

**RESOLUTION AUTHORIZING AN APPLICATION TO THE COURT OF COMMON PLEAS FOR CONSIDERATION AND AUTHORIZATION TO RETAIN THE SERVICES OF SPECIAL COUNSEL, MONTGOMERY JONSON LLP TO REPRESENT THE ASHTABULA COUNTY COMMON PLEAS COURT JUDGES DUE TO A COMPLAINT FILED WITH THE SUPREME COURT OF OHIO BY THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE**

WHEREAS, on December 22, 2023, the Board of County Commissioners of Ashtabula County (the Board) received a request from the Ashtabula County Court of Common Pleas Judges- the Honorable Thomas Harris, the Honorable David Schroeder and the Honorable Marianne Sezon(the Court Judges) to make joint application to the Ashtabula Court of Common Pleas (Court) with the Ashtabula County Prosecuting Attorney (Prosecutor) to authorize the Board to employ outside legal counsel to represent the Court Judges in the matter of a complaint filed with the Ohio Supreme Court, (the Matter) (a copy of the Court's request is attached hereto and incorporated herein by reference as Attachment 1); and

WHEREAS, Ohio Revised Code Section 305.14(A) authorizes the Court, upon joint application of the Board and the Prosecutor, to employ legal counsel to assist the Prosecutor, the Board, or any other county officer in matters;

WHEREAS, on December 27, 2023, the Prosecutor did not respond by the informed deadline of 2:00 p.m. as to whether or not she consents to the joint application; and

WHEREAS, because the Prosecutor has an inherent conflict in representing the Courts Judges in the Matter of which the Prosecutor is the relator, the Board seeks consideration and authorization from the Court to employ separate legal counsel for the Court Judges to represent the Court Judges in the Matter; and

WHEREAS, the Board, on its own, requests the Court consider the Board's application and authorize the Board to employ outside legal counsel to the Court Judges to represent it in the Matter; and

WHEREAS, the Board desires to retain the services of Montgomery Jonson LLP to represent the Court Judges in this Matter at a cost **not to exceed \$5,000.00.**

NOW THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that an application to the Ashtabula County Court of Common Pleas for authorization to contract with outside legal counsel to provide legal services for the for the Ashtabula County Common Pleas Court Judges in the Matter, as further outlined above. The cost of same shall be borne by Ashtabula County.

**ASHTABULA COUNTY COMMISSIONERS  
CERTIFICATION PAGE**

Resolution No. 2023-645

December 28, 2023

**RESOLUTION AUTHORIZING AN APPLICATION TO THE COURT OF COMMON PLEAS FOR CONSIDERATION AND AUTHORIZATION TO RETAIN THE SERVICES OF SPECIAL COUNSEL, MONTGOMERY JONSON LLP TO REPRESENT THE ASHTABULA COUNTY COMMON PLEAS COURT JUDGES DUE TO A COMPLAINT FILED WITH THE SUPREME COURT OF OHIO BY THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE**

Upon the motion of J.P. Ducro IV, seconded by Casey R. Kozlowski.

**VOTE:**

Casey R. Kozlowski  
Kathryn L. Whittington  
J.P. Ducro IV

Aye  
Absent  
Aye

**CERTIFICATE OF CLERK**

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



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Lisa Hawkins, Clerk of the Board  
Board of County Commissioners  
Ashtabula County, Ohio