

JUDICIAL CANDIDATES RATING COALITION
REQUEST FOR BIOGRAPHICAL INFORMATION
FROM JUDICIAL CANDIDATES

This form seeks information about you that will be posted on the Judge4Yourself.com website with its ratings. Please complete and return this form and a black and white photograph of yourself before your scheduled interview. Each Candidate is responsible to provide accurate information, to review the information when posted and to advise the JCRC promptly of any correction required to that candidate's posted information.

Name: MARK MASER

Current City of Residence: CLEVELAND Date and Place of Birth: 8/7/65 EAST CLEVELAND

Undergraduate School and Degree (Year of Graduation): BOWLING GREEN ST. UNIV. BSBA 1988

Law School (Year of Graduation): OHIO NORTHWEST 1991

Other Graduate School, if any, and Degree (Year of Graduation): —

Year Admitted to Practice in Ohio: 5/18/92 Number of Years Engaged in Practice of Law in Ohio 17 ^{(SOME YEARS AS A}
(excluding Judicial Service) _{(PART TIME}
MAGISTRATE)

Other Court(s) to Which
You Are Admitted & Year(s): —

Number of Years Engaged in Practice of Law in any State (excluding Judicial Service): 17 IN OHIO

Briefly describe your areas of practice: I HAVE PRACTICED CIVIL, CRIMINAL, +
JUVENILE LAW.

Summarize your experience, if any, before the court to which you seek election: IN PRIVATE PRACTICE I
APPEARED BEFORE THE COURT. AS A CURRENT JUDGE I SERVE ON ITS BENCH.

Service as judge in state or federal court of record (identify position, court and years of service): CUYAHOGA COUNTY
COURT OF COMMON PLEAS, GEN. DIV. 2022. CLEVELAND MUNICIPAL COURT 2023.

Current Position and Employer (number of years in this position): JUDGE - CLEVELAND MUNICIPAL
COURT, APPOINTED 2/17/23

Previous Employment and Dates: PLEASE SEE ATTACHED RESUME.

List no more than five of your significant community or charitable activities:

PLEASE SEE ATTACHED.

Mark R. Majer

1343 W. 114 (Down) Cleveland, Ohio 44102 | markrmajer@gmail.com | 216-978-3610

Legal Experience

Judge – Cleveland Municipal Court

Cleveland, Ohio

2023-Present

- Preside over both civil and criminal matters that arise under the jurisdiction of the Cleveland Municipal Court.
- Tasked to preside over jury and bench trials, arraignments, pretrials, pretrial motion hearings, motions in limine, suppression hearings, pleas, sentencing, violations of community control hearings, post-conviction relief motions, and civil dispositive motions as well as post judgment motions.

Judge – Cuyahoga County Common Pleas Court, General Division

Cleveland, Ohio

2022-2023

- Preside over a full trial docket consisting of civil, criminal, foreclosure, as well as civil protection order cases.

Criminal Cases

- Preside over a full criminal docket including adult felony cases.
- Tasked to preside over jury and bench trials, arraignments, pretrials, pretrial motion hearings, motions in limine, suppression hearings, pleas, sentencing, violations of community control hearings, and post-conviction relief motions.

Civil Cases

- Preside over a full civil trial docket in which personal injury, medical malpractice, worker's compensation, contract cases, and miscellaneous other civil claims are litigated.
- Tasked to preside over civil bench and jury trials, settlement conferences, pretrials, and other miscellaneous civil hearings.
- Rule on pretrial motions involving discovery disputes and requests for sanctions, and other civil law issues, and rule on dispositive motions and post judgment motions.

Civil Protection and Foreclosure Cases

- Review and approve magistrate decisions in civil protection orders and foreclosure cases.

Judicial Performance/Accolades

- Rated "Excellent" by Cleveland Metropolitan Bar Association, Norman S. Minor Bar Association, American Bar Association, Ohio Women's Bar Association, Asian American Bar Association, Cuyahoga County Criminal Defense Lawyers Association.
- Regarded as "highly qualified" by the Editorial Board, Cleveland.com, and The Plain Dealer Recognized by the Editorial Board, Cleveland.com, and The Plain Dealer as "... one of the most impressive judicial candidates we've interviewed in a while – detail-oriented, well-versed in the law, reform-minded, and clearly determined to play a role in achieving a more open, accessible, and fairer justice system. He was also self-reflective – a skill in short supply on the local bench."

Magistrate – Cuyahoga County Juvenile Court

Cleveland, Ohio

2020-2021

- Preside over delinquency and custody matters.
- Interpret and enforce Ohio Rules of Evidence, Civil and Criminal Procedures, statutory law, and case law.
- Prepare and issue orders of the court such as remand into secure detention and motions for pre-dispositional custody.
- Arraign on transfer of jurisdiction motions, probation violations, and violations of pretrial monitoring.

Legal Counsel – Cuyahoga County Juvenile Court

Cleveland, Ohio

2015-2020

Legal Department Supervisor

- Supervised 11 magistrates who preside over juvenile delinquency, custody, support, and traffic cases.
- Managed four attorneys and three support staff in the Legal Department.
- Prepared and directed the preparation of legal opinions for six elected judges, two visiting judges, 28 magistrates, and various court departments.

- Advised the court of any statutory changes, developments in case law, rule, and administrative changes, including monitoring and summarizing any impactful legislation.
- Participated as in-house council in litigations, arbitrations, and mediations involving the court as a party.
- Part-time magistrate presiding over cases for 19 years.
- Initiated anti-violence prevention measures including Juvenile Re-entry Court, Operation Nightlight, Juvenile LEADS Project.

Human Resource Department Supervisor

- Supervised staff of eight human resources professionals who direct the employment related matters of approximately 600 exempt and nonexempt employees at the court.
- Part of a team who negotiated the terms of two collective bargaining contracts for the court.
- Provided legal opinions and implemented procedures including FLSA, FLMA, hiring, discipline, employee handbook contents, performance appraisals, job recruitment, and advertising.

Fiscal Department Supervisor

- Administered and maintained a \$60-million-dollar annual budget.
- Supervised six fiscal professionals.
- Provided review of over 180 contracts with suppliers, vendors, residential treatment facilities, shelter care, and mental health services.
- Tasked with this role from 2015-2018.

Clerk's Office Supervisor

- Supervised 80 Clerk's Office employees.
- Received and processed over 187,000 motions, applications, and pleadings annually.
- Processed 137,000 court rulings and journal entries annually.

Information Technology Department Supervisor

- Supervised 11 information technology professionals, which include five network managers and four programmers.
- Maintained proprietary case information system (iCase) which functionality includes electronic docketing, e-signature journal entries, decisions, and orders.

Mediation, Intake, and Diversion Department Supervisor

- Established in-house Court Mediation Program.
- Supervised ten mediators who address matters of custody, delinquency, unruly, and truancy.
- Managed the Court's Diversion Programs which include the Court Unruly Program, Competency Diversion Program, and Sexting Program.
- Administered determination of official vs. unofficial court action in delinquency matters.

Media Relations Office Supervisor

- Supervised Media Relations Officer.
- Reviewed and assessed all court and media interaction.
- Maintained extensive knowledge of public record laws, public meeting laws, and Rules of Superintendence.

