

# The Supreme Court of Ohio

## OPERATING GUIDELINES FOR THE JOINT SUPREME COURT/OHIO STATE BAR ASSOCIATION TASK FORCE TO REVIEW THE ADMINISTRATION OF OHIO'S DEATH PENALTY

These guidelines are issued by the Chief Justice of the Supreme Court and apply to the creation, organization, and operation of task forces that may be established by the Chief Justice to assist the Court in exercising the authority granted pursuant to Article IV of the Ohio Constitution.

These guidelines are intended to establish consistent standards and expectations in implementing this authority. While these guidelines may impose specific duties upon other persons, the Court may waive compliance with any guidelines to assist the exercise of that discretion.

These guidelines have not been adopted as rules pursuant to Article IV, Section 5 of the Ohio Constitution and should not be construed as requiring adoption.

### SECTION 1.0. GENERAL GUIDELINES.

#### 1.1. Creation.

The Joint Supreme Court/Ohio State Bar Association Task Force to Review the Administration of Ohio's Death Penalty is hereby created by the Chief Justice of the Supreme Court of Ohio and the President of the Ohio State Bar Association.

#### 1.2. Purpose.

The purpose of the task force is to review the 2007 American Bar Association report titled "Evaluating Fairness and Accuracy in State Death Penalty Systems: The Ohio Death Penalty Assessment Report" and offer an analysis of its findings; assess whether the death penalty in Ohio is administered in the most fair and judicious manner possible; and determine if the administrative and procedural mechanisms for the administration of the death penalty in Ohio are in proper form or in need of adjustment.

The task force shall not review or report on the issue of whether Ohio should or should not have the death penalty.

#### 1.2. Authority.

The task force shall not have independent policy-setting authority.

## **SECTION 2.0. TASK FORCE MEMBERSHIP.**

### **2.1. Appointments.**

The task force shall consist of twenty-two members as set forth in Appendix A. The Chief Justice and President of the Ohio State Bar Association shall appoint all task force members. However, the task force and other interested parties may recommend to the Chief Justice and President of the Ohio State Bar Association persons for appointment who they believe will serve the purpose for which the task force was created.

### **2.2. Terms.**

A task force member's term shall extend through the issuance of a final report by the task force.

### **2.3. Chairperson; Vice-Chairperson.**

The Chief Justice and President of the Ohio State Bar Association appoints the Honorable James A. Brogan, retired judge of the Ohio Second District Court of Appeals to serve as the chairperson.

## **SECTION 3.0. TASK FORCE MEETINGS.**

### **3.1. Meetings.**

The task force shall meet as often as required to complete its work no later than May 1, 2013.

All meetings of the task force shall be open to the public. Public notice of all meetings of the task force shall be provided on the Web site of the Supreme Court and the Ohio State Bar Association. Meetings shall be scheduled for a time and place so as to minimize costs to the Court and Ohio State Bar Association, and to be accessible to task force members, Court staff, Ohio State Bar Association staff, and members of the public.

### **3.2. Attendance.**

A task force member shall make a good faith effort to attend each task force meeting. Should a task force member miss three consecutive meetings, the chairperson of the task force may recommend to the Chief Justice and President of the Ohio State Bar Association that the member relinquish the member's position on the task force.

A task force member who is unable to attend a meeting may request the chairperson to allow the member to participate by telephone, video, Web conference, or other available method. A task force member participating in this manner shall be considered present for

meeting attendance purposes. However, task force members are strongly urged to participate in person for a fully effective task force.

A task force member may not designate a replacement for participation in meetings.

### **3.3. Quorum.**

There shall be a quorum present for the work of the task force when a majority of task force members is present for the meeting, including those members who participate by telephone, video, Web conference, or other method.

### **3.4. Voting.**

At any meeting of the task force at which a quorum is present or has been declared, the task force members may take action by affirmative vote of a majority of the members in attendance. Proxy votes shall not be permitted.

### **3.5. Minutes.**

Minutes shall be kept at every meeting of the task force by Supreme Court staff or Ohio State Bar Association staff, as designated by the chairperson, and distributed to the task force members for review prior to and approval at the next meeting.

## **SECTION 4.0. MISCELLANEOUS GUIDELINES.**

### **4.1. Subcommittees.**

The task force may form such subcommittees it believes necessary to complete the work of the task force. A subcommittee should consist of select task force members and such other persons who the chairperson of the task force believes will assist in a full exploration of the issue under the review of the subcommittee.

Subcommittees should remain relatively small in size, generally not exceeding eight to twelve members, and have a ratio of task force members to non-task force members not exceeding one to three.

Guidelines 3.2 through 3.4, 4.2, and 4.4 through 4.8 shall also apply to the work of subcommittees.

### **4.2. Work Product.**

The work product of the task force is the property of the Supreme Court and the Ohio State Bar Association.

#### **4.3. Progress Report; Draft Report.**

The task force may issue a progress or draft report as it believes necessary to facilitate the work of the task force and to communicate the nature of its work to the public and various constituencies of the Supreme Court and the Ohio State Bar Association.

#### **4.4. Staff Support.**

The task force shall receive staff support from one or more Supreme Court employees, to be assigned by the Administrative Director of the Court, and one or more Ohio State Bar Association employees, as assigned by the Executive Director of the association, as may be necessary for the completion of the task force's purpose. The assigned employees shall assist the task force as necessary, but shall at all times be considered employees of the respective organizations.

#### **4.5. Budget.**

The budget of the task force shall be set by the Supreme Court and the Ohio State Bar Association through their usual budget processes and as implemented by the offices or sections through which the task force operates. The task force shall have no authority to set its own budget.

#### **4.6. Reimbursement of Expenses.**

A task force member shall be reimbursed for travel expenses incurred in service to the task force as permitted by the Supreme Court Guidelines for Travel by Court Appointees.

#### **4.7. Code of Ethics.**

Task force members shall receive a copy of the Code of Ethics for Court Appointees at the first meeting of the task force.

#### **4.8. Dissolution.**

The task force shall dissolve following issuance of its final report. Additionally, the Chief Justice and President of the Ohio State Bar Association may dissolve the task force at any time solely upon their discretion or the recommendation of the task force chairperson indicating the task force is no longer productive.

#### **4.9. Effective Date.**

These operating guidelines are effective November 1, 2011.