



Ohio Judicial Conference

The Voice of Ohio Judges

Ohio Senate Judiciary Committee
House Bill 305 – Interested Party testimony

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and Members of the Committee:

Hello. My name is Judge Brendan J. Sheehan, and I am the current Administrative and Presiding Judge of the Cuyahoga County Court of Common Pleas, General Division, a bench on which I have served since 2009. I am also the current president of the Ohio Common Pleas Judges Association. I am here today to provide Interested Party testimony on behalf of the Ohio Judicial Conference and the OCPJA, and to share some serious concerns we have with House Bill 305.

To be clear, we are supportive of efforts to modernize our courts and to make the legal system more accessible to all Ohioans, and that includes the expansion of electronic filing that the bill mandates. We have no objection to this language, and its goal will not be jeopardized if the concerns that we have are addressed and the problematic provisions removed from the bill.

Of great concern to judges are the provisions in the bill pertaining to a clerk's authority to spend from certain funds that are currently established by the court. Under existing law, courts can determine the portion of a filing fee which is earmarked to computerize or make other technology improvements to the office of the clerk of courts. In order to spend any monies from this fund, the clerk must obtain an order from the court. H.B. 305 upends this practice in two ways. First, it shifts the authority to set the amount of this fee from the court to the clerk. Secondly, the bill would allow common pleas clerks to unilaterally spend from the computerization/technology account without first obtaining a court order, which is the requirement under existing law. As I stated above, this fee is part of the collective filing fee, more commonly known to litigants and the general public as "court costs". It is misleading to allow for the clerk to both set the fee and unilaterally draw from the fee without any check from the court. The office of the clerk of court exists to serve and support the functions of the court; decisions regarding the functions of the clerk's office that impact the court must be made in conjunction with the court. In this case, electronic filing is one example of those decisions.

Simply put, we are asking that the bill be amended to revert to current law the provisions that greatly expand a clerk's authority to set computerization fees and to unilaterally spend from that fund. Maintaining current law for this narrow provision in the bill will not at all frustrate the overarching aims of the bill to expand access to electronic filing.

I thank you for the opportunity to testify today. My Court Administrator, Greg Popovich, and I are willing to answer any questions you might have.