Chief Staff Attorney – Cuyahoga County Juvenile Court

Cleveland, Ohio

2005-2015

- Directed the administration of the Law Department.
- Part-time Magistrate.
- Supreme Court of Ohio-Privacy Committee Member. Responsible for advising Ohio Supreme Court on Ohio Rules of Superintendence 44-48.
- Supreme Court of Ohio Sentencing Committee Designee- Juvenile Traffic Committee.

Magistrate – Cuyahoga County Juvenile Court

Cleveland, Ohio

1999-2005

- Presided full-time over delinquency, abuse, neglect, and dependency matters.

Assistant Prosecutor – Cuyahoga County Prosecutor's Office

Cleveland, Ohio

1993-1999

- Extensive trial experience including 49 jury trials, numerous bench trials, high profile cases, motions to suppress, and electronic surveillance.
- Appellate experience before the 8th District Court of Appeals and the Supreme Court of Ohio.
- Supervised four Assistant Prosecuting Attorneys.

Mark Majer – Attorney at Law

Cleveland, Ohio 1992-1993

- General legal practice involving probate, juvenile, Guardian ad Litem, criminal law, and personal injury.

Education

Bowling Green State University

Bowling Green, Ohio 1988

- Bachelor of Science: Business Administration

Ohio Northern University Claude W. Pettit College of Law

Ada, Ohio 1991

- Juris Doctor
- Admitted to Ohio State Bar – May, 1992

Previous Committees/Board Memberships/Leadership

- Representative - Cuyahoga County Juvenile Court on the Cultural Competency Committee.
- Representative - Cuyahoga County Juvenile Court on the United States Marshals Safe Surrender Project.
- Representative - Cuyahoga County Juvenile Court on the United States Attorney Anti-Gang Initiative and member of the Prevention Committee.
- Chairperson - Cuyahoga County Juvenile Court on the Local Rules Committee.
- Certified mediator by the Supreme Court of Ohio.
- Presenter - Ohio Eighth District Court of Appeals Annual Conference.
- Served on the Board of Directors for the Cuyahoga County Bar Association.

**IN THE CLEVELAND MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO**

Document Filed:

07/24/2023 11:57:32 AM

Mariner Finance, Llc
PLAINTIFF

Case No: 2023-CVF-000932

VS.

Isaac D Diggs, Jr.
DEFENDANT

JUDGMENT ENTRY

This matter came on for consideration this 14th day of July, 2023 upon report of the Magistrate to review the Magistrate's Decision pursuant to Civil Rule 53(D)(3). Pursuant to Civil Rule 53(D)(4)(b) the Magistrate's Decision is approved in part, and modified in part.

Under Ohio law, a lender may contract up to an annual percentage rate of 25% under a small loan agreement as prescribed in RC § 1321.571. This is despite the lower maximum rate of 8% as specified in RC 1343.01, (*See Ohio Neighborhood Fin., Inc. v. Massey*, 2011 Ohio 2165 (10th Dist.) *E-Z Cash Pawn Shop, Inc. v. Minor*, 2017 Ohio 4405 (10th Dist.)).

Applying this provision, a judgment creditor is entitled to an interest rate in excess of the statutory rate when (1) the parties have a written contract, and (2) that contract provides an interest rate for money that becomes due and payable. *Wigfield*, ¶20, citing *Hobart Bros. Co. v. Welding Supply Serv., Inc.* (1985), 21 Ohio App.3d 142, 144, 21 Ohio B. 152, 486 N.E.2d 1229.

Generally, upon all judgments, decrees, or orders, rendered on any bond, bill, note, or other instrument of writing containing stipulations for the payment of interest in accordance with section 1343.01 of the Revised Code, interest shall be computed until payment is made at the rate specified in such instrument. *Classic Funding v. Burgos*, (2002-Ohio-6047) Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, November 7, 2002.

It is important to note that the Cleveland Municipal Court has authority in the cases before it "to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties." R.C. 1901.13(B). See, also, *Behrle v. Beam* (1983), 6 Ohio St.3d 41. The function of equity is stated and applied only when legal remedies are inadequate, *Salem Iron Co. v. Hyland*, 74 Ohio St. 160, 166, 77 N.E. 751, 752, 1906 Ohio LEXIS 362. The chief characteristic of a court of equity is adequate power to afford full relief to the parties before it. *Brinkerhoff v. Smith* (1897), 57 Ohio St. 610.

Additionally, although not the basis of the opinion herein, the trial court acknowledges its inherent authority to make findings of unconscionability similar to, but in due deference to, the Ohio Eighth District Court of Appeals in *Burgos*. The court finds a determination of unconscionability is to be made in light of a number of factors, including "the sheer harshness of contractual terms together with unequal bargaining positions which renders certain consumer contracts suspect and worthy of judicial revision." *Orlett v. Suburban Propane* (1989), 54 Ohio App.3d 127.

Unconscionability “has generally been recognized to include an absence of meaningful choice on the part of one of the parties, together with contract terms which are unreasonably favorable to the other party. Whether a meaningful choice is present in a particular case can only be determined by consideration of all the circumstances surrounding the transaction. In many cases the meaningfulness of the choice is negated by a gross inequality of bargaining power.” Williams v. Walker-Thomas Furniture Co. (1965), 350 F.2d 445, 449. See, also, Cty. Asphalt, Inc. v. Lewis Welding & Eng. Corp. (1970), 323 F.Supp. 1300; Vanyo v. Clear Channel Worldwide, 156 Ohio App.3d 706, 2004-Ohio-1793, ¶ 17; Evans v. Graham Ford, Inc. (1981), 2 Ohio App.3d 435.

This case is before the court on a Default Judgment Motion filed pursuant to Civil R. 55. The court, in the exercise of its equitable authority could conceivably find that the rate of interest charged, the sheer harshness of contractual terms together with unequal bargaining positions might render certain terms of this agreement suspect, and consequently worthy of judicial review and revision, Allason v. Gailey, 189 Ohio App. 3d 491, 2010-Ohio-4952, 939 N.E.2d 206, 2010 Ohio App. LEXIS 4183. However, the Defendant has failed to file an answer in this matter. Therefore, the Court is unable to consider the equity, or inequity that may be present in the contractual terms agreed upon in this case.

Consequently, the Court grants judgment to the Plaintiff for the underlying debt of \$2,492.98. The Court further grants judgment to the Plaintiff in the amount of \$30 in late fee(s), with interest on the principal at an annual interest rate of 23.80%, from January 17, 2023, plus costs.

However, the interest rate provision in this matter is subject to and limited by a renewable of one year sunset provision from the date of this order. Ohio Courts may enter into full or partial orders concerning claims. Ohio Rules of Civil Procedure, Rule 54(B) indicates:

“...When more than one claim for relief is presented in an action whether as a claim, counterclaim, cross-claim, or third-party claim, and whether arising out of the same or separate transactions, or when multiple parties are involved, the court may enter final judgment **as to one or more but fewer than all of the claims or parties** only upon an express determination that there is no just reason for delay.”(Emphasis added).

