

THE OACA INQUIRER

Volume 4, Issue 2

OHIO ASSOCIATION FOR COURT ADMINISTRATION, INC.



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2012 Fall Conference

The 2012 Fall Conference will be October 17-19, at the Ohio Judicial Center and the Sheraton Columbus Hotel at Capitol Square, Columbus, OH.

The conference will feature a session on Thursday titled *Project Management Essentials for the Court Leader* with four National Center for State Courts faculty: D. Allan Asbury, administrative counsel, and Edward McNachtan, program manager (both with The Supreme Court of Ohio), Gregory T. Scott, JD, CCM, legal director/magistrate at Montgomery County Juvenile Court, and Eric Zatko, IT director at Lucas County Common Pleas Court. Then, on Friday, Scott Warrick, HR consultant at Scott Warrick Consulting, will present *Freedom of Speech in the Workplace*.

Hotel Information

To make a reservation, contact the hotel at (614) 365-4500 or visit <https://www.starwoodmeeting.com/Book/oaca2012>. Our discounted rate is \$94 per night. Valet parking is \$12 per car per night.

More details and conference registration forms will be posted on the site soon. For more information regarding conference schedules and registration, please contact the OACA at 1-877-257-6222.

ABOUT OACA

The Ohio Association for Court Administration is a professional organization of court managers who are committed to excellence. The association was established in 1973, and the current membership consists of 231 members from all Ohio court jurisdictions, as well as members of court-related agencies. OACA is a member organization of the National Association for Court Management.

OACA Goals:

- Enhance professional development
- Encourage solidarity
- Improve administration of justice
- Provide legislative and policy updates
- Encourage diversity
- Anticipate and meet the challenges
- Provide conferences with quality education

OACA Member Benefits:

- Member newsletters
- Association website
- Legislative and policy updates
- Conferences
- Networking
- Mentor programs
- CEU and CLE opportunities
- Scholarship programs

Upcoming

OACA Conferences:

October 17-19, 2012
Moyer Judicial Center
Columbus

May 8-11, 2013
Mohican Lodge &
Conference Center

SUMMER 2012 NEWSLETTER

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Newsletter designed by:
Lindsey Schmitz
 The Supreme Court of Ohio
 Judicial College

Message From OACA's President



Dear OACA members,

Hello everyone!

I hope that you are all having a wonderful summer and have found ways to stay cool!

Our spring conference in Canton was once again a success. We had several new members attend and for the first time our Membership committee held an informal orientation for new attendees prior to the beginning of the conference. It was a great way for them to introduce themselves and be introduced to the Executive Board as well as to the association itself and what it has to offer. The feedback that we received from this activity was very positive and we plan to continue to provide this opportunity at future conferences. See pages 9 and 10 for photos.

Speaking of which, our fall conference will again be in Columbus October 17-19, 2012. We have a very unique and special event planned for our Wednesday evening activity that I am sure you will not want to miss. Details to follow! Our Thursday education session will focus on project management and Friday's Human Resources session will be on "Coaching and Disciplining Employees and Freedom of Speech in the Workplace" with Scott Warrick. For more information, see page 1.

I want to mention that the application form to apply for the Chief Justice Thomas J. Moyer Memorial Scholarship Award is on our website.

For those of you who are not aware, this scholarship is awarded once a year to an OACA member for use for court administration or judiciary-related education or professional development opportunities. The amount of the scholarship is \$1000 and the deadline for submission is September 14. The award will be presented to the recipient at the fall conference in October. The link is located on page 5.

Lastly I want to let you know that we will soon begin the process for nominating officers for our Board for 2013 and I want to encourage anyone that might be interested to complete a nomination form which will be on our website. Ken Teleis, past president of OACA, is chairing the nominating committee so completed applications will be going to him. New officers will be sworn in during the fall conference by Ohio Supreme Court Chief Justice Maureen O'Connor.

I look forward to seeing you in Columbus! Have a safe and happy summer!

Sylvia Argento, LSW
 OACA President

Members of the 2012 Executive Committee



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Behind the Scenes

KUDOS to all the hard work from OACA'S committee chairs and members!

