long been a part of how Americans define themselves. With the press having arguably the most freedom of all aspects of the First Amendment, Americans believe that they should be able to publish whatever is on their minds, no matter the content. Sharing news, information, and opinions has become even more free and equally more complex with the innovation of social media. American children are grown on the ideals that they can speak their mind no matter what, and however a beautiful ideal this may be, it is not all true.

Because children spend seven hours a day, five days a week, away from the watchful eye of their parents, they need a sort of guardian to monitor their behavior. This is where school administration and faculty are put in place. Under the legal doctrine of loco parentis, school staff is able to act as guardians for students while in school. This is put in place to protect children while in their care. If a student were to attempt to publish a hateful message about another student, this doctrine could allow the principle to prohibit that article for the protection of the student in which the article was about.



# Law Day Student Essay 2019

**Madison Wayt**

*Hawken School, First Runner-Up*



No students should have to give up their rights when they walk into school in the morning. However, it is important to note that there is a key disparity between the First Amendment rights in public and private schools. Public schools are state actors. As part of the government, they must follow the Bill of Rights and thus grant students their fundamental right to freedom of speech, while private schools have significantly more choice in the matter of censorship. Overall, in spite of these differences, both types of schools struggle to balance stability within their community with First Amendment rights. When a princi-

pal prohibits the publishing of certain articles in a school newspaper, he or she is violating the journalists' right First Amendment right of freedom of speech.

In 1969, student Mary Beth Tinker faced Des Moines Independent Community School District in a case that would define freedom of speech in schools for decades. In this case, students had been suspended for wearing black armbands as a silent protest against the Vietnam war. The Supreme Court ruled 7-2 in favor of Miss Tinker, finding that her actions would not disrupt the operations of the school or interfere with the rights of other students. The Court also found that fear of controversy was not a legitimate reason to censor students. A few years ago, almost 50 years after her case came to court, Tinker spoke out about the importance of First Amendment rights in schools. "If we don't encourage young people to use their First Amendment rights, our society is deprived of their creativity, energy, and new ideas. This is a huge loss, and also a human rights abuse," she stated. Student journalists have a peaceful outlet in which they can share their thoughts and ideas. Their right to freedom of speech and freedom of expression should not be allowed to be violated by a school principal's opinions. 🌸

**Law  
Enforcement  
Officer  
of the  
Year**

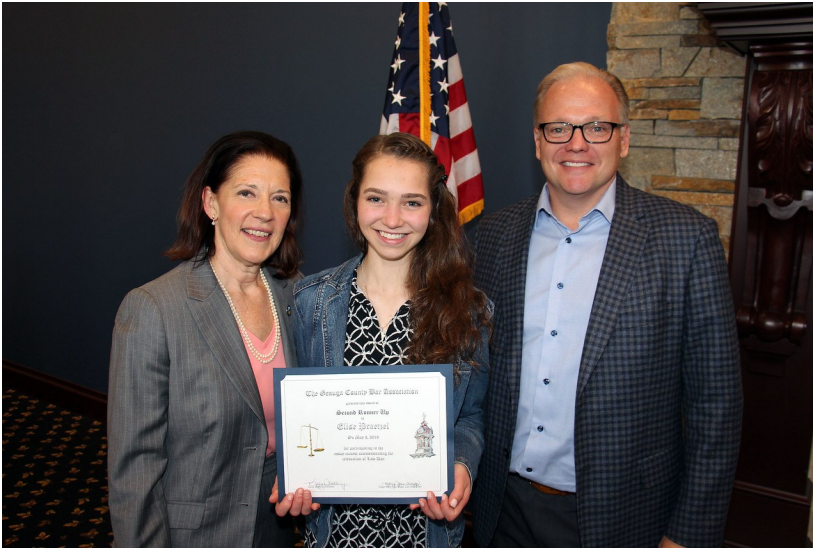


**Jake Smith, Geauga County Sheriff's Deputy**

# Law Day Student Essay 2019

**Elise Praetzel**

*Home School, Second Runner-Up*



permissible behavior, she or he affects others. The people who may be affected by such behavior have the right to protection against harmful topics which could potentially instill immoral characteristics or cause danger, violence, or even poor self-esteem. Possible misuse could even glorify and increase illegal activities and crime. Therefore, if a student desires to publish inappropriate articles in a school newspaper, it is the principal's duty to especially protect other students from harmful information. On an open social media account, (not school-operated), the student has the option to freely post what they want to post. In the case of a student posting articles on a school's social media page, it is difficult to say how much control a principal would have over