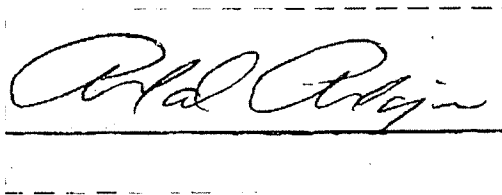
As it relates to the time in which such debt may be left open to compound indefinitely, Ohio law indicates that an injured party has a duty to mitigate his damages and may not recover those damages that he could reasonably have avoided. S&D Mech. Constrs., Inc. v. Enting Water Conditioning Sys. Inc. (1991), 71 Ohio App.3d 228. A contract may be held unenforceable when a creditor leaves a debtor with little disposable income and presses a demand for judgment despite being aware of the debtor’s dire financial straits. City Fin. Services v. Smith (Jan. 4, 2000), Cleveland M.C. No. 97 CVF 00679, 2000 WL 288469.

Unjust enrichment occurs when one retains money or benefits that, in justice and equity, belong to another. Hummel v. Hummel (1938), 133 Ohio St. 520, 528; Seward v. Mentrup (1993), 87 Ohio App.3d 601, 603.

Allowing a debt to accumulate unchecked, could result in unjust enrichment if this court were to grant judgment in Plaintiff’s favor without sufficient protections in place to ensure the Plaintiff has taken reasonable steps to mitigate the damages owed by the Defendant.

Therefore, the court reserves jurisdiction over this matter. Further, the Court reserves judgment as it relates to accrued interest. Matter is set for review hearing June 15, 2024 at 9:00, concerning all interest accrued from January 7, 2023 to June 15, 2024. Thirty days prior to the hearing, Plaintiff shall provide the Court with evidence of their attempt(s) to mitigate interest expense damage and unjust enrichment over the period of time proceeding the review hearing.

Consistent with the Code of Judicial Conduct, Rule 2.6, the court while maintaining neutrality in the matter, encourages the parties in a non-coercive manner to work towards a settlement of this matter. To that end, Mr. Diggs, as a pro se litigant is advised of the support tools and advocacy available to Cuyahoga County residents at the Cuyahoga County Department of Consumer Affairs-Dispute Resolution.

A handwritten signature in black ink, appearing to read "Brad R. Diggs", is written on a solid horizontal line. Above and below this line are dashed horizontal lines, suggesting a signature box or a set of guidelines for the signature.



The Judicial Candidates Rating Coalition
1375 East Ninth Street, Floor 2, Cleveland, Ohio 44114

Cleveland Metropolitan Bar Association
Cuyahoga Criminal Defense Lawyers Association

Norman S. Minor Bar Association
Ohio Women's Bar Association
Asian-American Bar Association of Ohio

CONFIDENTIAL
JUDICIAL CANDIDATE QUESTIONNAIRE

Dear Candidate:

This questionnaire seeks detailed information from candidates for judicial office, including incumbents seeking re-election. Members of our Coalition will use your answers, your interview, and other available information to assign a rating reflecting each group's application of our criteria, which are detailed at <https://www.judge4yourself.com/how-we-rate-candidates>. Although each Coalition member group assigns its own rating, all Coalition members use a common rating system. Ratings of Excellent, Good, Satisfactory, Not Recommended, or Refused to Participate can be used.

Responding to these questions will require significant time and effort on your part. We believe the information requested will help us give the public thoughtful and accurate ratings of judicial candidates. Your responses are an opportunity to demonstrate you are or would be the kind of excellent judge we all want for our clients and our community. We appreciate your time, and your true, honest, and candid answers. Do not, however, disclose information you are required to keep confidential, or that is subject to attorney-client privilege, attorney work product, or any other privileges or protections.

Please answer all applicable questions and sign the jurat and the waiver.

GENERAL

1. Name: Mark R. Majer
2. Preferred Pronouns (she/hers, he/his, they/them)
3. Please list all other names under which you have been licensed to practice law and/or held public office: Mark Richard Majer, Mark Majer
4.
 - a. City and county of residence: Cleveland, Cuyahoga
 - b. How long have you lived in Ohio? 57 years
 - c. How long have you lived in Cuyahoga County? I have been domiciled in Cuyahoga County for 57 years. I lived In Bowling Green Ohio to attend college and I lived in Ada Ohio to attend law school.
 - d. How long have you lived in the jurisdiction in which you seek office? Approximately 6-7 months.
5. Business address: The Justice Center, 1200 Ontario Street
City: Cleveland State: Ohio Zip: 44113
Business Phone: 216 664 4990 Business Fax: NA
Email: Markrmajer@cuyahogacounty.us
6. Place and date of birth: East Cleveland, 8/7/65
7. Court for which you are a candidate: Cleveland Municipal Court
8. Commencement of term: 1/5/24

UNDERGRADUATE AND GRADUATE EDUCATION

9. School Name:	Years: Attended:	Degree Received:	Honors (if any):
Bowling Green State University	1984-1988	Bachelor of Science- Business Administration	
Ohio Northern University Claude W. Pettit College of Law	1988-1991	Juris Doctor	

MILITARY SERVICE:

10. State your military service, if any: None

Service:

Branch:

Dates:

Rank at discharge:

Type of discharge:

If active in the Reserve or National Guard, please list service, branch, unit, and present rank:

WORK HISTORY AND PROFESSIONAL ADMISSIONS:

11. State your complete work history since graduating college (excluding summer employment) in chronological order, listing each employer, the employer's address, your position, and the time period you were so employed. Also include the same information for any period of time during which you were self-employed. **In the alternative, you may attach a résumé if it contains all of the requested information**, or if you supplement any missing information in your response here.

Dates:

Position:

Employer Name and City, State:

Please see attached resume.

12. List the date(s) you were admitted to the bar of any state and your current status as a bar member. Identify any period during which you were not in good standing in each bar, and the reason. Please also list the date of your admission to all courts and administrative bodies having special requirements to which you have been admitted to practice, your current status and the dates and reason for any period during which you were not in good standing.

Admitted to the Ohio State Bar on 5/18/92.

I am currently in good standing.

I have always been in good standing.

13. (a) Are you currently serving as a judge or magistrate? Yes, as a judge.
- (b) Are you currently engaged in the practice of law? Yes, as a judge.
- (c) If you are NOT currently engaged in either the practice of law or serving as a judge or magistrate,
- (1) Make sure to complete Question 23 for your most recent six years of legal practice.

- (2) Describe how your current work is relevant to your performance in the judicial office you seek.

HONORS AND AWARDS:

14. List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Received an “Excellent” rating from the five bar associations comprising the Judge4Yourself Judicial Candidate Ratings Coalition (JCRC), 2022.

Received a “Good” rating from the Ohio Prosecuting Attorneys Association as a member of the Judge4Yourself Judicial Candidate Ratings Coalition (JCRC), 2022.

Constitutional Law Book Award recipient, Ohio Northern University, Claude W. Pettit College of Law, 1990.

BAR ASSOCIATION AND OTHER MEMBERSHIPS

15. List all professional, business, fraternal, sororal, scholarly, civic, charitable, or other organizations to which you belong, or to which you have belonged, since graduation from law school. Please include bar associations, clubs, working groups, advisory or editorial boards, panels, committees, or conferences. Provide dates of membership or participation, and indicate any offices you held, and/or your noteworthy accomplishments in connection with the organization.

Ohio Association of Magistrates, 2011-2021.

Former member- Supreme Court of Ohio Privacy Committee, 2009. Helped created Ohio Rules of Superintendence, Rules 44-48.

Representative - Cuyahoga County Juvenile Court on the County Cultural Competency Committee, approximately 2010. Worked to create and ensure culturally competent practices at Cuyahoga County Juvenile Court.

