

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 JUDGE THOMAS HARRIS DUE TO A COMPLAINT FILED BY THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE

WHEREAS, on July 22, 2024, the Board of County Commissioners of Ashtabula County (the Board) received a request from Ashtabula County Common Pleas Judge Thomas Harris requesting outside counsel of Montgomery Jonson LP be named to represent him in an action filed on July 17, 2024, Case No. 2024-1032 by Ashtabula County Prosecuting Attorney, Colleen O'Toole; 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; and

WHEREAS, a joint application is necessary 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 Honorable Judge Thomas Harris in the matter of the complaint for Writ of Mandamus, Prohibitions, Alternative Writ and Supporting Affidavit in relation to Case No. 2024-1032 is caused to be made, (a copy of the request is attached hereto and incorporated herein by reference as Attachment 1); and

WHEREAS, a request is hereby made to the Ashtabula County Prosecutor to approve a joint application with the Board of Commissioners and send such joint application to the Ashtabula County Common Pleas Judges; and

WHEREAS, if no response is received from Ashtabula County Prosecuting Attorney, Colleen O'Toole by Friday, August 2, 2024, deadline of 2:00 p.m. as to whether or not she consents to the joint application, this Board would move forward on its own, to request the Court to consider the Board's application and authorize the Board to employ outside legal counsel for Judge Thomas Harris to represent him in the Matter; and

WHEREAS, the Board desires to retain the services of Montgomery Jonson LLP to represent Judge Harris 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 be made to the Ashtabula County Court of Common Pleas for authorization to contract with outside legal counsel to provide legal services for Ashtabula County Common Pleas Judge Thomas Harris in the Matter, as further outlined above. The cost of same shall be borne by Ashtabula County.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2024-367

July 30, 2024

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 JUDGE THOMAS HARRIS DUE TO A COMPLAINT FILED BY THE ASHTABULA COUNTY PROSECUTING ATTORNEY, COLLEEN O'TOOLE

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

VOTE:

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

**Aye
Aye
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.



Crystal Sturgill, Clerk of the Board, *Acting*
Board of County Commissioners
Ashtabula County, Ohio

IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

)
) **CASE NO.**
)
) **JUDGE**
IN RE: JOINT APPLICATION TO)
ENGAGE OUTSIDE LEGAL) **APPLICATION TO ENGAGE**
COUNSEL) **OUTSIDE LEGAL COUNSEL**
) **PURSUANT TO ORC 305.14**

Now comes Colleen O’Toole, the duly qualified, elected and acting Prosecuting Attorney for Ashtabula County, Ohio (“Prosecutor”) and the Board of County Commissioners of Ashtabula County (“Board”), pursuant to O.R.C. 305.14 and Resolution 2024-367 passed by the Board on July 30, 2024, a copy of which is attached as Exhibit “A”, and hereby jointly submits this application for an Order of Court authorizing the Board to engage Montgomery Jonson LLP as outside legal counsel in order to represent Honorable Thomas Harris, Judge of the Ashtabula County Court of Common Pleas, in the matter titled The State of Ohio, ex. Rel. Colleen M. O’Toole, Prosecutor for Ashtabula County, Ohio v. The Honorable Thomas Harris, pending in the Supreme Court of Ohio and bearing case number 2024-1032.

Attached as Exhibit “A” is Resolution No. 2024-367 passed by the Board on July 30, 2024 authorizing the filing of this Joint Application.

BOARD OF COUNTY
COMMISSIONERS


Kathryn Whittington, President


J.P. Dacro IV


Casey Kozlowski

PROSECUTING ATTORNEY

Colleen O’Toole
Prosecuting Attorney
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