If a principal decided upon the need to prohibit the publication of certain articles in a school newspaper, she or he would not be infringing on the student journalists' First Amendment right of freedom of speech. This is because the principal has the authority and obligation to protect the safety, well-being, and morality of students and faculty who would be affected by inappropriate or harmful subject matter. If safety and ethics were not recognized in a school building, let alone in any facility or situation, then any action would be considered tolerable. However, everyone has the ability to use a conscience which has naturally established the sense of right versus wrong in accordance with established laws and rules. When one decides to go against ethical or

it, unless usage rules have been promulgated for such a page. If the student doesn't need permission to post the article, and has open access to the social media page, then the student's right to freedom of speech applies. However, the student may face consequences for using school property to advertise their unethical, threatening, or bullying behavior. Punishment would be justifiable, because of the context of the situation. Further, if they freely post their unacceptable article on a school's social media page, they would not only be affecting other students, but also, everyone connected to the school and the school's reputation at large. Students at these ages are highly susceptible to being influenced even to the point of suicide, which is a leading cause of death in

this age demographic. It is not an infringement of students' First Amendment right of freedom of speech when a principal prohibits publishing certain articles in a school newspaper because they have been deemed inappropriate. Rather, it is a duty and responsibility of the principal and the other adults in charge of these young people to protect them from articles, posts, or other sources which may lead students to cause harm to others or to themselves. 🌸





# From Judge Timothy Grendell



## Upcoming Good Deeds Program Dates:

**September 4 at 6:00 PM:** St. Anselm Church,  
Chesterland

**September 19 at 6:30 PM:** Chardon Library

**September 24 at 6:30 PM:** Thompson

**November 7 at 6:30 PM:** Adam's Hall,  
Auburn



## **Judge Tim Grendell Awarded Probate Meritorious Service Award**

Geauga County Probate Judge Timothy J. Grendell was recognized by the Ohio Association of Probate Judges (OAPJ) as a recipient of the Meritorious Service Award for 2017-2019.

Judge Grendell has taught his fellow judges, probate magistrates, and probate clerks, as an instructor for the Ohio Judicial Conference.

Judge Grendell also served as Secretary/Historian for the Probate Judges Association and is an elected member of the National College of Probate Judges Board of Directors.

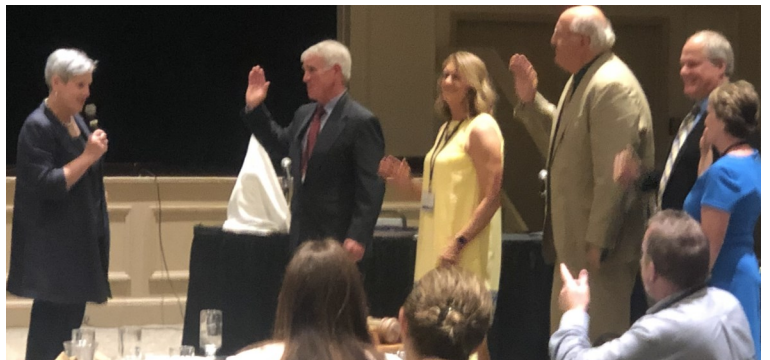
Upon receiving the award, Judge Grendell said, "it is a privilege to work with Ohio's Probate Judges to facilitate the best probate court services for Ohioans, and an honor to be recognized."

## **Judge Tim Grendell Sworn in as Second Vice President of the Ohio Association of Probate Judges**

On June 12, 2019, Ohio Supreme Court Chief Justice Maureen O'Connor administered the oath of office to Geauga County Probate Court Judge Tim Grendell as Second Vice President for the Ohio Association of Probate Judges (OAPJ), at the Association's annual dinner.

OAPJ represents all of Ohio's Probate Judges, and provides legal training to judges, magistrates, clerks, and court investigators.

Judge Grendell previously served as Secretary/Historian for the Association and is an elected member of the National College of Probate Judges (NCPJ) Board of Directors.