Administrative Support

Linda Lovelace, Chair
 Sylvia Argento
 Lori Clune
 Greg Popovich
 Kimberly Switzer
 Ken Teleis
 Tammy Wurthmann

Archival/Historian

Tammy Wurthmann, Chair
 Sylvia Argento
 Melinda Cooper
 Cheri Shaw

By-Laws/Code of Regulations

Bennett Manning, Chair
 Linda Lovelace
 Elizabeth Stephenson

Communications

Ken Teleis, Chair
 Berlin Carroll
 George Denney
 Paula Houston
 Tim Lubbe
 Ed McNachtan
 Elizabeth Stephenson

Education

Melinda Cooper and Linda Lovelace, Co-Chairs
 Juanita Bryant
 Don Colby
 George Denney
 James Fox
 Jason Hill
 Angie House
 Bennett Manning
 Theresa McNea
 Marc Warner

Finance

Scott McVey, Chair
 Andrew Bauer
 Ken Teleis
 John Homolak

Legislative

Tim Lubbe, Chair
 Jo Ellen Cline, *ex officio*
 Stephanie Hess
 Michael Kochera

Membership

Lori A. Henry, Chair
 Dawn Bailey
 Katherine Curfman
 Penny McGuire
 Mike Negray
 Stephanie Nelson
 Tasha Ruth
 Cheri Shaw
 Tammy Wurthmann

Mentor Orientation

Cheri Shaw, Chair
 Sylvia Argento
 Jean Atkin
 Andrew Bauer

Nominating

Ken Teleis, Chair
 Elizabeth Stephenson

Vendor Show

Ken Teleis, Chair
 Kathleen Hanners
 Paula Houston

We Want You!

If you are interested in serving on a committee, please let the chair of that committee know.

OACA Spring Conference: Court Leadership in the 21st Century: Inspire, Communicate and Lead (AM Session)

Presenters: Russell R. Brown III, Court Administrator, Cleveland Municipal Court; Melinda S. Cooper, Court Administrator/Magistrate, Fifth District Court of Appeals; C. Michael Walsh, Court Administrator/Magistrate, Ninth District Court of Appeals

By George Denney, Court Administrator, Youngstown Municipal Court

The art of listening to what people are saying and understanding the importance of communication are the building blocks of leadership.

This message was a common thread in presentations provided to OACA conference attendees the morning of May 17 in Canton. "Court Leadership in the 21st Century" was the topic of the Thursday morning session led by Melinda S. Cooper, administrator and magistrate for the Fifth District Court of Appeals.

Ms. Cooper, like her colleague-presenters who followed, is an OACA member. She serves as co-chair of the OACA Education Committee. She also has served as a U.S. Army captain and was personnel director for an 800-person Battalion.

Leadership is doing the right thing, while management is getting things done, Ms. Cooper said. Achieving those goals is made possible by listening and communicating. Development of good leadership is more of an art, as leaders understand how to shape their roles.

Quoting former Secretary of State and Retired General Colin Powell, Ms. Cooper said, "The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help them, or concluded that you do not care. Either case is a failure of leadership."

"So what he says is you have to listen to their problems," Ms. Cooper said. "How you think is how you will lead."

Leadership also requires that a manager follow through with decisions, a characteristic that builds credibility. "You have to be willing to do what you

have just asked someone to do."

"If you are a credible leader, you can fix it. They will let you if you have their trust," Ms. Cooper said.

Russell Brown, a certified court manager and fellow with the National Center for State Courts, followed Ms. Cooper with a presentation about "Challenges in Leadership." Brown joined Cleveland Municipal Court as a magistrate and mediation coordinator. He too has a background in the military, having served with the U.S. Air Force.

Citing a book entitled *The Practice of Adaptive Leadership*, Brown said the challenges that a court administrator or any manager faces are addressed with the ability to change, and to understand the need to adjust perspectives and even ways of thinking.

"The challenge is to get people to do something because they *want* to do it," Brown said.

"The bottom line is your responsibility as a leader is to inspire," Brown said. He added that in order to inspire, a leader needs to develop a "roadmap" to change before the problem is diagnosed and addressed.

"One of the first steps in the process is 'getting on the balcony,'" he said. "Get out to talk with folks who can help you understand what the challenges might be, to better understand what you need to do."

In order to be an effective leader, "You need to know you have biases, and recognize your own challenges to be effective. You need to take into account your role as a leader," Russell said.

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C. Michael Walsh, court administrator of the Ninth District Court of Appeals, took OACA conference attendees into the world of communications during his presentation. There are verbal and nonverbal ways of communicating, and several ways a person might shape their message, he said.

“The key is that all the parts of communication are important,” Walsh said.

Non-verbal communication has much greater impact on receivers than the words in a message.

Walsh, whose afternoon presentation was part of the conference on “Court Leadership in the 21st Century,” said an effective communicator understands the components of communication – the style, characteristics and method of getting a message across.

Components of non-verbal communication such as inflexion, rolling eyes, posture and outward appearance are all important parts of communicating, he added. Indeed, non-verbal communication has much greater impact on receivers than the words in a message.

Effective communication also requires understanding cultural and political differences between the sender and receiver of the message.

