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## JUDICIARY/SUPREME COURT

- Increases judicial salaries by 5% per year for calendar years 2016 through 2019, but begins the first increase on September 29, 2015.
- Changes the Division of Domestic Relations of the Stark County Court of Common Pleas to the Family Court Division.
- Requires a court, when considering whether to approve an applicant's Certificate of Qualification for Employment, to consider the applicant's military service and experience.
- Specifies that the Probate Law's requirement that every administrator or executor must render an account not later than 13 months after appointment does not apply if a partial account is waived.
- Subjects to certain conditions the distribution to injured parties and subrogees of recoveries in tort actions (PARTIALLY VETOED).
- Repeals the obsolete law creating the Ohio Subrogation Rights Commission.
- Corrects a mistaken cross-reference in the intervention in lieu of conviction law to a provision in the Crime Victims' Rights Law.

### Judicial salaries

(R.C. 141.04)

The act increases the salaries of all justices and judges by 5% each calendar year, rounded up to the next highest \$50, from 2016 through 2019. However, the first increase takes effect on September 29, 2015, so that it applies for approximately the last quarter of 2015 as well as all of 2016. The increases affect municipal court clerks' salaries because their salaries are 85% of municipal judges salaries.<sup>104</sup>

The following table shows the salaries of justices and judges under the act for calendar years 2015 (current) through 2019, not counting the increases for the last quarter of 2015. The figures for municipal and county court judges are aggregates of the state and local shares of those judges' salaries.

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<sup>104</sup> R.C. 1901.31, not in the act.



	<b>Current</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Chief Justice	\$150,850	\$158,400	\$166,350	\$174,700	\$183,450
Justice	\$141,600	\$148,700	\$156,150	\$164,000	\$172,200
Court of Appeals Judges	\$132,000	\$138,600	\$145,550	\$152,850	\$160,500
Common Pleas Judges	\$121,350	\$127,450	\$133,850	\$140,550	\$147,600
Full-time Municipal Court Judge	\$114,100	\$119,850	\$125,850	\$132,150	\$138,800
Part-time Municipal Court Judge and County Court Judge	\$65,650	\$68,950	\$72,400	\$76,050	\$79,900

### **Family Court Division, Stark County Common Pleas**

(R.C. 2301.03)

The act changes the Division of Domestic Relations of the Stark County Court of Common Pleas to the Family Court Division. The act also specifies that all references in law to "the Division of Domestic Relations," "the Domestic Relations Division," "the Domestic Relations Court," "the judge of the Division of Domestic Relations," or the "judge of the Domestic Relations Division," must be construed, with respect to Stark County, as being references to "the Family Court Division" or "the judge of the Family Court Division."

### **Certificates of qualification for employment – military service**

(R.C. 2953.25)

The act requires the court, on receiving a petition for a Certificate of Qualification for Employment, to consider the applicant's military service record, if any, and whether the applicant has an emotional, mental, or physical condition that is traceable to the military service in the U.S. armed forces and was a contributing factor in the commission of the offenses by the applicant. A Certificate of Qualification for Employment lifts the automatic bar of a collateral sanction, and a decision-maker is required to consider on a case-by-case basis whether to grant or deny issuing or restoring an occupational license or an employment opportunity to the applicant.



## **Distribution of recoveries in tort actions (PARTIALLY VETOED)**

(R.C. 2323.44)

The act subjects to certain conditions the distribution to injured parties and subrogees of recoveries in tort actions. A "subrogee" is an insurance company; a self-funded health, sickness, or disability plan; a health care provider-sponsored organization (a health care entity sponsored by affiliated hospitals or other health care providers); or any other person or entity claiming a right of subrogation (the substitution of one person for another, usually an insurer for an injured party, with regard to a legal claim).

Under the act, the rights of a subrogee against a third party (any individual, automobile insurance company, or public or private entity against which a person or estate has a tort action) or against an injured party in a tort action is subject to the following, except for the italicized language, which was vetoed by the Governor:

(1) If less than the full value of the tort action is recovered for *any reason, including* (VETOED) comparative negligence, joint liability, or collectability of the full value resulting from limited liability insurance or another cause, the subrogee's claim is diminished in the same proportion as the injured party's interest is diminished.

(2) *Regardless of the recovery in the tort action, any reasonable attorney's fees contracted by the injured party and the expenses of procuring a recovery in the tort action are shared by the injured party and the subrogee on a pro rata basis* (VETOED).

(3) *A tort action and any settlement of a tort action are controlled solely by the injured party* (VETOED). If a dispute regarding the distribution of the recovery in the tort action arises, either party may file an action for a declaratory judgment to resolve the dispute.

## **Ohio Subrogation Rights Commission**

(R.C. 2323.44; Sections 610.37 and 610.38)

The act repeals the obsolete statute that created the Ohio Subrogation Rights Commission. The Commission was created in 2005 to recommend a legislative response to a Supreme Court decision that gave subrogation rights to a health insurer pursuant to an agreement, even though the injured party had not been made whole. The statute required the Commission to submit its report by the end of 2005.



## **Intervention in lieu of conviction – correction of cross-reference**

(R.C. 2951.041)

The act corrects an erroneous cross-reference in the "intervention in lieu of conviction" law to a provision in the Crime Victims' Rights Law.