Representative - Cuyahoga County Juvenile Court on the United States Marshalls Safe Surrender Project, 2014. Organized Juvenile Safe Surrender for juveniles with arrest warrants.

Representative - Cuyahoga County Juvenile Court on the United States Attorney Anti-Gang Initiative and member of the Prevention Committee, 2006-2008. Established Re-entry Court at Cuyahoga County Juvenile Court.

Chairperson - Cuyahoga County Juvenile Court-Local Rules Committee, 2019-2020.

Certified mediator by the Supreme Court of Ohio, 2019.

Presenter - Ohio Eighth District Court of Appeals Annual Conference, 2012.

Prior service on the Board of Directors for the Cuyahoga County Bar Association, 2001.

Contributing Author-Cuyahoga County Bar Association Journal, 2001.

Former member- Diversity Committee, Cuyahoga County Court of Common Pleas, 2022.
Currently organizing a retreat/conference on implicit bias for the entire Bench.

Current and past member- Ohio State Bar Association, 2023.

Former judge participant- Ohio Sentencing Commission in cooperation with the University of Cincinnati sentencing project to provide uniformity and equity in Ohio Sentencing, 2022.

Moot Court Judge- Cleveland Municipal Schools, Moot Court Competition, 2023.

Member-Judge, Cleveland Municipal Court Judicial Website Committee.

Member-Judge, Cleveland Municipal Court Sealing and Expungement Community Outreach program.

16. Rule 3.6(A) of the Ohio Code of Judicial Conduct states that “a judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation.” Comment [1] to Rule 3.6 the ABA Model Code of Judicial Conduct defines “invidious” discrimination as that which excludes a person, on a forbidden ground, who would otherwise be eligible for membership. If any of the organizations listed in response to question 14 above engaged in invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation while you were a member, identify the organization, its discriminatory practice or policy, and any action you have taken to change such practice or policy.

I have never been a member of an organization that engages in such conduct.

WRITTEN WORK PRODUCT

17. For Candidates for the Court of Appeals ONLY: Please supply a copy of a brief (if you are currently a lawyer) or judicial opinion (if you are currently a judge) you authored and filed, preferably within the past 6 years. Current Common Pleas Court judges may simply direct our attention to opinions posted on the court’s website.

If you cannot supply either briefs or opinions, please supply a copy of at least one published work you wrote (e.g. article, speech, report), preferably within the past 6 years. We prefer the work submitted be exclusively your own work product. If it is not, please describe the role others played. If you are unable to supply any writing sample at all, please explain why.

I am currently a Judge at the Cleveland Municipal Court, and a judicial candidate for the Cleveland Municipal Court. Please see attached writing sample.

JUDICIAL EXPERIENCE (QUESTIONS 18-19 ARE ONLY FOR THOSE WITH JUDICIAL EXPERIENCE)

18. To permit us to review data about your docket management,
- Current magistrates, municipal court judges and Juvenile Court judges are asked to supply a copy of their individual Judge Reports to the Supreme Court for December of each previous year of their current term of service, and October of this year.
 - We will review the publicly available Court of Common Pleas Statistics Reports, and request from Common Pleas judges only copies of any applicable supplement (e.g. Commercial Docket Supplement Form A) for December of each previous year of their current term of service, and October of this year.

Please see attached.

19. In the past six years, has an Affidavit of Prejudice been filed with the Ohio Supreme Court concerning you? YES _____ NO X _____. If so, describe the affiant's allegation briefly and how the matter was resolved.

PUBLIC OFFICE

20. List chronologically any elected or appointed public offices you have held or sought, other than judicial offices, including the terms of service, and whether such positions were elected or appointed. If appointed, please include the name of the individual or entity that appointed you.

None

LAW PRACTICE

Answer each part separately. FOR JUDGES WHO WILL, AS OF JANUARY 2022, HAVE COMPLETED AT LEAST ONE FULL TERM OF SERVICE, THIS QUESTION IS OPTIONAL.

21. For your current or most recent law practice, and every distinctive period of practice in the past, whether or not with a different office, describe:

- (a) the general character of your law practice;

I began my practice of law as a solo practitioner in 1992. I focused on adult criminal matters, juvenile criminal matters, and civil litigation largely comprised of personal injury.

Following my private practice, I was hired by Ms. Stephanie Tubbs-Jones as an Assistant County Prosecutor. I was a trial lawyer in the Prosecutor's Office for six years while also maintaining a civil side practice. While in the Prosecutor's Office I developed extensive trial,

and appellate experience. In my time as a solo practitioner and Assistant Prosecutor I have personally tried, or have been part of a team who has tried 49 jury trials. I have handled thousands of criminal cases over my career. I have argued numerous times before the Ohio Eighth District Court of Appeals. I have also argued on brief before the Supreme Court of Ohio numerous occasions. During my career in the Prosecutor's Office I rose to the level of an "In Charge" (IC) and supervised other attorneys. I was also permitted to mark low level felony files. I was one of only three Assistant Prosecutor's in the office trained at the Ohio Peace Officers Academy in electronic surveillance and wiretapping.

Following the Prosecutor's Office, I became a Magistrate at Cuyahoga County Juvenile Court where I presided over juvenile delinquency matters, and abuse, neglect, and dependency matters. This position allowed me to develop extensive experience as a jurist. While a Magistrate, I worked with and applied the Ohio Rules of Evidence thousands of times in thousands of hearings. I estimate I have presided over 75-100 bench trials, and thousands of pleas and sentencings (dispositional hearings).

Following my time as a full-time Magistrate, I became a part-time Magistrate while also serving as the Chief Staff Attorney for Cuyahoga County Juvenile Court. As the Chief Staff Attorney, I was responsible for performing and directing all legal research for the Bench of the Court. Through this position I greatly expanded my knowledge of civil and criminal law. Having the Bench rely upon me for accurate legal opinions caused me to become deeply versed in all matters covered in Title 29. This position also allowed me to maintain a court presence as a magistrate which kept my trial skills sharp.

Following my time as Chief Staff Attorney and part-time Magistrate, I became the Legal Counsel for the Court while also maintaining my status as a part-time Magistrate. I supervised 11 full time Magistrates, and seven court departments. The most notable department supervised would be the Legal Department. From there, I supervised four attorneys whose role was to provide legal opinions to the six full time judges, two visiting judges, and 28 magistrates. This work further expanded upon my knowledge of the Ohio Revised Code, the Ohio Rules of Evidence, as well as the Ohio Rules of Civil Procedure. This role also allowed me to maintain and enhance my adult criminal experience I had developed in private practice and the Prosecutor's Office because now I was responsible for providing legal counsel on adult criminal trial issues and creating jury instructions for the Serious Youthful Offender cases which are entitled to a jury trial, as well as the same rights afforded adult offenders in Title 29 of the Ohio Revised Code. Additionally, as Legal Counsel for the Court I essentially operated as in house counsel and would collaborate with outside legal counsel concerning labor disputes, as well as State and Federal civil suits filed against the Court.

Following my time as Legal Counsel for the Court, I returned to the courtroom as a full-time Magistrate presiding over delinquency and custody matters.

