

**IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO**

**IN RE: DIRECTION TO THE CLERK OF)
 THE COURT OF COMMON PLEAS) JOURNAL ENTRY
 IN THE PERFORMANCE OF THE)
 CLERK’S OFFICIAL DUTIES)**

Introduction – the Judicial Branch of Lake County, Ohio

{¶ 1} The court of common pleas was created by the Ohio Constitution and vested with the judicial power of the state. Ohio Constitution, Article IV, Section 1. The courts are charged with providing the fair, impartial, speedy, and sure administration of justice. Ohio Constitution, Article IV, Section 4.

{¶ 2} The Lake County Court of Common Pleas consists of four divisions— General, Domestic Relations, Juvenile, and Probate.

{¶ 3} The Lake County Common Pleas court maintains several departments, including its clerk of courts. This department is operated by the Lake County Clerk of the Court of Common Pleas, who is elected pursuant to R.C. 2303.01.

{¶ 4} The General and Domestic Relations divisions of the Lake County Court of Common Pleas rely upon the clerk for the generation, filing, recording, maintaining, and utilization of records on all cases and matters on which it is empowered to exercise the judicial authority of the state of Ohio. The Probate and Juvenile divisions of the Lake County Court of Common Pleas rely upon the clerk for these same functions in matters proceeding to appeal.

{¶ 5} Additionally, various divisions of the Common Pleas courts and the clerk have developed, implemented, and maintained their own information technology department, in addition to the County IT department (“Courts IT department”). The Courts IT department is comprised of two Courts IT professionals who assist and facilitate the judges in performing their constitutional and statutory duties, including processes for creating, maintaining, and utilizing its files and other documents.

{¶ 6} Pursuant to R.C. 2303.03, the Court of Appeals, Eleventh District, relies upon the Lake County Clerk of the Court of Common Pleas as its clerk for appeals from Lake County lower courts, and for original actions.

{¶ 7} As a result of the clerk’s role for the Court of Appeals, the three municipal courts in Lake County rely upon the Lake County Clerk of the Court of Common Pleas as its clerk in all matters proceeding to appeal. Additionally, they rely upon the Lake County Clerk of the Court of Common Pleas for the jurisdictionally appropriate transfer of criminal (Ohio Crim. R. 21) and civil (R.C. 2305.01) matters, to and from the Lake County Common Pleas Court.

The Lake County Clerk of Courts

{¶ 8} The predominant duties of the Lake County Clerk of Courts pertain to its legal division, and its operations supporting the Lake County judicial branch described above. The clerk's homepage (www.lakecountyohio.gov/coc) accurately provides, "The Clerk of Courts office, as the 'core of the court,' plays a vital role in serving the interests of justice." Among other things, the legal division's functions include endorsing, filing, and entering all orders, decrees, judgments, and proceedings of the courts of which she is the clerk; collecting all court costs, fees, and fines; and ensuring the distribution of these funds are properly divided and distributed for their specific purpose. R.C. 2303.08. The clerk's functions pertaining to the operations of the courts ("Legal Division") are the only portion of the clerk's operations contemplated by this Journal Entry.

{¶ 9} The Lake County Clerk of Courts has additional ancillary duties that comprise a smaller portion of her responsibilities: She maintains a title division that oversees the issuance of watercraft, motor vehicle, and manufactured home titles pursuant to R.C. Chapters 1548 and 4505 ("title division"). Additionally, pursuant to 22 U.S.C. 213 and 22 CFR 51.22(b)(2), staff of the clerk's office may accept U.S. passport applications and administer oaths and affirmations in connection with those applications ("Passport Acceptance"). The clerk's functions pertaining to maintaining a title division and offering Passport Acceptance services do not implicate the operations of the courts, and they are not contemplated by this Journal Entry.

The Legal Division of the Lake County Clerk of Courts

{¶ 10} Pursuant to 2303.05, the Lake County Clerk of Courts appoints and employs the necessary deputies, assistants, clerks, bookkeepers, and other employees to support the Legal Division of her office—which includes ensuring the office is staffed with deputy clerks who are specially trained in filing court papers and journalizing decisions and orders of the courts, and who may operate and maintain the public's consistent access to the courts' electronic filing system. Pursuant to R.C. 325.17 and 2303.29, the Lake County Board of County Commissioners fixes the compensation for those employees and appropriates funds in an amount sufficient for the clerk to promptly discharge her duties.

{¶ 11} Further, R.C. 2303.26 states that: "[t]he clerk of the court of common pleas shall exercise the powers conferred and perform the duties enjoined upon the clerk by statute and by the common law; and *in the performance of official duties the clerk shall be under the direction of the court.*" (Emphasis added).

{¶ 12} Further, the Ohio Supreme Court has held that the legal division duties of the clerk are "ministerial and nonjudicial." It has emphasized that the clerk serves "only [as] an arm of the court for...performing...duties which the court itself might perform. [Her] services are employed only for the more convenient performance of the functions of the

court [that] are clerical in nature,” and that the clerk “is vested with no discretion in any respect.” In a proceeding in mandamus to compel the clerk to obey an order of the court pertaining to its legal division functions, the Court held the clerk cannot challenge the validity of the order, or the authority and jurisdiction of the court that made it. *Glass v. Chapman*, 67 Ohio St. 1, 65 N.E. 154 (1902); *McKean v. Graves*, 91 Ohio St. 23, 24, 109 N.E. 528 (1914).

{¶ 13} Additionally, since at least 1896, the Ohio Supreme Court has recognized that courts possess inherent powers to effectuate an orderly and efficient administration of justice, beyond the financial and procedural standards established by the General Assembly. This authority empowers courts to issue orders that direct other officeholders in instances where those officeholders’ exercise of authority has the potential to interfere with the operation of and access to the courts. *State ex rel. O’Diam v. Greene Cty. Bd. of Comm’rs*, 161 Ohio St. 3d 242, 251-252, 2020-Ohio-3503, P. 40, 162 N.E.3d 740, 748, 2020 Ohio LEXIS 1473, *21-22 (July 1, 2020); *State ex rel. Johnston v. Taulbee*, 66 Ohio St.2d 417, 420-421, 423 N.E.2d 80 (1981), citing *Zangerle v. Cuyahoga Cty. Court of Common Pleas*, 141 Ohio St. 70, 46 N.E.2d 865 (1943); *State ex rel. Lorig v. Clark Cty. Bd. of Commrs.*, 52 Ohio St.2d 70, 369 N.E.2d 1046 (1977); *State ex rel. Edwards v. Murray*, 48 Ohio St.2d 303, 358 N.E.2d 577 (1976); *State ex rel. Foster v. Lucas Cty. Bd. of Commrs.*, 16 Ohio St.2d 89, 242 N.E.2d 884 (1968); *Hale v. State*, 55 Ohio St. 210, 213-214, 45 N.E. 199 (1896).

{¶ 14} The legal division functions the clerk is elected and authorized to perform occur pursuant to the authority, oversight, and direction of the courts those functions exclusively support. The clerk is therefore under the direction of the courts and must obey all orders of the courts pertaining to its legal division functions.

{¶ 15} For example, in 2003 Ohio Atty. Gen. Ops. 2003-030, the Butler County prosecuting attorney sought an opinion regarding the relative authority of the court and the clerk regarding the maintenance and release of the court’s records. The judges of the Butler County Court of Common Pleas delegated to the Domestic Relations Division the authority to decide what portion of the Domestic Relations records should be available online. The General Division records were made available online, but the Domestic Relations Division ordered that the clerk remove images of entries filed in Domestic Relations cases. The clerk of courts disagreed that the court had the authority to order her to make those changes to her records and the operations of her office. The Attorney General advised that the clerk must obey the court’s order unless a court of competent jurisdiction reversed the order or prohibited its enforcement.