# From Judge Timothy Grendell

**Free 3.0 Hour CLE\***

**Improve Your Juvenile/Probate Practice**

**September 13, 2019**

**8:55 a.m.—12:10 p.m.**

**Presented by the Geauga County Probate Court**

Geauga County Probate Juvenile Court

Courthouse Annex, 2nd Floor, 231 Main Street, Suite 200, Chardon, OH 44024

- **Ethical Issues Involving Practice in Probate and Juvenile Courts**
- **Juvenile Court Jurisdiction, Rules, and Procedures in Delinquency and Unruly Cases; and the View from the Legislature**
- **Planning for Individuals with Disabilities**
- **Recent changes in Juvenile and Probate Court Law & Procedures**

\*Application for CLE is under review

**Please R.S.V.P. to Cheryl at 440-279-1840 or [ckoncler@geaugacourts.org](mailto:ckoncler@geaugacourts.org)**

## MEMO

TO: Probate/Juvenile Court Appointed Counsel  
CC: Timothy J. Grendell, Judge  
FROM: *Kimberly Laurie, Court Administrator*  
DATE: July 23, 2019

As a reminder, Ohio Law and Procedural Rules assign exclusive authority for appointment of counsel and approval of appointed counsel fees to the Court. It is mandatory, therefore, that all invoices and invoice summaries be submitted directly and solely to the Court for its review and approval. Invoices shall not be submitted directly to any other county department.

The Court is committed to maintaining the confidentiality of parties and attorney client privileged information itemized on appointed counsel invoices. However, the release of these documents to other County departments removes them from the control of the Court, and makes them subject to public records law.



# Pictures from the Bar Association's Retirement Party

## For Diane Grendell



Thank you to Bridget Malanaphy, of Chardon, for making the beautiful purse that definitely matched Diane's personality and style!

Check her out on Facebook

@thecraftybutrfly or call her for orders at 440-901-9166.

# Announcements

## **HELP WANTED from the *Ipsos Jure* Staff:**

Our faithful writer, Pearce Leary, will be retiring in the new year. We are in need of someone to take over writing the "Cases of Interest" Section in 2020! We are looking for some new and faithful writers. We could use some help writing stories or taking pictures at Geauga Bar Association events. The time commitment is minimal. We put out between 4-6 editions, which means possibly writing a story every two months or once a quarter or even once a year. We cannot make these great editions happen alone! We could really use your support!

***Will you make the commitment to help us and join the Ipsos Jure Staff in 2020?***

# Announcements



## KURT LAW

Fairness • Justice • Solutions

**KURT LAW WELCOMES**

**ATTORNEY JERRI MITCHELL-THARP**

**NOW TAKING NEW CLIENTS!**

Call 440-285-7750 for your FREE consultation today!



Originally from Ashtabula County, Jerri graduated with her bachelor's degree from the University of Tennessee and quickly followed that up with her Law Degree from Stetson University College of Law in St. Petersburg, Florida. She is licensed to practice in the State of Ohio and the United States District Court, Northern District of Ohio. She is a member of numerous criminal defense associations including the National College of DUI Defense (NCDD), DUI Defense Lawyers Association (DUIDLA), Ohio Association of Criminal Defense Lawyers (OACDL) and is a Certified Instructor of the NHTSA Field Sobriety Tests.

Email: [JMitchelltharp@Kurtlaw.com](mailto:JMitchelltharp@Kurtlaw.com)



# Announcements

DATE: August 6, 2019

## NOTICE OF STATEWIDE RECORDING FEE CHANGES DUE TO LEGISLATIVE ACTION

Effective October 17, 2019, statewide recording fees for most documents will increase by \$6.00 due to the passage of HB 166 by the Ohio Legislature. The new recording fee for the first two pages will be \$34.00 (previously \$28.00). Each additional page remains the same as current law at \$8.00. Half of all recording fees collected are required to be submitted to the state to the credit of the Ohio Housing Trust Fund.