As a full-time Magistrate, I received an Appointment from the Governor and I served as a Judge on the Court of Common Pleas, General Division. As you are aware, a Judge in the General Division presides over a civil and criminal trial docket, and approves Magistrate decisions involving foreclosures, and Civil Protection order cases. I presided over five jury trials, ruled on numerous pre-trial motions, taken a great number of pleas, sentenced many defendants, ruled on judicial release motions, expungement motions, and actively managed both the civil and criminal docket.

Currently, as a municipal judge for the Cleveland Municipal Court, I preside over criminal misdemeanor cases, traffic cases, garnishment cases, and civil cases seeking under \$15,000.00 in damages.

- (b) your typical clients and or matters, and the legal areas, if any, on which you have focused.

My entire career has been focused on criminal, civil, and juvenile litigation.

- (c) The percentage of your practice in litigation and whether you appear in court frequently, occasionally, or not at all.

100%

- (d) The percentage of your practice in: federal court: **0%** state courts of record :**100 %**; other courts **0 %**; and administrative agencies **0 %**.

- (e) The percentage of your practice in: civil proceedings **15-20%**; and criminal proceedings **80-85%**.

22. Estimate the number of cases in courts of record, including cases before administrative-law judges, you have tried to verdict, judgment, or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel, and

I estimate as sole counsel, I have tried at least 50-75 bench trials in Juvenile Court.

I estimate as Magistrate, I have presided over hundreds of bench trials.

I have tried 49 jury trials as defense counsel and as an Assistant County Prosecutor. I estimate 50-60% of those cases were as lead counsel, with the remaining percentage being co-counsel.

As a Common Pleas judge, I presided over five jury trials.

As a Municipal Judge I have presided over approximately five bench trials.

What percentage or numbers of these trials were: jury % and non-jury %.

All my trials in Juvenile Court were bench trials.

Almost 100% of my trials in the General Division were jury trials. I recall handling a bench trial in front of Judge Burt Griffin, and another in front of Judge Anthony Calabrese, but I cannot recall the specifics of the cases.

All my trials thus far in the municipal court have been bench trials.

23. [APPELLATE COURT CANDIDATES ONLY] Describe your practice, if any, before state and federal intermediate courts of appeals, the Ohio Supreme Court or the U.S. Supreme

Court.

LITIGATION EXPERIENCE

24. **(THIS QUESTION IS INTENDED FOR LAWYER CANDIDATES AND NEWLY SEATED JUDGES. IT IS OPTIONAL FOR JUDGES WHO WILL, AS OF JANUARY 2022, HAVE ALREADY COMPLETED AT LEAST ONE FULL TERM OF SERVICE.)**
Describe at least five litigated matters you personally handled, regardless of whether you were the attorney of record, that are memorable or significant to you, including the following information:
- (a) case caption, including docket number and year, if this information is readily available to you;
 - (b) names of the judge or judges before whom the case was litigated;
 - (c) the nature of the case;
 - (d) the party or parties you represented;
 - (e) the nature of your participation in the litigation and the final disposition of the case;
 - (f) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties; and
 - (g) why this case was memorable or significant to you.

This answer is optional as I have over one year of judicial service. However, I feel fortunate to have served the public in such important cases, so I am respectfully sharing a brief overview.

A very memorable case I was a part of was the aggravated murder of Francine Lance, a 13 year old girl from the City of Cleveland. This was a jury trial before Judge Carolyn Friedland. The matter is captioned the State of Ohio v. Steven Kidwell, CR 95-323461. Defense counsel was Mr. Henry Hillow (216-870-2542; 323 W. Lakeside Ave., Suite 200 Cleveland Ohio 44113), and lead Prosecutor was now Judge Richard Bell. Ken Lusnia and I prosecuted the juveniles in this matter and then I joined the trial team in the General Division. Defense counsel did an excellent job, but with strong facts on our side we prevailed in the guilt phase of the trial. We were also successful in the aggravating circumstances v. mitigation phase of the trial as well. Kidwell was sentenced consistent with Ohio law. This case was important because it was a horrible crime perpetrated upon an innocent child and the verdict brought justice to the deceased victim and her grieving mother.

Another very important case in which I served as co-counsel was the aggravated murder of Ms. Mary Mrva before Judge Anthony Calabrese. Mr. Pat D'Angelo was defense counsel. I am unable to find contact information for Mr. D'Angelo. Ms. Mrva was an 86-year-old woman who was bludgeoned to death in her home. Assistant County Prosecutor Dominic Delbalso, Homicide Detective Buddy Kovacik and I investigated the homicide for over a year. We worked closely with the Cuyahoga County Coroner's Office, Trace Evidence Lab and secured indictments of aggravated murder with felony murder specifications against Robert Tenney (95-CR-326254), Larry Taylor (95- CR-327136),

POTENTIAL CONFLICTS OF INTEREST

28. Identify any circumstances likely to present potential conflicts-of-interest when you assume the position you are seeking. Explain how you would address any such conflict if it were to arise.

As per the Rules of Governance of the Judiciary, enacted by the Supreme Court of Ohio, I performed a conflict check to determine if I had any potential conflict of interest cases on my docket which would mandate my recusal. On an ongoing basis, consistent with all the provisions contained in Rule Two, and any other applicable provisions of the Ohio Code of Judicial Conduct, I evaluate all my cases to ensure no conflicts of interest exist. On the occasions when I may have a question or concern, I have made use of the Board of Professional Conduct, specifically speaking with its Director, Mr. Rick Dove.

PAST CONDUCT

29. Since your admission to the Ohio Bar, have you pled guilty or no contest to, or been convicted of a violation of any federal law, state law, county or municipal law, regulation or ordinance?

YES _____ NO X. If so, please give details. You need not list traffic violations for which a fine of \$250.00 or less was imposed, exclusive of costs, unless it also included a jail sentence. Include convictions subsequently expunged.

30. **Since your admission to the Ohio Bar, has a client made a claim or filed suit against you or your law firm involving allegations of your professional malpractice?** YES X NO _____. If so, state the date, the type of client, the nature of the claim, resolution, and a copy of any order or judgment adjudicating your conduct.

Approximately 28 years ago I had a civil client. She provided me with her X-rays in order to review her case for medical malpractice. I placed the x-rays in my father's safe with his knowledge and assistance. Sometime thereafter, my father cleaned out his safe and mistook the x-rays for old x-rays of my stepbrother. Upon learning this I engaged an attorney who specialized in attorney ethics. Per the advice of counsel, I advised the client the x-rays were lost, that she should consult with an attorney, and that she may have a cause of action against me. No claim or suit was ever filed in this matter. I ultimately compensated the client for the loss of the x-rays and settled the matter with mutual releases to her satisfaction. No action or legal proceeding were ever filed against me in any respect for my conduct.

31. Since your admission to the Ohio Bar, have you been charged, in any civil or criminal proceeding, with conduct alleged to involve moral turpitude, dishonesty, and/or unethical conduct? YES _____ NO X. If so, please give particulars, including the case caption.
32. Have you ever been disciplined for a breach of ethics or unprofessional conduct by any court, or by the disciplinary authority for any profession in which you also hold a license? YES _____ NO X If so, please give the particulars including the year, complainant, nature of complaint, findings, and sanction, and provide a copy of relevant opinions and orders.