“Your method of conveying a message depends on who you are, and how you interact with people,” Walsh said.

Walsh’s presentation led to afternoon exercises with OACA participants listing characteristics they identified as most important in being an effective leader and

communicator. The exercises were designed to help conference participants better understand their own leadership qualities.

Strengths and weaknesses were identified with the help of the online DiSC (Dominance, influence, Steadiness and Conscientiousness) program, a software instrument utilized by OACA conference attendees to better understand themselves and their characteristics, as well as how they are likely to act in leadership.

AVAILABLE ONLINE:

Chief Justice Thomas J. Moyer Memorial Scholarship Award Application

Submission Deadline: September 14

This award is given once a year to an OACA member for use for court administration or judiciary-related education or professional development opportunities. The amount of the scholarship is \$1000. The award will be presented to the recipient at the fall conference in October. Please click on <http://ohiocourtadministration.org/scholarship-info/> to be taken to the online application.

OACA Spring Conference: Reduction in Force: Legal Analysis and Real World Case Study

Presenters: Tanya L. Jones, HR Director, Cleveland Municipal Court; Russell R. Brown III, Court Administrator, Cleveland Municipal Court; Brian Mertes, Esq., Black McCuskey Souers & Arbaugh, LPA

By Bennett A. Manning, Court Administrator/Magistrate, Twelfth District Court of Appeals

In January, 2010, the Cleveland Municipal Court was notified that it would need to cut \$3 million from the 2011 and 2012 budget. On May 18, Russell Brown, Cleveland Municipal court administrator, and Tanya Jones, the court HR director, told us how this was done. Lawyer Brian Mertes discussed legal issues to consider when implementing a reduction in force.

The first step is to get a plan. Russell suggested consulting with a human resources professional and legal counsel when doing this. In most organizations, personnel is the last area that you want to cut, so first consider things like:

- ⇒ wage freeze (no raises)
- ⇒ hiring freeze (don't replace employees who leave voluntarily)
- ⇒ furloughs
- ⇒ cutting programs
- ⇒ cutting budgets line-by-line
- ⇒ privatizing areas of operation
- ⇒ using technology to cut costs by doing things such as implementing credit card payment programs (and charging fees for use)
- ⇒ using electronic mail and electronic certified mail, and pre-sorting mail to lower postage costs
- ⇒ retire/rehire program (in Cleveland, this means retire and come back as a part-time employee)

Despite all of this, the savings were not enough to prevent personnel cuts. All court employees were at-will, so they could be terminated with or without cause as long as they were not terminated for a discriminatory or other reason contrary to state or federal law. Unionized employees' layoff rights will usually be in the union contract.

The first step is to construct a layoff list. Identify affected departments and identify employees

by the decade in which they were hired. Layoff criteria should be objective, explainable, quantifiable and non-discriminatory. Criteria used at the Cleveland Municipal Court included whether the position was essential or redundant; job performance; seniority; and OPOTA certification (for bailiffs). You need to make a list and have it reviewed by counsel in advance.

Also, let employees know as far in advance as possible if they are in a position that may be affected by a layoff. Keep the lines of communication open; there will be a lot of anxiety and rumors will be rampant.

Once layoffs are implemented, the court prepared a "layoff packet" for each affected employee. The packet contained information about benefits, unemployment compensation and a two-week severance package. Employees were relieved of their duties the same day, and there was a counselor available. Post-layoff, it is important to communicate with remaining staff. Work will have to be redistributed, and staff must be assured that those who remain are needed and will not be "next."

Questions from laid-off employees will come and must be addressed as best they can. The court does have a recall list, but there is still a hiring freeze in place. An effort will need to be made to maintain employee morale, because it will dip. Russell observed that although having to lay off employees was obviously not fun and was at times very difficult, in the middle of difficulty lies opportunity. The court did get more efficient and learned to do more with less.

Following the presentation by Cleveland Municipal Court, Attorney Brian Mertes addressed

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legal considerations to keep in mind when laying off employees. Lawsuits are always a risk when implementing a reduction in force, and while you cannot stop people from filing lawsuits, you can minimize their chances for success.

Mr. Mertes addressed a myriad of federal employment laws that need to be considered when implementing layoffs, such as the Americans With Disabilities Act ("ADA"), the Family Medical Leave Act ("FMLA"), the Age Discrimination and

Employment Act, the Older Workers Benefit Protection Act, the Fair Labor Standards Act and the Uniformed Services Employment and Reemployment Rights Act. Title VII of the Civil Rights Act, which protects employees from discrimination based on race, color, gender, national origin, or religion must also be considered. All of these issues need to be considered and reviewed with counsel prior to implementing a reduction in force.