### *Sample Recording Fee Table Effective October 17, 2019*

<u>Number of Pages</u>	<u>Recording Fee*</u>
1-2 Pages	\$34.00
3 Pages	\$42.00
4 Pages	\$50.00
5 Pages	\$58.00
6 Pages	\$66.00
7 Pages	\$74.00
8 Pages	\$82.00
9 Pages	\$90.00
10 Pages	\$98.00

*\* \$4.00 marginal fees and standardization guidelines still apply.*

**Additional Information:** Ohio Revised Code 317.32 & 317.36

# GCBA Golf Outing



## Geauga County Bar Association Annual Golf Outing



### When:

September 19, 2019  
12:00 Registration and Lunch  
1:00 Scramble Tee Off  
6:00 Dinner

### Where:

St. Denis Country Club  
10660 Chardon Road  
Chardon, Ohio 44024

### Cost:

\$100 per person  
\$400 per foursome

*\*Includes Golf Cart Rental, Unlimited Range Balls Prior to Play, and Bag Drop Service\**

*Box Lunch – Sandwiches*

*Beverages – Complimentary Water, Soda, and Beer during Golf*

*Dinner – Strip Steak and Cash Bar*

*Contests and Prizes!*

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## Geauga County Bar Association Annual Golf Outing

Golfer 1: \_\_\_\_\_

Golfer 2: \_\_\_\_\_

Golfer 3: \_\_\_\_\_

Golfer 4: \_\_\_\_\_

Phone or E-mail: \_\_\_\_\_

Send your payment by **Monday, September 9th** to:

The Geauga County Bar Association

P.O. Box 750, Chardon, Ohio 44024

Please call Krystal Thompson @ (440) 286-7160 or email: [secretary@geaugabar.org](mailto:secretary@geaugabar.org) with any questions.



# *Geauga County Bar Association*

## Announcements

### **Website:**

Check out the Geauga County Bar Association Website for updated meeting dates, deadlines, and other important information at

**[www.geaugabar.org](http://www.geaugabar.org)**

### **Or Call:**

**440-286-7160**

### **Upcoming Executive Committee Meetings**

Second Wednesday of each month at 12:00 noon

Next Meeting: September 11, 2019 at Buckeye Chocolate Cafe

R.S.V.P. to the G.C.B.A. Secretary

### **Upcoming General Meetings**

Fourth Wednesday of each month at 12:00

Next Meetings:

August 28, 2019  
September 28, 2019 at Bass Lake Tavern

R.S.V.P. to the G.C.B.A. Secretary

### **New Members:**

**Nicholas Sidoti &  
Jerri Mitchell-Tharp:**

Kurt Law Office

### **Golf Outing:**

**Thurs., September 19, 2019**

12:00 Registration and Lunch

1:00 Scramble Tee Off

6:00 Dinner

See Page 20

### **District 18 Meeting and CLE:**

**September 25, 2019**

Punderson Manor

More Details are coming soon!

### **The David Lowe Memorial Legal Aid Brief Advice Clinic:**

**Saturday, September 28,**

11:00 a.m.-1:00 p.m.

Chagrin Falls Park

### **Annual Dinner:**

**November 16, 2019**

Be watching for more information!

### **Condolences:**

We extend condolences to Beverly Lowe and family and friends on the loss of Bar Member, **David Lowe**, May 9, 2019.

Sympathies to **Ed Brice** and his family on the passing of his mother on June 25, 2019.

## Geauga County Bar Association

### Executive Secretary:

Krystal Thompson  
(440)286-7160  
[Secretary@geaugabar.org](mailto:Secretary@geaugabar.org)

### Ipsa Jure Editor:

Robin L. Stanley  
(440)285-3511  
[rstanley@peteribold.com](mailto:rstanley@peteribold.com)

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### President

Kelly Slattery  
(440) 285.2242  
[KSlattery@tddlax.com](mailto:KSlattery@tddlax.com)

### President-Elect

Susan Wieland  
(440) 279-2100  
[Susan.wieland@gcpao.com](mailto:Susan.wieland@gcpao.com)

### Secretary

Brian Bly  
(440)285-3511  
[bbly@peteribold.com](mailto:bbly@peteribold.com)

### Treasurer

Todd Hicks  
(440) 285.2242  
[thicks@tddlax.com](mailto:thicks@tddlax.com)

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## Ipsa Jure

## Deadlines:

*Mark your calendars  
and turn in an article!*

**September 15, 2019**

**November 15, 2019**

## Quick Reminders

### **Next Executive**

### **Committee Meeting:**

*September 11, 2019 at 12:00 noon  
At Buckeye Chocolate Cafe*

### **Next General Meeting:**

*August 28, 2019 at 12:00 noon  
Guest Speaker: Ohio Senator Matt Dolan  
Place: Bass Lake Tavern*

*We hope to see you at the Bar  
Association's next event!*