{¶ 16} “The clerk makes and has custody of the court’s records...” *State v. Wilson*, 102 Ohio App.3d 467, 471, 657 N.E.2d 518 (2nd Dist. 1995). However, in doing so, the clerk is an arm of the court, doing what the court would otherwise do, and has no discretion in the performance of these duties. *Id.* The Ohio Supreme Court has held that the court has general custody of and authority over its own records and files. *Ex parte Thayer*, 114 Ohio St. 194, 150 N.E. 735 (1926), syllabus. Further, this authority “extends

to the files of all cases which have ever been instituted therein, whether dismissed, disposed of, or pending. This power of the court is inherent and takes precedence even of [sic] the statutory power of a clerk over court records and files.” *Id* at 201.

{¶ 17} Accordingly, although the clerk’s office maintains and keeps the court’s records, the court inherently has authority over its records, and the court’s authority takes precedence over the authority of the clerk. The clerk must maintain the court’s records in the manner in which the court decides is best in the execution of the court’s constitutional responsibilities.

{¶ 18} A court speaks through its journals and an entry is effective only when it has been journalized. Civ.R. 58(A) and Crim.R. 32(C). To journalize a decision means that certain formal requirements have been met, *i.e.*, the decision is reduced to writing, it is signed by a judge, and it is filed with the clerk so that it may become a part of the permanent record of the court. The time-stamped date offers some evidence of its filing. *State v. Ellington*, 36 Ohio App.3d 76, 77-78, 521 N.E.2d 504, 506 (9th Dist.1987); *San Filipo v. San Filipo*, 81 Ohio App.3d 111, 112, 610 N.E.2d 493 (9th Dist.1991).

Reports by Legal Division Clerk Staff Under Lake County Clerk of Courts Faith Andrews

{¶ 19} The Lake County Clerk of Courts, Faith Andrews, was elected on November 3, 2020, and took office on January 1, 2021. Prior to this time, she had no experience being employed or acting as a clerk or deputy clerk of courts.¹

{¶ 20} The clerk of courts’ office employs 25 deputy clerks in the legal division in the courthouse, and another 23 employees in the title division offices not located in the courthouse. Seven deputy clerks have resigned during the past year-six of whom were in the legal division.

{¶ 21} All of the factual information referred to in this Journal Entry arises from judicial interviews of legal division staff of the clerk’s office; statements of current and former deputy clerks from the legal division (which, when applicable, are referenced in quoted statements); and the direct observations of the courts’ judges and their staff.²

{¶ 22} Clerk staff reported that, “[s]hortly after taking office, (the clerk) started displaying some disturbing behavior” that was unbecoming of her office; that undermines

¹ Going forward, all references in this Journal Entry to the “clerk” or the “clerk of courts” specifically mean Faith Andrews unless stated otherwise.

² Going forward, all references to deputy clerks or staff of the clerk’s office refers those in the legal division of the clerk’s office unless stated otherwise.

the mission of the court; and that undermines the public's confidence in the court. These behaviors have reportedly included, but are not limited to, the following:

{¶ 23} The clerk reportedly engages in "outbursts (of) screaming/yelling and slamming of things ... and doors;" and using profanity in areas within earshot of the public and visitors to the court.

{¶ 24} Clerk staff reported "(the clerk) makes the whole office a hostile work environment. Everyone is unhappy and stressed. Obviously, I know what she has said to others." The clerk's manner of interacting with staff reportedly subjects them to such a degree of anxiety that their work product, and thus, the maintenance of the courts' files and papers, is degraded, sullyng the public image of and respect for the court.

{¶ 25} The clerk has reportedly made harsh, disrespectful references to, and disparaging statements about the judges, which endangers functioning of the workplace. She has referred to the judges as the "black robe brigade" and described being "bench slapped" when the judges gave her an extensive written (and confidential) warning about her behavior. She has reportedly said that the judges "think they run the show, but she is an elected official also, and she doesn't like being told 'no'." She has openly referred to the judges as "F--king Judges and that they are bullies."

{¶ 26} The clerk has reportedly made disrespectful and disparaging statements in public and in front of her staff and at state-wide meetings about Charles E. Coulson, the elected Prosecuting Attorney of Lake County, frequently calling him, "What the f---, Chuck" and that Motherf---er Chuck." She reportedly stated that she "will hire my own attorneys (because she does) not trust the prosecutors."

{¶ 27} The clerk has reportedly also spoken "in an ill manner" about the "commissioners, (assistant) prosecutors, and attorneys." "The (clerk) got upset at a question posed by the Probate court to the clerk about which way she entered the building and (the clerk) got so angry that she slammed her door and screamed 'I am sick and f--king tired of be(ing) treated this way. I am an elected official' she continued screaming but (employees) could not hear what she was saying through the profanities." The clerk's reported tirade could be heard by "people at the counter."

{¶ 28} The clerk has reportedly expressed mistrust of the courts' I.T. professionals, indicating they "lie to (her)" and they do not give her "what (she) asks for (in reference to a new mouse)" while "throwing the packaging around and pounding her fists on the desk."

{¶ 29} The clerk's behavior and leadership style have reportedly been counterproductive, destructive, and hazardous to the clerk of court's institutional efficiency. The clerk has reportedly engaged in regular and frequent profanity-laced, explosive tirades in the presence of employees and visitors to the office of the clerk.

{¶ 30} Although there are deputy clerks with as much as 40, 39, 30, 29, 25, and 15 years on the job, who have worked for as many as five elected clerks of court, the current clerk will reportedly not tolerate any deputy suggesting anything that the clerk

does not like. “(The clerk) then proceeded to tell me if the supervisors argue with her, they will be demoted or fired. (She is) very unstable (and) always seeks to have someone to blame because nothing is her fault. We go from one day of shouting to the next day of such sweetness you don’t know what to think. When she does not get her way, or someone says something she does not like, she completely loses it.”

{¶ 31} As a result of the behavior of the clerk of courts, as detailed throughout this order, employees of the clerk reported exhibiting physical manifestations of the increased stress, including massive headaches and stomach distress, nausea, vomiting, weeping at their desks, loss of sleep and appetite, digestive issues, and increasing anxiety. Employees reported they are beginning to take medications that they never used before to help them sleep. Employees reported they are drinking more than usual to cope with the stress. Employees reported they begin feeling dread on Sunday evening about having to come to work the following day. They reported breaking down in tears over the stress and the apprehension of being belittled in front of other staff. Some employees with pre-existing conditions reported having those conditions exacerbated by the stress inflicted by the clerk. Employee mental health and productivity are reportedly being affected, and they are complaining of symptoms such as post-traumatic stress, especially when the clerk reportedly slams or pounds her fists on a table or countertop accompanied by the use of the vilest and foul language, including the words, “f--k”, “c--t”, and “s--t.” The courts have encountered reports the clerk frequently refers to people as “c--ts” and “bitches.” Clerk staff report feeling emotionally battered and that everyone is on edge at all times that the clerk of courts is in the office. They stated of the situation, “We are working for an unpredictable, unstable, and unqualified boss ... the tension in the office has become unbearable” and “no person should have to work under these conditions.”

{¶ 32} The clerk reportedly tells her employees that everyone is lying to her, which has a deleterious effect upon the deputy clerks, leaving them to report feelings that they are not trusted and/or cannot perform their duties without extreme surveillance. The clerk has reportedly required members of the courts’ information technology department to audio record, and inform vendors of the requirement to audio record, all conversations between them and the members of the I.T. department, presumably for later review by the clerk.

