COURT OF COMMON PLEAS
PROBATE / JUVENILE DIVISION
GEAUGA COUNTY

TIMOTHY J. GRENDELL – JUDGE

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August 18, 2015

The Geauga County Commissioners
470 Center Street, Building #4
Chardon, Ohio 44024

Re: McArthur Wasting County Taxpayers' Money

Dear Geauga County Commissioners,

The *Geauga Maple Leaf* claims that you have attributed responsibility for the County's expenditure of funds to defend the Juvenile Court from a meritless lawsuit filed by Nancy McArthur to me. If this is accurate (understanding that factual inaccuracy is always an issue with respect to any *Maple Leaf* article involving the Juvenile Court or me), you are woefully wrong.

Nancy McArthur filed the lawsuit against the Geauga County Juvenile Court. The case is captioned McArthur v. Geauga County Juvenile County, et al. The Court and county had no choice but to defend her meritless litigation. Since Prosecutor Flaiz would not defend the county, private counsel had to be retained. By the way, Judge Burt and the County Commissioners approved the hiring of private counsel. Nancy McArthur cost the Geauga County taxpayers $25,000+.

The Juvenile Court simply took appropriate action to protect a young child, as it is required by law. (See attached law article.) Based on Ohio law, I have no doubt that the Juvenile Court would have prevailed in the litigation, but there was no need to incur further legal costs, at the expense of Geauga County taxpayers, because the noncompliant third party in the child protection case, who was previously incited by McArthur, was no longer involved in that child protection case.

According to the mediator, retired Ohio Supreme Court Justice Andy Douglas, McArthur even breached the mediation confidentiality agreement. (See attached Letter to the Editor.) McArthur dismissed her meritless suit, admitting that she did not win. Her dismissing her lawsuit reflects the lawsuit's lack of legal merit.

The Juvenile Court and the children it protects will not be used as collateral by McArthur in her bid for County Commissioner. This is a blatant attempt to discredit and harm the Court as she grandstands for her upcoming election. Unfortunately, the *Maple Leaf* has succumbed to her deceitful tactics, and has allowed itself to be the platform for her political posturing.

This Court will continue to provide the accurate facts of this unfortunate situation at the expense of the Geauga tax dollars by McArthur, even if others choose to spin the truth.

Respectfully,

Timothy J. Grendell
Judge, Probate/Juvenile Court of Geauga County

cc: David Lair, County Administrator
Kim Laurie, Budget/Fiscal Director & County Liaison
David Lubecky, Magistrate/Court Administrator

Protecting Ohio's Children:

Ohio Juvenile Court's Jurisdiction to Prevent Nonparty's Interference in the Protection of the Best Interest of a Child

Judge Timothy Grendell[1]

Geauga County Probate/Juvenile Court, 440-279-1830

"[J]uvenile courts... occupy a unique place in our legal system."

Chief Justice Maureen O'Connor[2]

Introduction

Parents and children are not the only individuals subject to the jurisdiction of an Ohio juvenile court in child protection cases. There are many different ways that individuals who would not typically be subject to judicial action could come within the juvenile court's jurisdiction, and these ways ultimately boil down to two root causes. The juvenile court's jurisdiction could come to include a nonparty because of that individual's negative interactions with the child or parents, or because of an individual's interference with the court's child protective orders or other aspects of the administration of justice. The greater jurisdictional authority that the Rules of Juvenile Procedure afford to Ohio's juvenile court judges allows them to act in the best interests of the children brought before the court for judicial protection.

Historical Foundations

The Ohio Supreme Court has stated as recently as 2000, "[The] juvenile justice system is grounded in the legal doctrine of *parens patriae*, meaning the state has the power to act as a provider of protection to those unable to care for themselves."[3] The result of this philosophical principle recognized by the Ohio Supreme Court is the duty of Ohio's juvenile courts to act in the best interest of children through various statutorily recognized court proceedings. Accordingly, juvenile courts have broad jurisdictional authority over both parties and nonparty individuals whose conduct interferes with a juvenile court's efforts to protect the best interest of a child and the administration of justice in child protective custody cases.

