



LAKE LEGAL VIEWS

Regard for the Public Welfare is the Highest Law

VOLUME 80, NO. 301

LAKE COUNTY BAR ASSOCIATION

AUGUST 2026

PRESIDENT'S PROCLAMATION

Christopher Tucci, Esq.
LCBA President 2026 - 2027

When The System Works

In this modern era, all too often public headlines focus on justice system failures. Further, headlines blur whether there's an actual failure, or one's perception of failure. Rarely is the focus on justice system success stories. These positive, feel-good stories are usually buried at the end of a local broadcast or at the bottom of your favorite online news feed.

As lawyers, judges, and magistrates, we have all experienced success stories. However, similar to public headlines, we don't talk about them enough. I'd like to share a success story with you.

Nancy first appeared in juvenile court when she was 17 YOA. Nancy had no prior history with the justice system and was charged with an unruly offense; specifically, she allegedly failed to follow her mother's home rules on a consistent basis.

Nancy's case proceeded through juvenile court similar to other unruly cases: Nancy plead "true" (juvenile equivalent of a guilty plea) to the unruly offense and a probation officer was assigned to monitor her case for approximately 60-90 days. After I took Nancy's plea, I was convinced she would not be back to court given her lack of history and genuine remorse.

About 45 days after Nancy's initial hearing, to my surprise, Nancy was back to court for alleged violations of her mother's home rules. Despite interventions in place like individual/family counseling and protective supervision provided by the Department of Job and Family Services ("Department"), Nancy's mother declared that she could not care for Nancy anymore. From my perspective, it was like Nancy's mother was canceling a Netflix subscription when she gave up on Nancy—acting very care-free about her decision. As a result, because there were no other relatives available to care for 17 YOA Nancy, the Department was granted temporary custody and Nancy was placed with a foster family.

Personally, I thought Nancy's mother unjustifiably gave up on her daughter. However, in hindsight, temporary custody to the Department was the best thing that could've happened for Nancy.

Nancy quickly bonded with her foster family and her grades drastically improved. Periodically, I would conduct review/status hearings in Nancy's case and the reports at those hearings were consistently positive. Nancy went from a quiet, closed child to a bright, confident young lady earning straight A's in school, gainfully employed part-time, and seemingly in great physical/mental health.

At the time of Nancy's emancipation, having been in the Department's temporary custody, Nancy was eligible for Ohio's Bridges Program. Bridges is a free, voluntary program for young adults who used to be in foster care and are now 18, 19, or 20 years old. Bridges assists young adults in their employment, college or trade school. Young adults sign a voluntary participation agreement and agree to abide by the Bridges program rules. In other words, Bridges helps "bridge the gap" for foster youth between the ages of 18 and 21; and is a "hand up," not a "hand out."

At the time of her emancipation, Nancy enrolled in Bridges. While in Bridges, Nancy maintained her program eligibility by being employed part-time at a well-known bank (as a teller) and enrolled full-time at a local university. Between ages 18 and 20, Nancy had Bridges annual review hearings and at those hearings, I verified that Nancy continued to meet Bridges eligibility requirements. Further, I also had the privilege to hear about her success in school and employment.

At the time of her last Bridges annual review hearing, 20 YOA Nancy had been promoted by the well-known bank to Assistant Branch Manager and she was well on her way to earning a bachelor's degree in business administration!!!

Stories like Nancy's happen every day, we just need to talk about them more. They are also the reason why we do what we do.



JUDGE'S CORNER

By: Judge Paul Malchesky



Not My First 250th and Lawyers Still Matter

From 2006 – 2019, Chris Galloway (Lake County Auditor) and I served as Concord Township Trustees. Back in 2015, Rob Morrison - just a good guy with a great idea - from Concord Massachusetts, stopped by one of our bi-monthly Concord Township trustee meetings and invited us to the 250th anniversary of the start of the American Revolution. That is right -- to the site of the battles of Lexington and Concord.

Rob was traveling, much like Paul Revere on April 18, 1775, visiting all 97 communities named Concord in the United States and inviting leaders to his hometown to commemorate the 250th anniversary of “The shot heard around the world” (April 19, 1775).

So, in early 2025, Chris and I were reminded of our promise and found ourselves at Rob’s home on April 18, 2025 – exactly 250 years after Paul Revere began his famous ride.

Rob’s Home - Concord, Massachusetts

Rob’s house, colonial inspired, was draped in three flags on the exterior. There were representatives from several Concords, and Rob affectionately nicknamed us the “Concord Cousins.” (His wife, incidentally, is from England, which added a little historical irony to the occasion.) Rob nicknamed us the Concord Cousins, and his house welcomed us all (as well as a bottle of Pappy).