{¶ 33} The clerk reportedly required all employees to copy in real time the clerk on any email communications with judges, judicial staffs, and other county offices, presumably for the clerk to review hundreds of email messages each day. A refusal to sign the policy would reportedly result in immediate termination, as would a violation of that policy. Forwarding an email after the fact, rather than copying the clerk in real time, has reportedly been treated as a violation of the clerk’s policy.

{¶ 34} Clerk staff reported “(the clerk) does not trust her employees to come in and do what they are hired to do. She makes us sign papers for disciplinary’s if we don’t do certain things. Like, for example, if we send an email to a judge or any of the judge’s staff, we need to CC (the clerk). Also, when we give someone change, we need to show

her how we gave them the change back like how many fives, ones, etc. I have also heard that some of the girls get sick in the morning before they come in because they are so stressed out by her and what they have to deal with every day. As for myself I have worked for the clerk's office for (several) years now and this past year has been the hardest and most stressful. Everyone is always walking around on eggshells or waiting for the other outbursts and hoping they don't get caught in the crosshairs."

{¶ 35} Clerk staff reported "from the first day (the clerk) came into the office and almost every one-on-one discussion centered around her mission to discredit (her predecessor as clerk) and 'cleaning up the mess she made of the Clerk position.'" The clerk frequently says, "I have to clean up the mess it is as illegal as f--k. Someone is going to jail."

{¶ 36} In a public restaurant, at a meeting between the clerk and a deputy clerk, the clerk reportedly emphasized that "she is the Clerk of Courts, and it will be her way. She is not going to listen to the Judges, Prosecutor, or Commissioners. She will hire her own Attorneys. Advised me there are many illegal things going on in this County. Spoke of (her predecessor) and the illegal things she did re: budget issues. She was swearing and pounding on the table. (The deputy clerk) stood up and looked behind her to see if anyone was sitting behind her to deter (the clerk)."

{¶ 37} On another occasion, the clerk reportedly "was unhappy with (a deputy clerk's) bookkeeping supervisor over a PayPal project where she felt (the clerk's predecessor) had illegally taken in funds. When it was explained the issue stemmed from PayPal adjusting convenience fees, (the clerk) told (the bookkeeping supervisor) to perform a task within our system. When (the bookkeeping supervisor) stated this was an I.T. and Equivant (case management/bookkeeping software) situation, and she didn't know how to do this, this sent (the clerk) into a rage. She screamed very nasty profanities at (the bookkeeping supervisor), stomped from our area with a nonstop rant through the office and slammed her office door while still screaming behind the closed door. Please note, our area is the furthest from her office and we could still hear her. We were all pretty shook up."

{¶ 38} The clerk had investigated changing the mechanism of controlling access to the offices of the clerk of courts, citing reportedly irrational fears that the previous clerk of courts would enter her offices to sabotage the operations. She reportedly initiated these concerns after more than a year in office, but shortly following the time her predecessor and opponent in the previous election began working in a bar association office, two floors above the clerk's office.

{¶ 39} Staff report a series of dynamics that produce a drain on morale and efficiency in their efforts to support the courts' operations:

{¶ 40} The clerk reportedly alternates frequently between chastising employees and praising them in such an unpredictable manner that the deputy clerks are confused and have no stability in expectations.

{¶ 41} The clerk reportedly pits supervisors against each other, and for instance, tells supervisors that other supervisors said or did something “negative about (the other)” that the supervisors’ years of experience with each other tells them it could not be true.

{¶ 42} The clerk reportedly plays newer employees who have not known each other as well against each other, in order to manipulate them, which creates dissension within the department.

{¶ 43} Clerk staff reported “(The clerk) continues to write down what you say privately and shares it with others. When one of the supervisors are with her, she talks bad about the other supervisors.”

{¶ 44} Clerk staff reported the clerk “has made statements ... about having a mulligan file for everyone in the office, and she will use it against someone if she has to.” According to employees, a “mulligan file” is a narrative of derogatory information she keeps in a file separate from the employees’ personnel files, that she will bring out when and as she sees fit.

{¶ 45} Clerk staff reported the clerk has responded to *de minimis* imbalances in the cash drawer in a manner that employees reportedly find inefficient, intimidating, and embarrassing: They report that if the cash drawer is off by even by a penny, the clerk pulls the surveillance video and requires review until identifying the cause of the error. The staff report being made to feel like they are being accused of dishonesty through this process. They have noted there are 10 to 15 people using the drawer on any given day, and “We literally go into a panic if the drawer reflects an overage of \$0.10.” and “Our money drawer (has to) add up correctly (it) could not be one cent short or one cent over.”

{¶ 46} Clerk staff reported being fearful to approach the judges about their concerns because they believe they will be fired if the clerk finds out. The clerk tells employees that she has “something” (presumably, supposed evidence of crimes, ethical violations, or other wrongdoing) on all of the judges and that, if the clerk “goes down,” she is “taking the judges with her.” The judges are concerned that these statements discourage employee complaints to the judges, as the judges should or would be fearful of providing any comfort or relief to those employees for any grievances.

{¶ 47} The clerk reportedly makes repeated statements, allegations, and accusations in public and to deputy clerks that she has uncovered illegalities in various aspects of the operations of the office, such as budgeting, sick leave, vacation leave, contracts, and “slush funds,” and that “people will go to jail.”

{¶ 48} Employees have asked the clerk “to refrain from swearing and to understand we are governed by our Judges.” She refuses to do the former and fails to acknowledge the latter. At an office Christmas party with employees of the clerk’s title division, the clerk of courts reportedly used profanity to the point that one employee walked out, and the clerk thereafter spoke in graphic detail about sex acts she performed with her husband.

{¶ 49} The clerk reportedly makes statements, perhaps in a failed attempt at humor, about “taking (employees) out back and shooting (them).” Clerk staff reported being fearful for their own safety in the workplace, and they have requested that the clerk go through security like all other employees. The employees reported being “very scared of (the clerk) and what she is capable of doing to (them) and (their) fellow co-workers.”

**Tangible Current and Prospective Effects of Clerk Andrews’
Administration on Her Staff**

{¶ 50} Reportedly in response to the workplace climate described above, several deputy clerks have resigned to take other public employment, some reportedly having refused offers of a pay increase of up to \$20,000 to stay with the clerk of courts of Lake County. In those instances where a deputy has taken another job, the clerk has reportedly threatened to contact the new employer to give them a piece of her mind for taking one of the clerk’s employees. The clerk has reportedly threatened deputy clerks who have taken a new job that she will not transfer leave balances unless the deputy tells her immediately (rather than after the deputy starts the new job) the identity of the new employer.

{¶ 51} Many deputy clerks reported actively seeking other public employment positions, to preserve their investment in the retirement system. The clerk has reportedly offered \$60,000 to \$75,000 to employees previously earning \$43,000 to try to keep employees or to move other employees into vacated positions. When an employee refuses, the clerk reportedly tells the employee that “if (that employee) does not take that new position, it will never be offered again,” suggesting that the employee’s career will never advance. “(A deputy clerk who was offered a position of personal assistant to the clerk was) so afraid to decline the position ... (because) ... (the clerk) has made a statement to her that ‘if you don’t accept a position when I ask you, I will never ask again’, as (the deputy clerk) was hoping to file (for another) position when (it becomes available).”

{¶ 52} This gives the judges some indication of the value that the employees place on the increased stress and anxiety they have consistently described in their reports to the court.

{¶ 53} The clerk of courts’ conduct has resulted in a significant number of resignations that are reportedly the result of her behavior and/or terminations that are reportedly proceeding or being threatened to proceed without cause.

{¶ 54} Additionally, several deputy clerks have reportedly already consulted with legal counsel. Legal counsel for some of the clerks put the county commissioners and prosecuting attorney on notice to preserve evidence on March 2, 2022. These employees have alleged the clerk of courts’ conduct supports a variety of potential claims. (These are the assertions of the clerk’s staff and their counsel; however, this Entry makes no representation as to the ultimate merits of any such claims, were they to be pursued.)