Furthermore, on the civil docket I will expand setting review hearings in garnishment cases. As you may be aware, in the State of Ohio a lender may contract with a borrower to borrow money at a rate of 25% annual percentage rate. This is especially problematic as the City of Cleveland which traditionally ranks the first or second poorest city in the United States. Given the level of poverty, very high rates of interest often doom borrowers to a future of inescapable interest rate debt and a horrible credit scores. However, RC 1901.13(B) and applicable caselaw designate Ohio's municipal courts as courts of both law and equity. This allows me as a judge to provide equitable relief by looking beyond the four corners of the contract and examine the relative bargaining power and sophistication of the parties, the harshness of the terms of the contract, and the absence of other meaningful choices. Once that review is had, I have the authority to determine if a contract is unconscionable. Where a finding of unconscionability is made, I can amend the terms of the contract to reflect a more equitable interest rate that does not doom the borrower to a life of financial misery. I have begun to undertake that analysis regularly.

Additionally, if the bargaining positions of the parties are not known because the borrower failed to file an answer and the matter is before me on a default judgement, I will enter the default judgment where appropriate and begrudgingly maintain the interest rate indicated in the contract, up to the statutory maximum of 25%, because I have no information concerning the bargaining power of the borrower as they failed to file an answer and consequently no hearing on the matter was scheduled. However, my analysis of the case does not stop there. As is the case with any judgment, a creditor has the obligation to mitigate damages and not recover those damages which could have reasonably been avoided. For instance, a creditor cannot keep an inactive credit card open forever just ringing up interest debt year after year. So I issue a partial judgment pursuant to Civil Rule 54(B), and maintain jurisdiction over the matter and schedule a review hearing in one year from the date of the judgement. The lender is ordered to supply the Court with evidence of their efforts to mitigate the damages post judgment in the matter. Should they fail to mitigate damages during that year, it places their right to receive post judgement interest at risk.

By performing and expanding this analysis in my civil docket, going forward creditors are prevented from being unjustly enriched at the expense of one of the most economically vulnerable populations in the United States. An example of this analysis can be found in 2023-CVF-000932 and attached hereto as a writing sample.

Additionally, when presiding over weddings in my second term, I would expand upon my efforts to provide this service in a culturally comment manner. Honestly, one of the best surprises I had after being appointed judge was to learn that municipal judges regularly preside over weddings. I knew we had the statutory authority, but I never envisioned to volume and the joy such proceedings bring. It has truly been a highlight for me. Seeing the various cultures and various life partners being joined in marriage has been wonderful. The cultural aspects they incorporate into our civil ceremony, the love they are share, and the validation they receive through the ceremony are so genuine and real that it reinvigorates my hope and faith in our community. Going forward, I would like to offer them the ability to provide any backdrops for photographs they would like, add any significant music they would like to enjoy during the ceremony, or any other cultural accommodation we can support to make the day special.

Furthermore, in a second term I would also engage groups who traditionally have not been exposed to the practice of law. For instance, you may be aware the Lawrence School is a local school that educates and works with children who suffer from dyslexia, dysgraphia, dyscalculia, and executive dysfunction. As a dyslexic, and former student of the school proceeding the Lawrence School, namely

the Oldman Transitional School, the issue of children with learning disabilities reaching their full potential has always been important to me. Therefore, I have been in contact with the Lawrence School since early in my term. We are establishing a day long program at the Court designed to encourage members of my alma mater to consider a career in law. The program will be conducted this fall school term. Going forward I would like to expand the curriculum and expand the opportunities to other groups not traditionally involved with the justice system.

Additionally, this year I acted as a moot court judge in the Cleveland Schools Mock Trial Competition and would continue doing so in my second term. Much like presiding over marriages, this program similarly reinvigorated my faith in our community. The young aspiring lawyers who participated were amazing. They argued a criminal fact pattern as both defense attorneys and prosecutors. They performed opening statements, direct, cross, and closing statements. Their poise and analytical abilities in trial were truly extraordinary. Again, reinvigorating my faith in our community.

In my second term I will continue to participate in the Sealing and Expungement Clinic conducted at the Esteebrook Recreation Center in Cleveland. At this event participating judges would meet with the parties and sealing their arrest records, or their record of conviction where appropriate. Clearly, this is a very important step to increase one's future earning potential, and a big step in putting an unfortunate chapter of their lives behind them. To that point, while presiding over these cases, I experienced a very poignant moment when a woman approached me in tears. She explained to me that she worked at a local well known and respected hospital. She indicated that before she had received the Court's notice indicating she was eligible to have her arrest record sealed, she never knew she had an outstanding arrest record on file from 18 years ago. She went on to say that she was arrested but thought nothing more of it because she was never summoned to court and never had an arrest warrant issued. However, she indicated over the past 16 years of employment at the hospital she could never understand why she was stepped over for promotional opportunities. It wasn't because she was not doing a good job. It wasn't because she did not try to move up the ladder. It was as she tearfully uncovered that day; her former arrest record had acted as an impediment to her achievement for over 16 years. Needless to say, on that day we were both very happy her record was sealed and forgotten.

Regarding your question concerning docket efficiency, I embrace the idiom "Justice Delayed is Justice Denied". I diligently monitor my monthly Supreme Court Reports. In doing so I regularly make sure we dispose of more cases than came into the docket, thus maintaining a high efficiency rate. I also personally monitor any cases over the guidelines and if a case is over, I make sure a court date is set and diligently attempt to resolve the case so it does not carry over into next the next month's report. As a judge I recognize the benefit of efficiency in docket management. However, in my courtroom I don't achieve efficiency by sacrificing the due process rights of litigants. I respectfully assert that this is a race towards justice, not numerical superiority. Having said that, a balance can be achieved between the two, and that is always my goal.

37. How have you or how would you promote diversity, equity and inclusion within the court as a member of the judiciary? **(Please be prepared to address this issue at the interview.)**

I have lived it for my almost 30 years of public service. In my time of public service, I have engaged in numerous actions to promote diversity, equity, and inclusion. For instance, I have fought to advance equity and inclusion issues by being a member of the Cuyahoga County Cultural Competency Committee. As a member I worked to ensure Juvenile Court was delivering services to the community in a culturally appropriate and competent manner. Culturally appropriate for all

communities, be they based or identify on race, ethnicity, religion, sexual preference, sexual identity, or other.

As a former member of the Diversity Committee at the Cuyahoga County Court of Common Pleas, I recognized the insidious nature of implicit bias and we worked to eliminate implicit bias in sentencing.

Also as a former Common Pleas judge I participated in the Ohio Sentencing Commission in cooperation with the University of Cincinnati to provide uniformity and equity in Ohio Sentencing. As practitioners we have all seen or been made aware of disparate sentencing. The Committee I was a part of is designed to create a uniform sentencing entry, compile statistics, and leverage those items to raise awareness and prevent future disparate sentences. Disparate sentences call into question the very foundation of our legal system and cannot be allowed to continue.

As the Chief Staff Attorney at Cuyahoga County Juvenile Court I wrote a proposal for grant funding and received \$180,000.00 from the Cleveland Foundation and the McCarthy Foundation to test children (largely minority children) in the Detention Center for undiagnosed learning disabilities. My thinking being, if we can detect the learning disability and address it, we can reduce the criminogenic behavior and improve their outcomes. My research found that 86% of the children (again, sadly mostly minority), had an undetected learning disability. Armed with this data we then advocated to the Cleveland Public Schools to address the children's educational needs.

