

2022-2023 BOARD OF DIRECTORS

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UPCOMING EVENTS

December 13, 2022
Annual Holiday Luncheon and Silent Auction
12:00 p.m. – 1:30 p.m.

February 14, 2023
Membership Luncheon
12:00 p.m. – 1:30 p.m.

May 9, 2023
Annual Membership Luncheon
12:00 p.m. – 1:30 p.m.

JOWISKI v GUSTAFSON-JOWISKI

Case No. 2022-Ohio-2816

The 9th district recently held that it is an abuse of discretion for the trial court to prohibit a party from filing anything with the Clerk of Courts on the basis that party has an unpaid fine with the Court. In *Jowiski v Gustafson-Jowiski*, the Magistrate held Wife in contempt when she became upset and referred to the Magistrate as an “MCP – male chauvinist pig.” The Magistrate imposed a 7-day jail sentence, which was suspended so long as Wife purge the contempt by paying a \$100 fine before the next court date. Wife did not pay the fine. At the next hearing, the Magistrate ordered the Clerk of Courts to not accept any filings from Wife until she paid her fine, which decision the trial court adopted. Because of such decision, the Wife was prevented from objecting to the Magistrate’s Decision or raising any issues on appeal—including the Magistrate’s fine and citation in contempt. The appellate court found this unreasonable and remanded.

BLUS v. CIVISTA BANK

Erie C.P. No. 2022-CV-0094 (August 23, 2022)

In *Blus v. Civista Bank*, Erie C.P. No. 2022-CV-0094, the court addressed a case in which the plaintiff brought claims for breach of contract and unjust enrichment claiming that the defendant bank had charged her improper overdraft fees. On the same day she filed her class action complaint, the plaintiff also filed a motion for class certification with a request to supplement the motion after completion of class discovery. The bank responded by attempting to “pick off” the plaintiff: the bank refunded the fees to her account and moved to dismiss the case on the grounds that absent an injury in fact, the court lacked jurisdiction and the plaintiff could not proceed as a possible class representative. The court denied the motion to dismiss.

WILSON v. DIRECTIONS CREDIT UNION

Lucas C.P. No. C122-1844 (September 29, 2022)

In *Wilson v. Directions Credit Union*, Lucas C.P. No. C122-1844, another court accepted a pick-off as divesting the court of subject matter jurisdiction. In this case, the plaintiff brought claims for breach of contract and unjust enrichment claiming that the defendant credit union had charged her improper overdraft fees. After she filed her complaint, the credit union refunded the fees to her account and moved to dismiss the case. The court held that because the plaintiff had not complied or attempted to comply with the requirements of Civ.R. 23 to establish class certification, “[c]ertification has not been pursued with reasonable diligence.” Finding no injury in fact, the court dismissed the class action complaint.

NEW BOARD OPINION: Adv. Op. 2022-08

Judge Attendance at Exclusive Training for Members of Law Enforcement and Prosecutors

A judge should not attend a training course that is offered by a law enforcement agency and open exclusively to judicial officers, prosecutors, and members of law enforcement. The Board recommends prospective application of this advisory opinion.

NEW BOARD OPINION: Adv. Op. 2022-09

Withdraws Adv. Op. 2004-3, 2009-7

Magistrate Simultaneously Holding a Nonjudicial Elective Office

A full-time or part-time magistrate may not seek election to, or serve on, a local, city, or state board of education, city council, or county board of commissioners.

NEW BOARD OPINION: Adv. Op. 2022-10

Withdraws Adv. Op. 2004-3

Magistrate Serving as a Trustee of a Nonprofit Condominium Association

A magistrate may serve as a trustee of a nonprofit condominium association if the extrajudicial activity does not undermine the magistrate’s independence, integrity, or impartiality, lead to frequent disqualification, or interfere with the performance of judicial duties.

NEW BOARD OPINION: Adv. Op. 2022-11

Withdraws Adv. Op. 1991-09

Lawyers Sharing Office Space, Nonlawyer Staff, and Dividing Fees

A lawyer may share office space, computer equipment, and support staff with other lawyers in an office sharing arrangement. A lawyer in an office sharing arrangement may divide fees with another lawyer in the office subject to the Rules of Professional Conduct.