{¶ 55} In addition, the reported practices of the clerk have created inefficiencies created by hiring and training replacement personnel, and it threatens the quality and continuity of operations that support the courts. Many deputy clerks are advocating for organizing and acting collectively.

{¶ 56} Many deputy clerks have reported they will resign if the chief deputy clerk resigns, retires, or is terminated.

{¶ 57} Employees in the office of the clerk of courts with decades of experience in that office have advised the judges that the office is “chaotic” and dysfunctional and that the quality and quantity of work is diminished and subjected to more errors, and the office is near collapse, all due to actions of the clerk of courts. Because of short staffing, they report the remaining employees are under more pressure and are overburdened. The office has lost so many deputy clerks that they report they cannot keep current with the work.

{¶ 58} Employees in the legal division have expressed that they are “done with (the clerk).”

{¶ 59} In summary, the clerk’s reported conduct poses a significant risk to the ongoing operations of the legal division that supports the Courts’ operations. Staff’s consistent reports of the unprofessional conditions of the office and workplace climate supports the credible concern that the legal division faces the imminent threat of losing such a significant number of employees—whether through voluntary resignation or termination—that its legal division operations will cease or be significantly hindered from functioning. These reports also support the credible concern that, even while the office remains at present staffing levels, the effects of the clerk’s reported behaviors have affected morale to a significant enough degree that its ongoing functioning and ability to adequately support the courts’ operations is vulnerable to imminent harm. Finally, these reports support the credible concern that these reported behaviors have compromised and will continue to compromise the public’s perception about the judicial branch as a whole, as well as the ability to obtain the fair administration of justice within Lake County.

**Reports by Courts Information Technology Department Staff Under
Lake County Clerk of Courts Faith Andrews**

{¶ 60} As noted in paragraph 5, various divisions of the Common Pleas courts and the clerk developed and implemented their own Courts IT department approximately 10 years ago. This began with their hire of a Courts IT Systems Administrator, and a later expansion to a Courts IT Director. The Courts IT department has operated, separately and apart from the County IT department, since that time.

{¶ 61} The personnel within the Courts IT department oversee a significant number of IT functions that ensure the uninterrupted and effective administration of justice throughout Lake County. They fulfill a series of vital tasks that are too numerous to exhaustively list; however, their primary functions include:

- Servicing the IT needs of the Common Pleas General and Domestic Relations Divisions and the Common Pleas General Division's Adult Probation Department. They likewise provide some IT services to support the needs of the Common Pleas Probate Division.
- Installing and maintaining the common pleas courts' security cameras and its courtroom and grand jury recording systems.
- Overseeing the courts' remote work capabilities; remote access for in-court and out-of-court hearings; and remote access to inmates in the jail. These functions have become even more critical since the onset of the COVID pandemic in March 2020.
- Servicing the IT needs of the Clerk of Courts' Office—maintaining the effective operation of its hardware and software systems to ensure the public and courts' continuous and effective access to court records.
- Protecting the security and integrity of sensitive data and ensuring the courts' and clerk's digital information remains perpetually secure and accessible.

{¶ 62} The importance of the work these personnel perform is unequivocally valuable and central to the courts' ability to effectively function. While their IT Support work most directly benefits the General, Domestic, and Probate Divisions of the Common Pleas Courts, their oversight of the IT functions within the Lake County Clerk's Office renders their efforts vital to the effective operations of all the courts that rely upon the effective and reliable access to records from the Clerk of Courts.

{¶ 63} The supervision or authority over the Courts IT department is not a function that is enjoined upon the Clerk of Courts by statute or by the common law. However, because the Clerk has been entrusted as an arm of the Courts to perform the duties enjoined upon her by statute and by the common law, the General Division and the Clerk of Courts have equally shared the costs, hiring responsibilities, and supervisory oversight required to operate the department from the time of its inception through November 2021.

{¶ 64} The General Division and the clerk continue to share the expense of maintaining the Courts IT department; however, their joint oversight over its personnel ended eleven months into Clerk Andrews' tenure, in November 2021, as the result of reports that were similar to and consistent with the behaviors articulated in paragraphs 19 - 49.

{¶ 65} Specifically, the entire Courts IT Department approached the General Division Court, indicating they would resign their employment unless the judges intervened to address Clerk Andrews' behavior.

{¶ 66} They reported that the clerk was making their lives miserable, including ordering the Courts IT Director to inform all vendors with whom she communicated to audio record all conversations with her. The Director reported feeling demeaned as a professional.

{¶ 67} The courts already had some limited awareness of allegations arising about Clerk Andrews' conduct by November 2021; however, this mostly amounted to uncorroborated, indirect, and second-hand reports of allegations regarding the clerk's treatment of her appointed staff.

{¶ 68} In addition to this information mostly amounting to rumor and innuendo at that time, the courts had not been aware of the potential scale and extent of the concerns before November 2021. At that time, they were unaware that matters would later escalate to the degree articulated in paragraphs 19 - 49. That is, their knowledge at that time had not suggested that any dysfunction within the Clerk's Office had the potential to compromise the operations of the entire office—and, by extension, the courts as well. Consequently, prior to November 2021, the courts had deferred to the clerk to administer her office and oversee the personnel she appoints, as they had with all the clerk's predecessors before her.

{¶ 69} However, the reports of the Court's IT department personnel were troubling to the courts in several respects: First, they made credible and troubling reports of the clerk's treatment of the Courts IT department staff—this was problematic in its own right. Moreover, these reports not only relayed the clerk's poor treatment of their shared staff, but the Court faced the imminent resignation of an entire, critically important, department as the result of the clerk's conduct. However, the Courts IT department's reports were additionally troubling because these direct and corroborated allegations were very similar to and consistent with the superficial information the courts had gathered to date about additional personnel concerns within the clerk's office regarding her appointed legal division staff. This created concerns that the magnitude of problems within the clerk's office could be greater than they knew and that they could potentially have significant effects on the continuity of the courts' operations.

{¶ 70} The courts' operations would be devastated by a partial or complete walkout of the Courts IT Department, which the judges regarded as imminent and understandable in light of the concerns they raised. Therefore, the judges of the General and Domestic Relations Division prepared a draft Journal Entry of November 14, 2021 ("November 14 draft" or "Courts IT draft Entry"), which it provided Clerk Andrews for review. They indicated they had not yet executed and journalized this Entry, but they indicated they would do so unless she voluntarily agreed to abide by its terms.

{¶ 71} Clerk Andrews consented to comply with the terms of the Courts IT draft Entry. Consequently, the judges never filed it, and it was never journalized (which would be the first instance in which it became a binding court order pursuant to Civ.R.54(A)).

Instead, the clerk has been operating by agreement to comply with the draft's terms since that time.

{¶ 72} The essential provisions of the November 14 draft, which became agreed conditions between the General Division, Domestic Relations Division, and Clerk of Courts on November 14, 2021, removed all personnel oversight of the Courts IT department (while maintaining the clerk's obligation to share in the expense of their shared resources). It also endeavored to ensure a professional workplace for the clerk's legal division staff—and to provide them with a mechanism to report concerns to the courts.