Additionally, following the tragic death of Tamir Rice, I worked to amend the Cuyahoga County Juvenile Probation Supervision Rules to prohibit any youth (again, sadly largely minority) from possessing a replica or facsimile firearm while on probation. This was done in the hopes of preventing another African American child like Tamir from being senselessly killed.

Also, as a representative on the United States Marshals Safe Surrender Project, I was part of a team to allow for the safe surrender for juveniles (again, sadly largely minority) with arrest warrants. Under the program we utilized, juveniles were allowed to surrender at a church, where they were given preferential treatment because they took the positive step of surrendering. This created a safe environment and eliminated the chance of the juvenile being harmed or killed while police were serving the arrest warrant.

Further, when I was Legal Counsel for the Juvenile Court, in cooperation with then First Assistant in the Cuyahoga County Prosecutor's Office, Mr. Duane Deskins, we successfully implemented a plan at Juvenile Court to be one of the very few juvenile courts in Ohio to enter their serious felony (unclassified, F1, and F2) warrants into Ohio LEADS. The goal being to reduce needless police shootings during mere traffic stops.

Additionally, as I previously mentioned, I was part of the group led by Judge John Russo to go into the communities and advise citizens (again, sadly largely minority) of their ability to seal and expunge prior delinquency adjudications. This was designed to eliminate the stigma of past criminal and delinquent behavior and provide a fresh start for people to become gainfully employed.

I am also a former member of the United States Attorney Anti-Gang Initiative and member of the Prevention Committee. Most notably, I was responsible for the creation of the Juvenile Re-Entry Court at Cuyahoga County Juvenile Court. This court seeks to successfully integrate young offenders (again sadly, largely minority) back into the community following incarceration at the Ohio

Department of Youth Services. At the time of its creation, it was only the second of such court in the State of Ohio.

Further, along with then First Assistant in the Cuyahoga County Prosecutor's Office, Mr. Duane Deskins, we formed a committee to reform the inequitable Juvenile diversion opportunities offered to children (again, sadly largely minority) residing in the City of Cleveland. Prior to our involvement, suburban children (mostly white) being considered for diversion opportunities were reviewed by Juvenile Court personnel who possessed a background in social services. However, children from the City of Cleveland (mostly minority) had their opportunity to participate in diversion reviewed by the County Prosecutor's Office which is statutorily defined as a law enforcement agency. Noting the inequity, we put in place a uniform review process that ensured only the merits of the applicants would be considered, not the zip code from which they came. Thus, we created a much more fair and equitable treatment for the minority children residing in the City of Cleveland.

Additionally, as a municipal judge presiding over weddings, I have ensured this service is delivered in a culturally competent fashion. Always providing respect and appreciation for every life partner or participant, thus ensuring their day is the special day they hoped for.

Additionally, to promote inclusion in a second term I would also engage groups who traditionally have not been exposed to the practice of law. For instance, you may be aware the Lawrence School is a local school that educates and works with children who suffer from dyslexia, dysgraphia, dyscalculia, and executive dysfunction. As a dyslexic, and former student of the school proceeding the Lawrence School, namely the Oldman Transitional School, the issue of children with learning disabilities reaching their full potential has always been important to me. Therefore, I have been in contact with the Lawrence School since early in my term. We are establishing a day long program at the Court designed to encourage members of my alma mater to consider a career in law. The program will be conducted this fall school term. Going forward I would like to expand the curriculum and expand the opportunities to other groups not traditionally involved with the justice system.

38. Please identify the greatest issue(s) the judiciary, or the court on which you wish to serve, faces today.

Implicit bias and the subsequent sentencing inequities which follow are my greatest concern. That is why in the early days of me taking the bench I sought out and became a member of the Ohio Criminal Sentencing Commission/ University of Cincinnati Ohio Sentencing Platform. I believe this is an important step forward in identifying implicit bias from an aggregate data perspective. This data can be used to drive more equal and proportionate sentences. But implicit bias exists both at the Common Pleas level and the Municipal level. Even though the criminal sentences are shorter on the municipal level, the effects of implicit bias can be just as pernicious. That is why in a second term I would work to add municipal courts to the Ohio Criminal Sentencing Commission/ University of Cincinnati Ohio Sentencing Platform in an effort to combat implicit bias at the municipal court level.

39. Please explain how your background demonstrates the level of community engagement and understanding appropriate to the judicial office you are seeking.

My entire background of almost 30 years of public service demonstrates a level of caring, community engagement, and an understanding of the issues confronting both a judicial officer, as well as the entire judicial system. My 23 years as a full or part-time jurist demonstrates my commitment to

surreply may be filed with leave of court. Once these timeframes have been completed, the practice in my courtroom, absent a very complicated matter, is to rule on the dispositive motion within two weeks of my receiving the motions. This has always proven to be ample time for parties to avoid incurring any unnecessary expenses.

I would be in favor of an automatic continuance, but again that would never happen in my courtroom given my expeditious treatment of dispositive motions.

- 44.** Do you or will you “spin” cases to visiting judges? If so, under what circumstances would you do so? And how do you or would you ensure dispositive motions are treated appropriately prior to assigning the case to a visiting judge?

As a former Common Pleas judge I have previously spun one case. By General Division practice you may spin a trial in a civil case if you are engaged in a criminal trial. That was the only circumstance in which I have spun. At that time, I did offer the practitioner the option of a spin or a continuance to a date certain with no criminal trials set. Also, by court practice all outstanding dispositive motions must be ruled upon before a spin can occur. Additionally, all other motions, except for motions in limine, must also be ruled upon before a spin may occur. Relative to motions in limine, they are not ruled on in advanced of the spin. This allows the visiting judge to make critical evidentiary determinations in the case they are going to preside over.

As a Cleveland Municipal Court judge I have not had the occasion to spin any cases and we do not have a procedure to do so. Therefore, spinning cases at the Cleveland municipal Court level is not an issue we encounter.

- 45.** In a criminal matter, how do you or would you manage your docket to ensure all defendants who are gainfully employed do not have to make repeated trips to Court and possibly jeopardize their employment?

One of the underappreciated aspects of criminal practice is the effect it has on a defendant’s employment. Some courts require defendants to be present at all hearings, the defendant subsequently loses his job for non-attendance, and then at sentencing he is considered a less viable candidate for community control because he is not gainfully employed. So, we effectively punish people for the very condition we have created. Not to mention, the defendant may lose their home or be evicted from their residence because they can no longer pay the rent or mortgage. Even more disturbing is the prospect of a defendant’s children now being placed in child protective custody because we have rendered the family homeless.

This question centers on a very important aspect of criminal practice which must be reformed. In my opinion, defendants don’t need to attend pre-trials unless their attorney wants them there because they think a plea may be in the offing. I have also utilized Zoom hearings for pleas and sentencings in cases where community control was a forgone conclusion. I have long been an advocate of holding court after normal business hours to avoid this exact problem.

- 46.** What are some of the factors you consider or would consider when analyzing a defendant’s Motion for Judicial Release?

As a matter of law, as a Common Pleas judge I was required to consider the factors outlined in RC 2929.20(J)(1)/RC 2929.12. Personally, the factor I would give the most weight to is the amount of pro-social programing an individual has engaged in at the institution. Most importantly, I placed great

weight on a defendant engaging in cognitive behavioral therapy at the institution because I believe many defendants have never adopted a proper decision-making process, and consequently become incarcerated.