The state has had a significant role in ensuring the well-being of children since early on, leading to modern juvenile courts' mandate to act in the best interest of the child in question. Applications of this concept of *parens patriae* (Latin, literally, "parent of the nation") allow the state to intervene on behalf of children, whether in cases of delinquent juveniles or of abusive parents. In the United States, this doctrine was invoked as early as 1839 to justify state intervention in situations involving juveniles.[4] However, the roots of this doctrine stem from a 1608 case in which English jurist Sir Edward Coke ruled that the law of nature extended to the king a duty to serve as the *pater patriae*, or the father of the nation.[5] In Ohio, the first juvenile court was established in Cuyahoga County in 1902,[6] and, by 1906, counties across the state had separate juvenile courts.[7]

The requirement of the juvenile court to act in the best interests of the child goes hand in hand with the historically more rehabilitative nature of the juvenile court's proceedings. The juvenile judge was seen as needing to act as "a wise and merciful father."[8] Likewise, when dealing with delinquent juveniles, the juvenile court was seen as being "motivated by a humanitarian impulse,"[9] with one commentator saying of the juvenile court, "Its purpose is not to punish but to save."[10] This philosophy is not merely archaic legal theory, since it still underlies the work of juvenile courts. The results of this philosophical underpinning are the statutory mandates governing juvenile courts, in particular the requirement that juve-

(Continued on page 9)

Juvenile (from page 8)

nile courts act in the best interests of the child.

A Unique Jurisdictional Authority

Like common pleas and municipal courts, Ohio juvenile courts have the inherent authority to assure compliance with court orders and to address contemptuous conduct. But when it comes to nonparties, Ohio juvenile courts have the unique additional authority to assert their jurisdiction over "any other person designated by the court."[11] This expanded authority over "other parties" recognizes the practical enforcement issues related to nonparty interference which juvenile courts face on a daily basis, and it allows Ohio's juvenile courts to better control external third party conduct that negatively impacts the best interests of a child or impedes the administration of juvenile justice. As a result, individuals who were not originally parties to the case but who still affect children's lives may be subject to the juvenile court's jurisdiction.[12] Juvenile courts may include as a party individuals "whose presence is necessary to fully litigate an issue presented in the action," thereby allowing the court to "protect and adjudicate all legitimate claims, protect all interests appearing, avoid multiple litigation and conserve judicial time in the orderly administration of justice."[13] State courts have been clear that Rule 2(Y) imposes no requirements that a juvenile court designate or refuse to designate an additional party; instead, juvenile courts are permitted to "exercise [their] sound discretion in determining whether or not to designate an additional party."[14] However, designating additional parties may serve to enable the juvenile court to fulfill its statutory duty to consider all relevant evidence in child placement cases, as Ohio Revised Code §2151.414(E) places this requirement on juvenile courts.[15] On appeal, the decision of whether or not to designate an additional party will be sustained unless the appellant clearly demonstrates that the trial court abused its discretion.[16]

Protecting Children v. Claims of Constitutional Rights

Conflict between claimed constitutional rights, such as those protected by various amendments, and the juvenile court's priority of protecting the best interests of children has been the subject of much litigation and legal literature. In situations where an individual becomes subject to a juvenile court's authority to protect the best interest of the child by preventing interference with court proceedings, there may sometimes appear to be a conflict between that individual's constitutional rights and the court's duty to protect the best interests of the child. For example, if doing so would be in the best interests of a child, a juvenile court could order an individual to have no communications with a child or parent, to remove weapons from a residence, or even to vacate a residence, even though such an individual might assert that the court-ordered prohibition violates their rights under the First, Second, or Fifth Amendments.[17] Those who exercise their constitutional rights in ways that do not adversely affect the best interest of a child and do not interfere with judicial protection of that child's best interests have no cause to fall within the purview of juvenile courts. However, those who abuse their constitutionally protected rights in order to adversely affect the best interest of a child in a pending child protection or child custody case or to interfere with the court's efforts to protect that child's best interests invite judicial intervention. There is no constitutionally protected right to interfere with the protection of the best interests of a child in a juvenile court proceeding. To allow otherwise would defeat the very purpose of the juvenile court's duty to protect the best interests of the child, and would give nonparty individuals unfettered ability to sabotage attempts at judicial protection of the best interest of the child under the guise of constitutional liberties.