{¶ 73} The November 14 draft's specific terms, which the clerk and courts have followed by agreement since that time, included:

- Courts IT personnel shall attend to the technological and information technology desires, requirements, and directions of the General and Domestic Relations divisions of this court, including the case management and document management systems employed to create, maintain, and utilize the courts' files and other papers, documents, and processes, and other technology needs of the court, whether located within and without the offices of the Clerk of Courts. Courts IT shall not service or attend to the Title Division operations of the clerk's office, except when directed by the court; the clerk may engage IT services outside of Courts IT to service the Title Division on an as needed or periodic basis, paid out of Title Division funds, in which case, the clerk may direct and supervise that work, so long as it does not interfere with or direct Courts IT employees in any fashion.
- The Clerk of Courts, or the Board of Lake County Commissioners in the event that the clerk does not have sufficient funds, shall pay one-half of the costs associated with the operation of the Courts IT department, and the court shall pay one-half out of its special project fund account developed for that purpose to the extent that such funding is available in the sole judgment and discretion of the court. The costs associated with the operation of Courts IT are the payroll and benefits of the employees and the required offices, furniture, equipment, and supplies necessary or commonly utilized by such professionals.
- Courts IT shall be under the sole and exclusive supervision and direction of the judges of the General and Domestic Relations divisions of this court, regardless of the source of funding. The Clerk of Courts may convey technological or information technology needs to the court, which will direct Courts IT to address them as appropriate.
- The Clerk of Courts shall have no authority to supervise, interfere with, admonish, direct, hire, discipline, or terminate any employee of Courts IT, regardless of the source of funding. The Clerk of Courts shall not employ other IT professionals, or other persons, including County IT, so as to interfere with the direction of the court to Courts IT.

- The Clerk of Courts shall have no authority to approve, disapprove, interfere with, diminish, modify, or require the approval, including prior or post, for the purchase, acquisition, use, disposal, or retirement of equipment, supplies, hardware, software, or other technology that has been approved or directed by the judges to be purchased, acquired, used, disposed, or retired, whether used exclusively or in part by the clerk's office or otherwise.
- The Clerk of Courts shall cooperate with and facilitate the performance of duties by Courts IT personnel as directed by the judges of this court.
- The Clerk of Courts shall not require conversations between vendors or other providers of services or products to the clerk or court and Courts IT employees to be recorded by the vendors or other providers of services or products, and shall contact those vendors and other providers of services or products which she previously has required to do so, and inform them that such recording is no longer required and should terminate.
- The Clerk of Courts shall not curse, swear, engage in any vulgarities, or engage in any conduct unbecoming of the office of the clerk or of the court in a location where members of the public or visitors to the court or clerk's offices can hear. The Clerk of Courts shall not curse, swear, engage in any vulgarities, or engage in any conduct unbecoming of the office of the clerk or of the court directed at or about any employees of the court or the clerk, or within earshot of any employees of the court or the clerk.
- Any employee under the direction or hiring authority of the Clerk of Courts who feels aggrieved, abused, or discriminated against by the Clerk of Courts may approach and complain to any judge of this court. The Clerk of Courts shall inform employees and post a notice in the clerk's break room stating so.
- The Clerk of Courts shall, or the Board of Lake County Commissioners shall in the event that the clerk does not have sufficient funds, or fails or refuses, pay all expenses or costs associated or required to perform the duties enjoined upon the clerk by statute and by the common law, and/or at the direction of the judges of this court, including but not limited to preparing for, banking, and retaining sufficient funds to replace the current case/document management system, and full implementation of the courts' e-filing system and all associated or desired hardware, software, systems, or technology as directed by the court within a three-to-five year period from the date of this journal.

**Tangible Current and Prospective Effects of Clerk Andrews' Administration
on the Operations of the Lake County Courts and the Public's
Perceptions of the Fair Administration of Justice**

{¶ 74} Following the clerk and courts' agreement she would comply with the terms in paragraph 73, the clerk has complied with the agreed terms that related to her shared

IT staff with the courts. However, the courts have since encountered a significant and ongoing collection of feedback from the legal division staff of the clerk's office about the concerns articulated in paragraphs 19 - 49. These reports were not limited to behavior that preceded the clerk and courts' agreement in November 2021, outlined in paragraph 73; rather, the clerk's staff only increased and escalated reports of their concerns after this time.

{¶ 75} Some of the quality and quantity effects described above are already having effects on the Lake County courts' operations. However, the judges have a bona fide fear that the current situation—particularly the threat of a mass walkout by, or resignation of, several, many, or even all deputy clerks—places the courts at imminent risk of significant operational harm. This would preclude the courts from performing its duties and create a devastating effect on the timely and fair administration of justice throughout the County.

{¶ 76} The judges have invested significant time in confirming, corroborating, and evaluating the credibility of the consistent and prolific reports of the clerk's staff that have continued through the time of this Entry; the judges find these reports credible and troubling. They have also concluded these reports pose a significant threat to the ongoing operations of the courts.

{¶ 77} Consequently, the judges have determined that the clerk of courts of Lake County, Ohio is unable to perform the duties of that office, particularly in the management of personnel, and is engaging in conduct which threatens and is detrimental to the operation and mission of the courts. The judges have concluded the clerk is interfering with the constitutional duty and functioning of the courts—which they are required and have the inherent duty and concomitant authority to protect. The judges have concluded the clerk of courts is not, and has not been, patient, dignified, or courteous to litigants, court staff, court officials, and others who work or visit in the courthouse. They have similarly concluded the clerk has acted to damage or threaten the integrity, operational continuity, and public confidence in the justice system.

{¶ 78} The judges have given several warnings to the clerk of courts, and they have provided resources to enable her to remedy these concerns independently (including the provision of training by a human resources firm engaged by the county commissioners), but the judges have continued receiving substantial, credible reports that the clerk continues her abuse of employees and engages in other conduct unbecoming her office.

{¶ 79} The clerk refuses to acknowledge that she is the source of any of the problems set forth in this entry. The clerk has stated that this is the way she manages – “if (an employee) does not like it, then the (employee) should get out.”

{¶ 80} The clerk recently hired a male employee at a rate of compensation greater than that of two female employees who have experience in the job, where the male reportedly has none, and may likely even receive some training by those females. When a deputy clerk who is a supervisor questioned the clerk about this situation and the effect

it would have on the female employees, the clerk reportedly told the supervisor that she is paying the male employee more than the female employees because “he is a man.” The supervisor reportedly told the clerk that this was improper sex discrimination, and that the aggrieved females would be very disgruntled or have a valid claim. The clerk then reportedly gave raises to the two females so that their compensation was equal to the male’s.

{¶ 81} The judges are concerned about these reports, particularly as the events occurred after the clerk received human resources education.

{¶ 82} Moreover, the judges are informed that the clerk hired the male candidate and paid him a higher rate, despite being aware he likely could not meet one of the essential physical requirements of the job that has been required of female candidates; it is unknown if this essential function can be reasonably accommodated. If not, this likewise creates concerns that the clerk may have required different physical requirements for male and female employees, and that the clerk may have engaged in hires that failed a position’s essential requirements. The judges have been advised that the male also has received favorable treatment by the clerk, treatment not afforded to other female deputy clerks, despite the male deputy clerk being insubordinate to his immediate supervisor in his first week or so on the job.

{¶ 83} On April 4, 2022, a member of the public (not a clerk’s employee) approached a common pleas judge and complained that they have heard the clerk of courts frequently in the public office use vulgar and profane language which is disgusting and unbecoming an elected official, and which reflects poorly on the court and demonstrates a lack of character on the clerk’s part. The member of the public described conduct that is demeaning, impatient, undignified, and discourteous to the person with whom the clerk was interacting in an official capacity and to those within earshot.

Response of the Lake County Courts of Common Pleas

{¶ 84} On October 12, 2021, the judges provided a written, confidential, and stern warning to the clerk to correct her behavior.

{¶ 85} On approximately November 14, 2021, the courts removed all the clerk’s personnel authority over the Courts IT department employees, based upon the imminent threat of resignation or retirement of the entire department—aware that, if that came to fruition, it would have devastated the courts’ operations. They obtained the clerk’s agreement to abide by a series of agreed conditions, as described in paragraph 73, which continues through today.