At the Municipal Court level, we do not address Motions for Judicial release as our jurisdiction does not include felonies. However, I certainly consider the factors delineated in R.C. 2929.21(B) regarding the principles and purposes of misdemeanor sentencing. Furthermore, any sentence I impose is calculated to achieve the two overriding purposes of misdemeanor sentencing set forth in R.C. 2929.21(B). Specifically, that the sentence is commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and is consistent with sentences imposed for similar offenses committed by similar offenders.

47. Would you support a system whereby assigned counsel presents a fee bill to the Court at the conclusion of the sentencing hearing for the Judge's signature?

Absolutely. I was a solo practitioner and I understand and have experienced the cash flow challenges of private practice. I used to be so happy when a green County check would arrive at my practice. My first year in practice I was forced to put my federal tax bill on my credit card. I wholeheartedly support any practice which gets already underpaid attorneys paid faster.

The Cleveland Municipal Court, absent a conflict, exclusively utilizes the Public Defender. However, in those instances in which a conflict has arisen and assigned counsel must be appointed, I am certainly in favor of any measures which allow attorneys to be compensated in a more efficient manner.

48. Do you or would you support Direct Deposit of Attorney Fees?

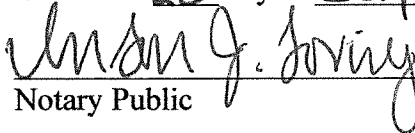
Absolutely. Again, I am certainly in favor of any measures which allow attorneys to be compensated in a more efficient manner.

JURAT

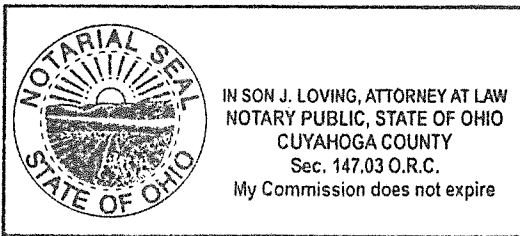
MARK MASER, being first duly sworn, deposes and says that
the information in the above questionnaire is true.


Signature of Candidate

Sworn to before me and subscribed in my presence this 28 day of JULY, 20 23


Notary Public

My commission expires: _____



**The Supreme Court of Ohio
Form IJ - Individual Judge Report**

COPY

Judge's Attorney
Registration Number **58504**

Judge's name **MARK R MAJER**

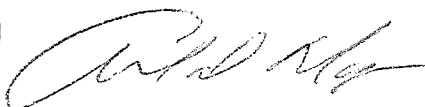
Notification email **toombsq@clevelandmunicipalcourt.org**

Court **Cleveland Municipal**

Date of most recent
inventory **09/30/22**

Report month (MM) **4**

Report year (YYYY) **2023**



	B	C	D	E	F	G	H	T	V
	Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Total	Visiting Judge
Pending beginning of period	158	72	265	0	24	0	0	519	0
New cases filed	31	10	51	2	4	0	0	98	0
Cases transferred in, reactivated, or redesignated	12	3	28	0	0	0	0	43	0
TOTAL (Add lines 1-3)	201	85	344	2	28	0	0	660	0

TERMINATIONS BY:		B	C	D	E	F	G	H	T	V
Jury trial	5	0	0	0	0	0	0	0	0	0
Court trial	6	0	0	0	0	0	0	0	0	0
Default	7	X	X	X	0	1	0	0	1	0
Guilty or no contest plea to original charge	8	1	2	3	X	X	X	X	6	3
Guilty or no contest plea to reduced charge	9	0	2	7	X	X	X	X	9	3
Dismissal for lack of speedy trial (criminal) or want of prosecution (civil)	10	0	0	0	0	0	0	0	0	0
Other Dismissals	11	10	3	16	0	0	0	0	29	14
Transfer to another judge or court	12	0	0	0	0	0	0	0	0	0
Referral to private judge	13	X	X	X	0	0	0	0	0	0
Unavailability of party for trial or sentencing	14	14	5	23	0	0	0	0	42	17
Bankruptcy stay or interlocutory appeal	15	0	0	0	0	0	0	0	0	0
Other terminations	16	0	0	0	0	0	0	0	0	3
TOTAL (Add lines 5-16)	17	25	12	49	0	1	0	0	87	40
Pending end of period (Subtract line 17 from line 4)	18	176	73	295	2	27	0	0	573	0

Time Guideline (months)		6	6	6	24	12	12	12	X	X
Cases pending beyond time guideline	19	2	1	0	0	1	0	0	4	0
Number of months oldest case is beyond time guideline	20	3	2	0	0	2	0	0	X	0
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	0
		B	C	D	E	F	G	H	T	V

**The Supreme Court of Ohio
Form IJ - Individual Judge Report**

COPY

Judge's Attorney
Registration Number **58504**

Judge's name **MARK R MAJER**

Notification email **toombsq@clevelandmunicipalcourt.org**

Court **Cleveland Municipal**

Date of most recent
inventory **09/30/22**

Report month (MM) **6** Report year (YYYY) **2023**

		B	C	D	E	F	G	H	T	V
		Misdemeanors	O.V.I.	Other Traffic	Personal Injury & Property Damage	Contracts	F.E.D.	Other Civil	Total	Visiting Judge
Pending beginning of period	1	212	78	297	2	25	0	0	614	0
New cases filed	2	28	9	50	0	1	0	0	88	0
Cases transferred in, reactivated, or redesignated	3	13	8	32	0	0	0	0	53	0
TOTAL (Add lines 1-3)	4	253	95	379	2	26	0	0	755	0

TERMINATIONS BY:		B	C	D	E	F	G	H	T	V
Jury trial	5	0	0	0	0	0	0	0	0	0
Court trial	6	0	0	0	0	0	0	0	0	0
Default	7	X	X	X	0	0	0	0	0	0
Guilty or no contest plea to original charge	8	3	1	7	X	X	X	X	11	3
Guilty or no contest plea to reduced charge	9	4	2	11	X	X	X	X	17	3
Dismissal for lack of speedy trial (criminal) or want of prosecution (civil)	10	0	0	0	0	0	0	0	0	0
Other Dismissals	11	13	1	11	0	0	0	0	25	14
Transfer to another judge or court	12	0	0	0	0	0	0	0	0	0
Referral to private judge	13	X	X	X	0	0	0	0	0	0
Unavailability of party for trial or sentencing	14	8	5	19	0	0	0	0	32	17
Bankruptcy stay or interlocutory appeal	15	0	0	0	0	0	0	0	0	0
Other terminations	16	1	0	0	0	0	0	0	1	3
TOTAL (Add lines 5-16)	17	29	9	48	0	0	0	0	86	40
Pending end of period (Subtract line 17 from line 4)	18	224	86	331	2	26	0	0	669	0

Time Guideline (months)		6	6	6	24	12	12	12	X	X
Cases pending beyond time guideline	19	5	1	0	0	2	0	0	8	0
Number of months oldest case is beyond time guideline	20	5	1	0	0	4	0	0	X	0
Cases submitted awaiting sentencing or judgment beyond time guideline	21	0	0	0	0	0	0	0	0	0
		B	C	D	E	F	G	H	T	V