A potential constitutional challenge could arise if an individual who was not originally associated with a case improperly interfered with the court's proceedings in a child protection case, but claimed his or her actions were protected by one or more constitutional provisions. The key problem with such an argument is that no court has ever held that a constitutional right exists to interfere with the lawful proceedings of a court. Regardless of the exact circumstances at play in such an inci-

(Continued on page 10)

Juvenile (from page 9)

dent, the juvenile court has the authority to compel the interfering individual to stop engaging in such destructive behavior. A juvenile court cannot be prevented from taking timely and effective action to protect the child's best interests by an individual who, for whatever reason, decides that his or her rights or desires are more important than the welfare of the child in question. While an interfering individual might attempt to raise a claim under the First Amendment, some speech is not constitutionally protected, such as speech that is intended to produce imminent lawless action.[18] Likewise, using speech to intimidate a witness is a third-degree felony offense.[19] In the realm of juvenile courts, the Ohio Supreme Court has held that "[A] juvenile court, which is not presumptively open, has the power to control extrajudicial comments by the litigants," in order to protect the best interests of the minor child.[20] Several state courts have ruled that the best interests of children can be a substantial state interest justifying a restraint on speech.[21] As one California appellate court noted: "In family law cases, courts have the power to restrict speech to promote the welfare of the children."[22] Juvenile law cases revolve around such protection of the child's best interests.

When speech is used to inhibit the operations of a court or to encourage individuals to defy lawful orders of the court, the juvenile court has been granted the authority to hold that individual accountable. Even if the mechanism for doing so is found to be a prior restraint on speech by an appellate court, a mere claim of prior restraint is not sufficient to invalidate the action in question. As the United States Supreme Court held in *Kingsley Books v. Brown*, "The phrase "prior restraint" is not a self-wielding sword. Nor can it serve as a talismanic test."[23] Instead, courts have a duty of conducting a detailed analysis and passing critical judgment on the order in question to properly balance First Amendment liberties with the necessity of smooth operations of the court system.[24] At the level of the trial court, such detailed analysis and critical judgment requires holding a hearing to establish key facts and determine what course of action is in the best interests of the child. While this may result in confusion as to why someone not previously involved in a case is suddenly summoned to a hearing, this process is designed to protect an individual's due process rights and to determine whether any actual interference with court proceeding occurred.[25] Further potential problems could arise if a party to a juvenile case (or a nonparty somehow connected to a party) is attempting to win a case in the court of public opinion by publicizing information about the case. If the fairness of the case's resolution is in question because of significant media coverage, the juvenile court judge must exercise his or her discretion and determine what options are available to protect the best interests of the child. As Justice Hugo Black observed in his opinion in *Cox v. Louisiana*, "The very purpose of a court system is to adjudicate controversies in the calmness and solemnity of the courtroom according to legal procedures."[26] When the parties to a case attempt to resolve their legal claims outside the courtroom, juvenile courts are justified in limiting their interactions with the press for the benefit of the child, because "[T]rials are not like elections, to be won through the use of the meeting-hall, the radio, and the newspaper."[27]

The role of the juvenile court in ensuring the best interests of the child is so significant that outside individuals are not permitted to interfere with proceedings, as reflected by the authority granted to Ohio's juvenile courts. If outside interference with proceedings does occur, the juvenile court has a broader authority than other courts to designate those individuals as parties to the case and thereby make them subject to the court's orders. Because there are many factors which can influence child welfare, juvenile courts are granted greater authority to control those factors. This authority is not misplaced.