{¶ 86} However, in response to the added concerns that came to the courts’ attention, as described in paragraphs 19-49, the courts initiated another conversation with the clerk on March 4, 2022, and it presented her with another draft Entry (“March 4 draft” or “Legal Division draft Entry”). This discussion was similar to the one it had with her in November 2021 that related to the Courts IT department staff; however, it related to the

broader concern regarding the potential threat the clerk's behavior created for the sustained operation of the legal division of the clerk's office.

{¶ 87} The judges provided the clerk with the March 4 draft Entry, which directed her to comply with a series of additional conditions as to her legal division staff to protect the ongoing operations of the courts. Those conditions were similar to those memorialized in paragraphs 100-131 of this Journal Entry. The first of its terms—which had not been in the November 14 draft Entry—included a requirement that the clerk would only be physically present in her office in the courthouse (West Annex) on the first business day of each month, between the hours of 8:30 a.m. and 4:00 p.m.; and, the remainder of the month, the clerk was not authorized to be present in the courthouse at any other time or day. Instead, the supervising deputy clerks of the legal division were tasked with overseeing its day-to-day operations in person, while the clerk worked remotely.

{¶ 88} However, as in the last instance, the judges indicated they would only submit the draft Journal Entry to be journalized (rendering it a binding court order pursuant to Civ.R.54(A)) if the clerk declined to voluntarily follow its terms. As the clerk agreed to do in November 2021 with the November 14, 2021 Courts IT draft Entry, she likewise agreed to voluntarily comply with the terms of the March 4, 2022 Legal Division draft Entry.

{¶ 89} Since March 5, 2022, the clerk and courts proceeded by agreement that she would comply with terms similar to those in paragraphs 100-131, without the need to formalize this Entry. That compliance has included an agreement to work remotely except on the first business day of the month.

{¶ 90} However, a number of the directives within the November 14 draft Entry were matters the clerk had previously agreed to follow (as outlined in paragraph 73), which the clerk's legal division staff reported she had since disregarded. As a result, notwithstanding their willingness to accept the clerk's agreement to comply with the terms of the March 4 draft Entry—which the courts utilized a short-term salve to the imminent concerns within the legal division—the judges had already begun the process of revising and finalizing the terms of that Journal Entry in early April, to prepare it for filing.

{¶ 91} Moreover, before they could do so, on April 18, 2022, through counsel, Clerk Andrews filed a Complaint in Ohio Supreme Court Case Number 2022-0409, *State of Ohio, ex rel. Faith Andrews, Clerk of Courts for Lake County, Ohio v The Court of Common Pleas of Lake County, et al*, seeking Writs of Prohibition and Mandamus against the Court of Common Pleas of Lake County, Ohio, and the five General and Domestic Relations division judges whose names were on the March 4 draft Entry. The Complaint seeks orders from the Ohio Supreme Court prohibiting enforcement of the “unlawful Journal Entries and related directives/threats.” Respondents have until May 12, 2022 to file a response.

{¶ 92} Notwithstanding the filing of this action, the clerk had initially maintained her agreement with the judges to comply with the terms of the draft Entries of November 14 and March 4. From April 18, 2022 through May 1, 2022, she continued to work remotely

without returning to the courthouse, as she had agreed. On May 2, 2022, Clerk Andrews returned to the Clerk's Office, as permitted by her prior agreement with the judges on March 5, 2022. However, she communicated through counsel and ultimately followed through on an announced plan to continue reporting to this physical location, starting Tuesday, May 3, 2022. This is in direct contravention of her previous agreement to comply with the terms of the March 4 draft Entry on March 5, 2022.

{¶ 93} The judges do not presently know which, if any, of the other terms of the draft Entries she intends to follow and which she intends to disregard. However, the courts maintain a significant and credible concern about the ongoing continuity of the legal division of the clerk's office, without further evidence of her compliance with its remaining terms.

{¶ 94} In the combined almost 92 years on the bench of the seven judges on the common pleas bench (who have a combined 240 years as licensed attorneys), never have they had to speak with a deputy clerk about working conditions in the clerk's office. The clerk's behavior has taken up extraordinary amounts of time from the judicial responsibilities of the administrative judge and all of the other judges. The judges have no desire to gratuitously insinuate themselves into the human resources matters of the clerk's office, but it is imperative that they do so here because the magnitude of those concerns rises to a level that threatens the overall functioning of the courts' operations. In that instance, the judges have the statutory duty to direct the clerk in the performance of her duties in the best interests of the courts, and to ensure the uninterrupted provision of services in support of the courts. Further, the judiciary has the ethical obligation and legal authority to ensure court and clerk staff, court officials, and those accessing its services are treated professionally, fairly, and with respect—without bias, prejudice, or harassment due to their sex, gender, age, disability, sexual orientation, and membership in other protected classes.

{¶ 95} The judiciary plays a central role in preserving the principles of justice and the rule of law; judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. *Code of Judicial Conduct, Preamble, Comment [1]*.

{¶ 96} Moreover, the Code of Judicial Conduct obligates judges to act at all times in a manner that *promotes public confidence in the independence, integrity, and impartiality of the judiciary*. Jud. Cond. Rules 1.2. Judges may not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, *and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so*. Jud. Cond. Rules 2.3(B). *Judges shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations* under the judicial code. A judge is responsible not only for his or her own conduct, but for the conduct of

others when those persons are acting at the judge's direction or control. Jud. Cond. Rules 2.12(A). Judges shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and *shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.* Jud. Cond. Rules 2.8(B).

{¶ 97} Accordingly, the judges are legally and ethically obligated to require that the conduct of the clerk of courts promotes public confidence in the judiciary; that it does not manifest bias, prejudice, or harassment based upon, among other things, sex, gender, age, or sexual orientation; that she be patient, dignified, and courteous to everyone in the courthouse and with whom the judges deal in an official capacity; and that her conduct does not compromise the timely and fair administration of justice, or the public's confidence in the justice system. And, in all of the foregoing, the judges may not be swayed by public clamor or fear of criticism, nor permit political or other interests or relationships to influence their judicial conduct or judgment. Jud. Cond. Rules 2.4 (A) and (B). When the law obligates judges to require or order persons subject to their direction and control to do something, which the person then refuses to do, they have the inherent authority to enforce the order.

{¶ 98} The clerk of courts, having been elected, can be removed, by statute, R.C. 3.07, only for certain reasons set forth in that statute, and in the manner specified in R.C. 3.08. See Ohio Constitution, Article II, Section 38. Revised Code 3.08 requires a complaint be filed in this court, signed by some 14,271 registered voters of Lake County (which is the statutory 15% of the number of electors in the most recent gubernatorial general election). Such a removal action would fail to provide a timely remedy for the reported events the judges have concluded threaten the ongoing operations of their courts; it would likewise fail to adequately address their concerns about the ongoing treatment of court staff and others accessing court services. Additionally, pursuant to R.C. 305.03(A)(1), "Whenever any county officer, except the county auditor or county treasurer, fails to perform the duties of office for ninety consecutive days, except in case of sickness or injury as provided in divisions (B) and (C) of this section, the office shall be deemed vacant." Accordingly, to continue to hold her office and draw her salary, the clerk is required to perform the duties of clerk only once every 90 days. This order will not interfere with the emoluments of her office.

{¶ 99} Accordingly, the judges of these courts deem the terms of this Entry essential to satisfy their ethical obligations; to ensure the uninterrupted operation of their dockets; and to maintain the public's consistent access to court records to provide the following directives to the clerk of courts, Faith Andrews. These directives are necessary and reasonable, and they are the least onerous measures reasonably calculated to preserve the effective and efficient functioning of the court, and are effective immediately.