Get to Know Your President Elect, Michael Kochera Court Administrator, Canton Municipal Court



How did you first get involved in with OACA and/or the judicial branch?

Shortly after being appointed as court administrator, Elizabeth Stephenson forwarded the news of my appointment to Ruth Newcomer at the Supreme Court. Ruthie called me and sang the praises of the association and followed it up with a membership application. I joined OACA in the Fall of 2002, and it was one of the best professional decisions I've made as court administrator.

What is your position, how long have you been in it and how many people do you supervise? What departments are you responsible for?

In June of 2002 I became the first court administrator of the Canton Municipal Court. As court administrator I'm responsible for the development and implementation of all court programs, policies and procedures and the general supervision of the court magistrates, staff attorney, probation department, bailiff's office, community service department, jury coordinator, assignment coordinator and related clerical, support and contract staff. I am also responsible for the preparation and management of the annual court budget, personnel and human resource administration, legislative research and analysis, grant management, contractual services, coordination of technology, procurement of equipment and supplies and facility management.

What is your favorite vacation destination?

Toss up between Playa del Carmen, Mexico, and New York City.

Who has been the greatest influence on you?

My children Mallory and Leo. They never cease to amaze me by showing me what is really important in life and what matters.

If you could be or do anything else—what?

A pilot.

If you could have dinner with three famous people from history, who would they be?

FDR, Woody Hayes and Bono.

What might someone be surprised to know about you?

I'm dyslexic.

What is your most treasured possession?

My children.

What do you value most in your friends?

Brutal honesty, loyalty and sincerity.



Get to Know OACA Member, Stacy Jarchow Program Director, Lucas County Court of Common Pleas

How did you first get involved in with OACA and/or the judicial branch?

I have been employed by the Lucas County, OH Court of Common Pleas, General Trial Division, since I graduated from college in 1993. Recently, I became involved in OACA because my current boss, Court Administrator Don Colby, was a former OACA President.

What is your position, how long have you been in it and how many people do you supervise? What departments are you responsible for?

Director of Pretrial Services and Presentence Investigation for Lucas County Court of Common Pleas. Presently, I supervise five Unit Managers but have oversight of 35 employees. I was promoted to this position in December of 2011.

What is your favorite way of spending time?

Golfing or traveling.

What historical figure do you most identify with?

JFK.

Which living person do you most admire?

Reba McEntire.

If you could change one thing about yourself, what would it be?

To have more patience.

Who has been the greatest influence on you?

My maternal grandfather (now deceased); a Fire Platoon Chief. He taught me to value family and the importance of community involvement.

What one word would you use to describe yourself?

Inquisitive.

What might (someone) be surprised to know about you?

I ride motorcycles, am a certified scuba diver and studied martial arts.

What is your most treasured possession?

An OSHP Trooper medallion (medal) with my best friend's unit number—I wear around my neck.

What do you value most in your friends?

Loyalty.

What is your motto?

Be honest; work hard; follow through.

What do you other people knew about OACA and/or the judicial branch?

OACA members are extremely knowledgeable and a valuable resource. It is comforting to know that you are not alone. As Court Administrators, we are here to serve the court, the defendant(s) and the community.

What sort of trends do you see?

Use of technology; electronic copies, transmissions, etc... More attempts at standardization. Use of evidenced-based practices.

What do you like most about your job? What do you like least?

I very much enjoy being able to share knowledge and experiences. My responsibilities are to guide, lead and teach. I do not necessarily like Human Resources duties.

A Look Back at the Spring Conference



Clockwise, starting in top left corner: Registration at the McKinley Grand Hotel in Canton; Tanya Jones and Russell Brown of Cleveland Municipal Court presenting on “Reductions in Force”; Canton Municipal Court Judge Kubilus welcomes OACA members to Canton; “Reductions in Force” Faculty Brian Mertes and OACA Secretary Elizabeth Stephenson chat during a break; OACA members enjoy an education session ; Education Committee Co-Chairs Linda Lovelace and Mindy Cooper chat with Stacy Jarchow at the New Member Reception.

A Look Back at the Spring Conference

(Continued from Page 9)



Clockwise, starting in top left corner: Ken Teleis, Mindy Cooper and Judi Cole enjoy the Pro Football Hall of Fame; OACA President Sylvia Argento connects with a Nationals player; New member Don Rice chats with OACA Secretary Elizabeth Stephenson and At-Large Board Member Tim Lubbe; Lori Tyack, Cindy Dinovo and Stephanie Hardman enjoy an education session; OACA members engaged in a group discussion; Tim Lubbe readies himself for a hit from a Cincinnati Bengal.