There are many instances in which an individual may subject themselves to the a child protection case or by interfering in other ways with the court's proceedings. What should a juvenile court do when a live-in boyfriend of a custodial single mother is alleged to leave pornographic material unsecured in the home? Or, how should a juvenile court respond when a nonparty grandparent attempts to destroy the relationship a child has with one parent by tell-

(Continued on page 11)

Juvenile (from page 10)

ing the child that the parent does not love the child and that the child should not obey that parent? Or, what can a court do when a nonparty intentionally tells a party that the judge should be ignored because he does not follow the law and is mentally ill?

Remedies and Judicial Discretion

On occasion a juvenile court can address such harmful conduct through orders aimed at parental or other party conduct, such as by ordering the party to ensure that the child has no contact with the interfering nonparty.[28] However, such orders will not always be effective, since not all nonparty interference results from actions that could be mitigated through an order to a party to the case. Accordingly, judicial action involving the nonparty is often warranted and is sometimes necessary to protect the best interest of the child. In fact, some commentators have argued that contempt is "an underutilized tool in the arsenal of attorneys and judges in juvenile court."[29] While courts can order parties not present at a hearing to act in a given manner, courts must provide that party with notice and a hearing at which to contest the order.[30] Depending on the severity of the impact of the nonparty's conduct on the welfare of the child, such judicial action can range from a subpoena to testify, to a temporary restraining order, to a show cause summons, where by virtue of the juvenile court's unique authority, the individual becomes a party in the case for the purpose of addressing the alleged interference with the proceedings. Such actions are left squarely within the trial court's discretion. As prominent Case Western Reserve University Law professors Paul Gianelli and Patricia Yeomans Salvador note in their seminal text *Ohio Juvenile Law*, the power of an Ohio juvenile court to bring "any other person" within its jurisdiction provides a juvenile court with judicial authority over "virtually anyone" when necessary to protect the best interests of a child.[31] The exercise of that discretion to prevent nonparties from interfering with child protection cases is not an abusive exercise of judicial power, but rather, it is the ultimate judicial action to ensure that the best interests of the child are protected.

This broad discretion juvenile courts have when determining whether or not to bring a nonparty into the proceedings is necessary because of the fact that some individuals seek to interfere with the court's proceedings. This is not necessarily an unusual scenario, especially since many juvenile court cases involve extremely emotional issues for parents, their families, and their friends. While court orders can reach parties to a case, injunctions cannot reach directly outside the case at bar to require that a nonparty obey that court order.[32] However, because of the ability of juvenile courts to bring persons not immediately involved into the case, the juvenile court can address the problem of a nonparty interfering with court proceedings. But before any form of court order can have effect, whether a restraining order, contempt proceeding, or something else, the individual in question must be given adequate notice and the opportunity to be heard.[33] The United States Supreme Court has held that contempt proceedings specifically require that "the accused should be advised of the charges and have a reasonable opportunity to meet them by way of defense or explanation."[34] This serves to protect the rights of the individual accused of interfering with the court's proceedings, and also serves to allow the court to investigate the potential merits of the issue.[35]

Conclusion

The role of the juvenile court in ensuring the best interests of the child is so significant that an individual, whether a party or a nonparty, is not permitted to interfere with judicial child protection proceedings. Ohio juvenile courts can expand the scope of a case to allow the court to combat nonparty interference with proceedings. If interference with proceedings does occur, the juvenile court has a significantly broader authority than other courts to make those individuals parties to the case and thereby subject them to the court's jurisdiction. The constitutional rights of those outside individuals (if any) can be respected by juvenile courts through the notice and hearing process, while still recognizing that those rights do not include the right to interfere with court pro-

(Continued on page 12)

Juvenile (from page 11)

ceedings or the mission of juvenile courts to protect the best interests of children. Because there are many factors which can influence child welfare, Ohio's juvenile courts have been granted greater authority to control those factors. That authority allows juvenile courts to prevent even nonlitigants from interfering with the court's efforts to protect the best interests of children and the administration of justice in child protection cases.

Endnotes:

[1] Timothy J. Grendell is the presiding judge at the Geauga County Court of Common Pleas Probate/Juvenile Division, a position he has held since 2011. Prior to his service on the bench, he served in the Ohio House of Representatives from 2000 until 2004 and the Ohio Senate from 2005 until 2011. He has also served in the JAG Corps of the United States Army. Judge Grendell received his JD from Case Western Reserve University School of Law, and his LLM from the University of Virginia Law School. Anthony Hurst and Thomas Siu assisted Judge Grendell in the writing of this article.