Specific Directives to Clerk Faith Andrews

Directives Addressing the Morale, Productivity, Security, and Continuity of Staff Within the Legal Division of the Clerk's Office and Courts IT Department

{¶ 100} The clerk of courts may be physically present in the office of the clerk in the courthouse (West Annex) on the first business day of each month, between the hours of 8:30 a.m. and 4:00 p.m. to perform the duties of clerk of courts, subject to the restrictions and provisions set forth in this entry. The clerk may not be present in the courthouse or the storage/digitization facility at Victoria Place at any other time or day. The supervising deputy clerks of court shall oversee the day-to-day operations of the court.

{¶ 101} By entering, being in, or remaining in the courthouse at any time other than the times specified in this order, from or after the journalization of this order, the court shall consider that conduct as an express refusal to comply with this order.

{¶ 102} The clerk may perform the duties of the office remotely, such as has been successfully accomplished by countless public and private offices throughout the United States in excess of two years following the declaration of public emergency on March 13, 2020, involving the COVID-19 pandemic.

{¶ 103} The clerk surrendered her exterior courthouse keys to the administrative judge of the general division on March 7, 2022. If she has any other keys affording her access to the courthouse that are still in her possession, she shall immediately deliver them to the Deputy Sheriff conducting security checks at the courthouse entrance. When the clerk of courts is physically present in the courthouse, she shall pass through the same security screening as all other employees prior to entry. The clerk shall not possess or use a key to the courthouse premises, nor shall she ask or direct others to use their keys to access courthouse premises. She shall not use a "private" or restricted access door to enter the courthouse; instead, she shall use the same general entrance as other employees of the court.

{¶ 104} The clerk may not convey or attempt to convey, or possess or have under her control, a firearm, other deadly weapon, or dangerous ordnance in the courthouse, pursuant to R.C. 2923.123.

{¶ 105} Due to the inability to exhaustively ensure compliance with paragraphs 103 and 104, the courts may authorize an administrative search of the clerk's personal office in the courthouse for security purposes, as appropriate, as well as the offices of the clerk of courts and vicinity.

{¶ 106} For the assurance of all legal division and Courts IT staff, one of the security cameras in the clerk of courts' offices shall be aimed towards and display the area just outside of the clerk's personal office, but it may not be placed inside her personal office.

{¶ 107} For the assurance of all legal division and Courts IT staff, the sheriff's office shall post a deputy in the area of the clerk's office in the courthouse during normal operating hours as part of its security program, whenever the clerk is in the courthouse.

Directives Addressing the Treatment of and Continuity of Staff Within the Legal Division of the Clerk's Office and Courts IT Department

{¶ 108} Within one year from the entry of this order, the clerk shall complete a human resource management course, consisting of at least 40 hours cumulative, approved by the administrative judge of the general division, to acquire the knowledge, skills, and attitudes to be used as clerk of courts, including key principles, policies, and practices of human resource management and applying best practices for hiring and rewarding employees, and for managing employee performance, which includes instruction on discrimination and employment claims in the workplace. She shall likewise provide the curriculum for that program to the administrative judge of the general division upon completing the course and consistently comply with the best practices she has learned in that programming.

{¶ 109} The clerk shall not keep a shadow file, or "Mulligan file," on legal division or Courts IT department employees, or threaten disclosure of such information. Subject to the limitations in paragraph of this Entry, if the clerk has information pertinent for placement in a legal division employee's personnel file, it shall be placed in the file, so that the employee may timely have notice or knowledge of it, and the employee may place an explanation or rebuttal to the allegations in the employee's personnel file. The clerk shall not share, print, copy, or disseminate any so-called "Mulligan files" for legal division employees.

{¶ 110} The clerk shall not make unsupported public statements or accusations about allegations of criminal or other illegal activities occurring within the legal division office of the clerk of courts, or by predecessors in the legal division office of the clerk of courts. This in no way impedes her ability to consult or cooperate with her statutory and personal counsel, law enforcement, or any enforcement agency as part of a bona fide inquiry, report, or investigation; or where her statements are expressly protected by state or federal law.

{¶ 111} The clerk shall not: (1) terminate, remove, discipline, or suspend any legal division employee from employment; (2) withhold from any legal division employee any salary increases or employee benefits to which the employee is otherwise entitled; (3) transfer or reassign any legal division employee; (4) deny any legal division employee a promotion that otherwise would have been received; or (5) reduce any legal division employee in pay or position, without prior consultation with, and the concurrence of, the administrative judge of the general division or the presiding judge. The clerk shall not hire any new legal division employee without prior consultation with, and the concurrence of, the administrative judge of the general division.

{¶ 112} The clerk shall not prevent, forbid, or discourage any employee of the clerk of courts, legal division, or Courts IT department from communicating privately in any manner and at any time (including on-duty time) with any of the judges about any topic, including by using the county email and telephone systems.

{¶ 113} The clerk's reported practice to date of monitoring or requiring all legal division employee email communications to be copied to her without a specified need, and without prior consultation with, and the concurrence of, the administrative judge of the general division creates a climate of inhibiting her staff's ability to report their concerns. Likewise, the clerk's practice of requiring legal division employees' verbal communications to be audio recorded without a specified need, and without prior consultation with, and the concurrence of, the administrative judge of the general division generates these same concerns. To foster a workplace environment where legal division clerk staff are not made to feel threatened, intimidated, or retaliated against for relaying their concerns, the clerk is instructed to engage in these behaviors, only with legitimate operational cause that she relays in advance to the administrative judge of the general division.

{¶ 114} The clerk shall not threaten, intimidate, or retaliate against any legal division or Courts IT department employee for speaking with the judges, discussing any of the information contained in this entry, consulting with legal counsel, providing any testimony, filing any claims or lawsuits, engaging in any "whistleblowing" activity, or taking any other conduct protected by law.

{¶ 115} Any legal division employee under the direction or hiring authority of the Clerk of Courts who feels aggrieved, abused, or discriminated against by the Clerk of Courts may approach and complain to any judge of this court. The Clerk of Courts shall inform legal division employees by posting a notice with a copy of this Journal Entry in the clerk's break room.

Directives Addressing the Treatment of and Continuity of Staff
Within the Courts IT Department

{¶ 116} Courts IT personnel shall attend to the technological and information technology desires, requirements, and directions of the courts, including the case management and document management systems employed to create, maintain, and utilize the courts' files and other papers, documents, and processes, and other technology needs of the court, whether located within or outside the offices of the Clerk of Courts.

{¶ 117} Courts IT shall remain under the sole and exclusive supervision and direction of the judges of the General and Domestic Relations divisions of this court, regardless of the source of funding. The Clerk of Courts may convey technological or information technology needs to the court, which will direct Courts IT to address them as appropriate.

{¶ 118} The Clerk of Courts shall have no authority to supervise, interfere with, admonish, direct, hire, discipline, or terminate any employee of Courts IT, regardless of the source of funding. The Clerk of Courts shall not employ other IT professionals, or other persons, including County IT, so as to interfere with the direction of the court to Courts IT.

{¶ 119} The Clerk of Courts shall not require conversations between vendors or other providers of services or products to the clerk or court and Courts IT employees to be recorded by the vendors or other providers of services or products, and shall contact those vendors and other providers of services or products which she previously has required to do so, and inform them that such recording is no longer required and should terminate.

{¶ 120} As has been the case since November 14, 2021, Courts IT shall not service or attend to the Title Division operations of the clerk's office, except when directed by the court; the clerk may engage IT services outside of Courts IT to service the Title Division on an as needed or periodic basis, paid out of Title Division funds, in which case, the clerk may direct and supervise that work, so long as it does not interfere with or direct Courts IT employees, personnel, or installations in any fashion.