[2] *In re C.S.*, 115 Ohio St.3d 267, 274 (2007).

[3] *State v. Hanning*, 89 Ohio St. 3d 86, 88; 728 N.E.2d 1059 (2000).

[4] *Ex Parte Crouse*, 4 Wh. 9 (Pa. 1839).

[5] SIR EDWARD COKE, THE REPORTS OF SIR EDWARD COKE, KNT. [1572-1617]: IN THIRTEEN PARTS, VOL. 4, 21 (1826).

[6] *In re Agler*, 249 N.E.2d 808, 810 (Ohio 1969).

[7] Yvette McGee-Brown & Kimberly Jolson, *Chief Justice O'Connor's Juvenile Justice Jurisprudence: A Consistent Approach to Inconsistent Interests*, 48 AKRON L. REV 57, 60 (2015).

[8] Julian Mack, *The Juvenile Court*, 23 HARV. L. REV. 104, 107 (1909).

[9] *Malone v. State*, 130 Ohio St. 443, 453-54 (1936).

[10] FLEXNER & OPPENHEIMER, *The Legal Aspect of the Juvenile Court*, 9 (1922).

[11] OHIO R. Juv. P. 2(Y).

[12] Gerard Glynn, *Contempt: The Untapped Power of Juvenile Court*, 15 FLA. COASTAL L. REV. 197, 207 (2014).

[13] *In re Franklin*, 88 Ohio App.3d 277, 280 (1993). *See also, e.g., B.W. v. D.B.-B.* 193 Ohio App.3d 637, 647 (2011); *In re Parsons*, 1996 Ohio App. LEXIS 2268, at 9-10; *Christopher A. L. v. Heather D. R.*, 2004 Ohio App. LEXIS 3880, at ¶ 12.

[14] *Franklin*, 88 Ohio App.3d at 280.

[15] *In re Parsons*, 1996 Ohio App. LEXIS 2268, at 6.

[16] *Id.* at 9-10.

[17] *See, e.g., People v. Javier A.*, 2010 WL 2028273 (Cal. Ct. App. 2010) (holding that an order conditioning a juvenile's probation on the removal of weapons from his family's residence was permissible).

[18] *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

[19] OHIO REV. CODE ANN. § 2921.03 (A) and (B).

[20] *In re T.R.*, 556 N.E.2d 439, 454 (Ohio 1990).

[21] *See, e.g., Schutz v. Schutz*, 581 So. 2d 1290 (Fla. 1991); *In re Marriage of Geske*, 642 N.W. 2d (Minn. Ct. App. 2002); *Dickson v. Dickson*, 529 P.2d 476 (Wash. App. 1974).

[22] *In re Marriage of Hartmann*, 111 Cal. Rptr. 3d 242, 245 (Ct. App. 2010).

[23] *Kingsley Books v. Brown*, 354 U.S. 436, 441 (1957).

[24] *Id.* at 442.

[25] *In re Oliver*, 333 U.S. 257, 275-76 (1948). *Cf. Hornbeck Offshore Services, LLC v. Salazar*, 713 F.3d 787 (5th Cir. 2013) (explaining the requirements for a contempt action).

[26] *Cox v. Louisiana*, 379 U.S. 559, 583 (1965) (Black, J., concurring in part and dissenting in part).

[27] *Bridges v. California*, 314 U.S. 252, 271 (1941).

[28] Glynn, *supra* at 207.

[29] *Id.* at 224.

[30] Glynn notes that different categories of contempt proceedings exist, with contempt for parents or custodians being treated more severely. *Id.* at 211. In *Baltimore City Department of Social Services v. Bouknight*, 493 U.S. 549 (1990), the United States Supreme Court held that a parent could not refuse to disclose the location of a child on the basis of that parent's Fifth Amendment right against self-incrimination.

[31] PAUL C. GIANNELLI & PATRICIA YEOMANS SALVADOR, OHIO JUVENILE LAW 679 (2014).

[32] *In re Baker*, Case No. 98 507 CA (Ohio App. 1999).

[33] OHIO R. JUV. P. 15(A). *See generally, Oliver*, 333 U.S. at 275; *Baker*, Case No. 98 507.

[34] *Cooke v. United States*, 267 U.S. 517, 537 (1925).

[35] It should be noted that the initial hearing is not the same as the evidentiary hearing. Glynn, *supra* at 216.

From the Editor

Robin L. Stanley

Petersen & Ibold, rstanley@peteribold.com

Inside this issue:

As I was preparing for this edition, which has a large focus on Secretary's Day, I was reminded by my very competent assistants how important they are to the operation of my practice. I cannot do it without them! So I started to compile a list of things that they do very well, much better than me, of course.

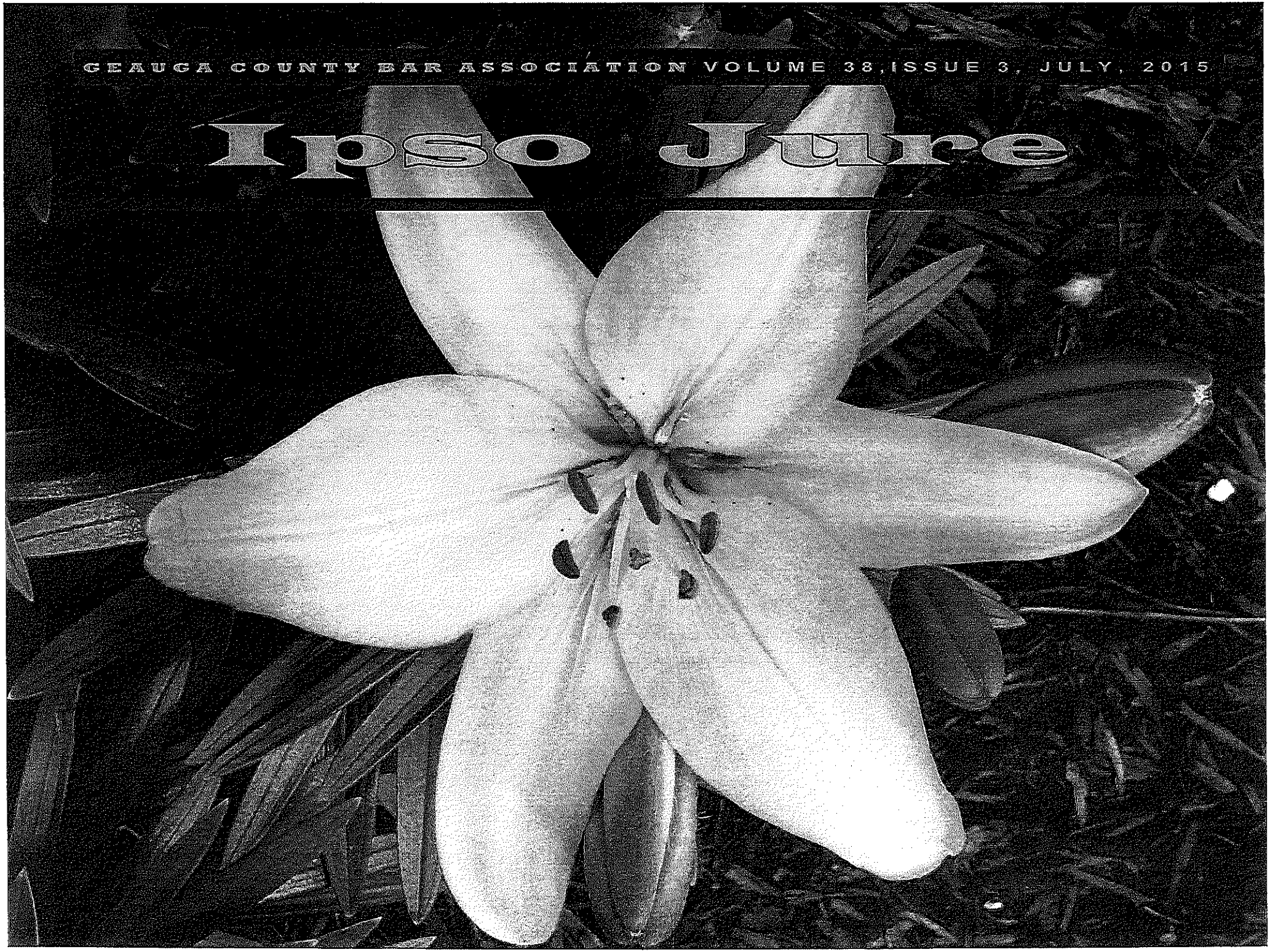
1. **They are true Care Bears.** They are the place that customer service starts and ends, and they keep me from going insane. Sometimes, I need to be taken down a notch, and sometimes, I need to be boosted up. They are always there to support me, and they don't get too upset with me when I forget to say "I'm sorry" when it might have been...probably was...most definitely is...*my fault.*
2. **They have the super-power of reading minds and magic swords like She-ra.** Usually, they know what I need before I ask for it, and sometimes, before I know that I need it. They perform miracles, when *I needed this yesterday, but I forgot to tell you."* They can transform the worst notes into the best pleading or letter or whatever, is needed, even when I am in court all day.
3. **They have better juggling skills than Penn and Teller.** No single day is the same. They keep my on-task, on-time, and get the work done. They keep everything up, until I can get to it. They jump through the client's best hoops, and stay late when the job calls for it. They know how to fill out every form and can do it with the speed of light.
4. **They have ears like owls and eyes like eagles, because they are as sharp as hawks.** They answer the phone, screen the calls, schedule my life, meet the unannounced clients, type, file, and all the rest, and they know everything that is happening in the office!
5. **They handle all problems like the Wonder Women they are.** They swoop in during times of crisis (and non-crisis) and handle whatever forest fires are in the works and help keep them from growing. Sometimes, they can only be brought down to a low burn, but that is always better than a raging forest fire. We wouldn't be anywhere without you!