Directives Addressing the Treatment of Staff Within the Legal Division
of the Clerk's Office and Courts IT Department, as Well As
Promoting the Public Perception of the Judicial Branch

{¶ 121} The clerk of courts shall promote public confidence in the judiciary, and at all times in the courthouse or acting in an official capacity as clerk of courts, legal division, be patient, dignified, and courteous to litigants, court staff, legal division staff, court officials, and others with whom the judges deal in an official capacity, including any visitors to the courthouses.

{¶ 122} The clerk shall not manifest bias, prejudice, or harassment based upon, among other things, sex, gender, age, disability, or sexual orientation, and shall not abuse any legal division employee of the clerk or judicial offices, or any other person in the courthouse, or any person or officer performing duties appurtenant to the courts' function. "Abuse" means yelling at, using profanity at or in the presence of such persons, using denigrating language or speech directed at or about any person, or engaging in conduct a reasonable person would perceive as threatening or demeaning.

{¶ 123} The Clerk of Courts shall not curse, swear, engage in any vulgarities, or engage in any conduct unbecoming of the office of the clerk or of the court in a location where members of the public or visitors to the court or clerk's offices can hear. The Clerk of Courts shall not curse, swear, engage in any vulgarities, or engage in any conduct unbecoming of the office of the clerk or of the court directed at or about any employees of the court or the legal division employees of the clerk, or within earshot of any employees of the court or the legal division of the clerk.

Directives Addressing the Continuity of Court Operations
and Access to Court Records

{¶ 124} The Clerk of Courts shall not retaliate against any individual or entity for their role in the generation of this Journal Entry. This includes, but is not limited to, retaliating against her legal division or Court IT staff for relaying their concerns to the judiciary. Additionally, the clerk shall continue to perform all the obligations of her office and shall not refrain from doing so out of retaliation for the generation of this Journal Entry.

{¶ 125} The Clerk of Courts, or the Board of Lake County Commissioners in the event that the clerk does not have sufficient funds, shall continue to pay one-half of the costs associated with the operation of the Courts IT department, and the courts shall pay one-half out of its special project fund account developed for that purpose to the extent that such funding is available in the sole judgment and discretion of the court. The costs associated with the operation of Courts IT are the payroll and benefits of the employees and the required offices, furniture, equipment, and supplies necessary or commonly utilized by such professionals.

{¶ 126} The clerk shall continue to pay for all servers, computers, scanners, printers, all hardware, and all software that is required by sound management principles and/or the judges of this court, and all licensing fees, improvements, or replacements levied by vendors or required by the judges of this court to keep all hardware and software functioning at the latest and most current version, and any other equipment, device, or thing, whether virtual or tangible and local, along with all things necessary to safeguard the data and the court's records, whether the hardware or software sits on top of, beside, or beneath anything with which the clerk operates her office or maintains the court's records, so that the court properly may discharge its duties. As the case remained prior to the execution of this Entry, the court will not use its judicial funds, including special project funds, to contribute to or pay for any of the expenses of the clerk's office or of the function to create, maintain, preserve, or utilize the court's records. The clerk will continue to pay one-half of the cost of the operation of the Courts I.T. department, both payroll and materials, but shall have no supervisory authority over that department or its personnel.

{¶ 127} The Clerk of Courts shall, or the Board of Lake County Commissioners shall in the event that the clerk does not have sufficient funds, or fails or refuses, continue to pay all expenses or costs associated or required to perform the duties enjoined upon the clerk by statute and by the common law, and/or at the direction of the judges of this court, including but not limited to preparing for, banking, and retaining sufficient funds to replace the current case/document management system, and full implementation of the courts' e-filing system and all associated or desired hardware, software, systems, or technology as directed by the court within a three-to-five year period from the date of this journal.

{¶ 128} The clerk shall not destroy any of the paper records of the court, or cause any of the paper records of the court to be destroyed, without an order of the appropriate division of the court, nor shall any electronic records be destroyed.

{¶ 129} The clerk shall not take any action or fail to take any action, or cause any action or failure of action, that will diminish, impede, or obstruct any operation of the court or its generation, filing, recording, maintenance, and utilization of its records.

{¶ 130} The Clerk of Courts shall have no authority to approve, disapprove, interfere with, diminish, modify, or require the approval, including prior or post, for the purchase, acquisition, use, disposal, or retirement of equipment, supplies, hardware, software, or other technology that has been approved or directed by the judges to be purchased, acquired, used, disposed, or retired, whether used exclusively or in part by the clerk's office or otherwise.

{¶ 131} The Clerk of Courts shall cooperate with and facilitate the performance of duties by Courts IT personnel as directed by the judges of this court.

Prospective Enforcement, Withdrawal, or Modifications to this Journal Entry

{¶ 132} In the event that the clerk of courts violates any term or provision in this order, the court will cite the clerk and summon her to a hearing to show cause why she should not be held in contempt of court. The court reserves the right to impose all available punishments and remedies for violations of this Entry, including, but not limited to, removal from the premises and reversal of the clerk's actions.

{¶ 133} At any contempt hearing, the presiding judge of all divisions of the common pleas courts, the administrative judge of the General Division, and the administrative judge of the Domestic Relations Division will preside as a three-judge panel, and determine all issues, with such determination being unanimous.

{¶ 134} The directives within this Entry have no expiration date because the passage of time alone will not resolve the imminent threat to the uninterrupted provision of services to the courts. Further, after extended consultation with the legal division staff of the clerk, the directives within this Entry represent the conditions the courts have determined are currently reasonable and necessary to ensure the ongoing operation of the legal division of the clerk's office and courts, and the ongoing retention of the legal division staff.

{¶ 135} However, the courts' oversight of the legal division of the clerk's office will only continue for the length of time and to the degree this Entry provides while it remains essential to protect the ongoing operations of the courts and to comply with the judges' legal and ethical obligations outlined above. There are undoubtedly a variety of measures that would improve the current state of events to a sufficient degree to warrant modifying the terms of this Entry. However, the pathways to remediation and the degree of an altered circumstance's effect on the courts' ongoing oversight are too extensive and varied to specifically articulate within this Entry.

{¶ 136} Instead, the courts will be in an ongoing and regular state of evaluating whether the conduct, climate, and concerns outlined in this Entry have improved to a sufficient degree to warrant modifications to its terms. They will likewise maintain an open dialogue with the clerk, through her counsel, to discuss the measures that would allow for modifications to this Entry's terms.

{¶ 137} No later than June 1, 2022, and then no later than the first of each month thereafter, the courts will issue subsequent Journal Entries to identify relevant changes to the circumstances outlined above, as well as an analysis of whether the directives within this Entry are ripe for modification.

{¶ 138} Upon journalization of this Entry, the sheriff shall serve a copy upon Clerk of Courts Faith Andrews and make a return documenting the same.

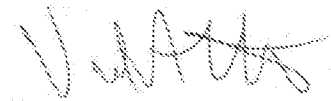
{¶ 139} **IT IS SO ORDERED.**

THE JUDGES OF THE LAKE COUNTY COURT OF COMMON PLEAS

GENERAL DIVISION



Judge Eugene A. Lucci
Administrative Judge



Judge Vincent A. Culotta

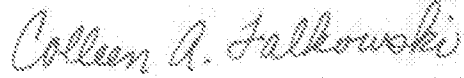


Judge John P. O'Donnell
Presiding Judge



Judge Patrick J. Condon

SPECIALIZED DIVISIONS



Judge Colleen A. Falkowski
Domestic Relations Division



Judge Karen Lawson
Juvenile Division



Judge Mark J. Bartolotta
Probate Division