"Always be nice to secretaries. They are the real gatekeepers in the world."

—Anthony J. D'Angelo

GEAUGA COUNTY BAR ASSOCIATION VOLUME 38, ISSUE 3, JULY, 2015

Ipso Jure



Letters to the Editor

McArthur claims erroneous

I regret very much having to write this letter, but the July 24 article in the Geauga Times Courier titled, "'No winner' in legal case, McArthur says," and July 23 in the Chagrin Valley Times, titled, "Grendell's legal battle with McArthur to cost taxpayers," compels me to write. To say that I am profoundly disappointed vastly understates my feelings.

I, therefore, am sending this letter to set forth certain matters appearing in the article that are factually untrue. I do so with the hope and belief that you will correct the erroneous public record caused to be made by Nancy McArthur.

As you are aware, I had the honor and privilege of serving as a justice of the Supreme Court of Ohio from 1985 to 2002. As a retired justice of the court, I still consider myself to be bound by the Code of Judicial Conduct where applicable. Thus the code provides: "Although it is not a duty of judicial office ... judges are encouraged to participate in activities that promote public understanding of and confidence in the judicial system."

In accordance with this admonition, when I was contacted by several persons and made aware of the very public dispute involving Judge Timothy J. Grendell and Nancy McArthur, and I was requested to see if I could assist the parties in resolving the dispute, I reluctantly agreed.

Both parties sought and agreed to mediation. Pursuant to the Ohio Revised Code, the parties agreed that the "matter shall be confidential and all things said and not said or done or not done at the mediation shall be absolutely confidential to the extent permitted by the law."

Up until the time of the publishing of the newspaper article, there had been, to my knowledge, no discussion in the public that mediation had taken place and, certainly, no mention of me as a mediator. I was delighted that all persons involved were keeping their commitments, given the contentiousness of the matter.

Notwithstanding that the agreement has been breached, at the least, by Ms. McArthur, I am still bound by the agreement not to disclose the proceedings conducted during mediation. I do, however, have an obligation to the parties, and now to the public, to be sure that any part of the mediation that is disclosed by one or more parties presents an accurate picture.

Operating within the confines of the revised code and the confidentiality agreement, I am constrained as to what I can say. However, I believe I am permitted to assure "county taxpayers" that Ms. McArthur's statement that the taxpayers "may also be responsible for the costs of a special mediator, retired Ohio Supreme Court Justice Andrew Douglas, who was brought in last week to conduct a 7.5-hour session on the matter in Geauga County Common Pleas Court," is not accurate or truthful.

Ms. McArthur knows, or should know, given the office she now seeks, that such costs should not be paid by the county but rather are generally shared equally by the parties. However, even more striking is that she knows I have not submitted, nor do I intend to submit, a fee bill and, given the statement of her attorney Nancy C. Schuster that I was a volunteer -- a statement I agree with -- she knows that I did not intend to charge a fee for the services that were rendered. In fact, I had overnight lodging expenses, mileage and other expenses, all of which, without complaint then or now, my firm, as a public service, has absorbed.

The newspaper should clear up this error forthwith. In addition, without revealing any of the mediation proceedings, the public should know that there were other emails written by Ms. McArthur, and, in the interest of good journalism, the paper maybe should take a look at those.

Finally, there was no challenge to Judge Grendell's attorney, and, because I cannot elaborate further, suffice to say that the account presented to the newspaper was done so in false light.

This has been a difficult matter for the community, the parties and me. I believe it now to be at rest where it should reside in peace.

Andy Douglas
Crabbe, Brown & James LLP

Survey shows top priority

Now that the results of the Geauga Park District's 2015 survey are in, it is clear that a large majority of Geauga County residents agree that preserving, conserving and protecting our county's natural resources should be the top priority of the park district.

As interpreted by Triad Research Group, the respected survey expert hired by the park district itself, the survey results unarguably send the message to the park district that, in all demographic groups, Geauga County residents believe that the most important things that the park district can do are to protect wildlife habitats, areas of natural beauty and our watershed and ground-water quality, as well as to preserve open space. Providing recreational opportunities and special events was a top priority for less than one quarter of our residents.

It is our hope that the Geauga Park District will make the entire Triad Research Group report available to the public on its website so that everyone will have an opportunity to see the results.

Given the overwhelming public support for making preserving, conserving and protecting Geauga County's natural resources our park district's top priority, Protect Geauga Parks calls on the commissioners to reinstate park district bylaws that provide that the primary mission of the park district is to preserve, conserve and protect, overriding all other considerations in park planning. This will restore the park district's founding commitment to conservation first and honor the public mandate so clearly shown in the survey results.

In light of the majority's unquestionable belief that the primary mission of the Geauga Park District should be to preserve, conserve and protect the county's natural resources, Protect Geauga Parks would like to offer the district a set of four common standards that can be used to fairly evaluate any and all proposed activities, uses, events, projects or facilities in a way that will ensure that the park district honors the vision of its residents by, first and foremost, preserving, conserving and protecting our natural areas.

The standards are:

— Is the use compatible with the primary mission to preserve, conserve and protect natural resources? When considering this criterion, appropriate study needs to be conducted by qualified experts already employed by the park district to consider what impact of the activity in question will have on our parks.

— Is the use necessary? Due diligence must be done to assure that the use is not a duplication of services already available in the county.

— Is the use or activity fiscally responsible? Factors to be considered include not only the cost of improvements needed for the use but increased park liability, the need for increased staff and ranger hours and the need for ongoing maintenance.

— Has the decision-making process been transparent? To be transparent, all of the standards and data used to address the first three criteria should be readily available to all citizens of the county during the decision-making period.

By employing these four criteria whenever the park district considers the use of parklands and taxpayer money for any proposed activity, use, facility, event or project, the park district will fulfill the public mandate to, first and foremost, preserve, conserve and protect the natural resources of Geauga County.

Trustees of Protect Geauga Parks
Kathy Hanratty, President