The story goes, on April 19, 1775, a detachment of British regulars marched into Concord to seize colonial military supplies. Patriot militiamen confronted them at the Old North Bridge. Outnumbered, the British began their retreat to Boston, harassed along the entire 18-mile route by growing numbers of colonial militia. Although many of those colonists still considered themselves British subjects, the events of that day ignited the American Revolution. What unfolded was a rapid series of tactical engagements and strategic miscalculations that made a new nation.

On April 19, 2025, the Concord Cousins honored that history by marching across the North Bridge ourselves, retracing the footsteps of those who had crossed it 250 years earlier.

What began as a rebellion became a revolution because there was a legal debate on what was Britain's authority, what rights colonists were entitled, who governed, when is resistance lawful and how legitimate resistance is to occur.

The colonist's lawyers settled on legal theories of legal limits on Parliament's authority, Rights in English Law, Rights derived from natural law, consent of the governed, self-government established by colonial charters and the right to alter or abolish government after repeated abuses.

250 years later, lawyers are still making many of those same arguments.

We debate the limits of government authority. We argue over federal versus state power. We challenge unreasonable searches, defend due process, and advocate for equality and individual liberty. The American Revolution did more than create a new

nation—it created a constitutional system in which legal arguments, rather than force alone, resolve our most important disputes.

The United States became a nation where lawyers matter. Every day, we work within the legal framework established by the Founders, relying on many of the same principles and methods of argument that helped give birth to the Republic. Keep it up, and enjoy what we helped to build!

Now, if this excites you, go see *Young Washington* at the theater on the big screen this month.



AVAILABLE NOW!!

NO FURTHER QUESTIONS - AN LCBA PODCAST

EXHIBIT 1

PILOT EPISODE W/ LCBA PRESIDENT LYDIA GROSS

EXHIBIT 2

MAGISTRATE JEFF BLACK

EXHIBIT 3

FAMILY LAW W/ ANNA PARISE & DARYA KLAMMER

EXHIBIT 4

MAGISTRATE LISA MONTONI GARVIN

EXHIBIT 5

CLERK CARL DIFRANCO

EXHIBIT 6

THE FAIRWAY AND THE COURTROOM

EXHIBIT 7

NICK WEISS - ARE MORE CASES GOING TO TRIAL?

NEW EPISODE

Tap to Listen



Listen on
Apple Podcasts

The Lake County Public Defender's Office, located in Painesville, Ohio, has immediate openings for two full-time attorneys to represent clients in its misdemeanor division. Yearly salary starts at \$75,000, commensurate with experience.

Assistant Lake County Public Defender - Misdemeanor Division

Job responsibilities include representing indigent clients in misdemeanor criminal cases at all stages of the criminal process, including arraignments, discovery, motion hearings, pleas, trials, sentencings and post-sentencing hearings; conducting client interviews and gather relevant information for case preparation; reviewing discovery and conducting investigations in conjunction with staff investigator; researching and analyzing legal issues related to assigned cases; drafting legal documents for court filings; negotiating plea agreements with prosecutors when appropriate; advocating for clients' rights and best interests throughout the legal process; and working collaboratively with other members of the defense team, including investigators, paralegals, social workers, law clerks and legal interns.

Experience and Skills: Juris Doctor (J.D.) degree from an accredited law school; licensed to practice law in Ohio; strong written and verbal communication skills; legal research, writing and oral advocacy skills; ability to work independently and manage a caseload effectively; commitment to providing quality legal representation to underprivileged individuals; knowledge of criminal law and procedures, evidence and professional responsibility and ethics; and excellent judgment and interpersonal skills with the ability to communicate and work effectively with clients, office personnel, court personnel, prosecutors, law enforcement, probation officers, social workers and the general public.

Pay: The salary varies depending upon the number of years of experience as a criminal defense attorney, but the minimum starting salary is \$75,000.

Work Hours: Normally 8 a.m. to 4:30 p.m., Monday - Friday, but longer hours may be required with evening or weekend work depending upon status of cases.

Benefits: Retirement through Ohio Public Employees Retirement System; Health Insurance (includes medical, dental and eye); Employee Assistance Program; Life Insurance, Paid Time Off via Vacation, Sick, Personal Days and Federal and State Holidays, Continuing Education Credits; and Loan Forgiveness.

Please submit cover letters and resumes to Lake County Public Defender Vanessa Clapp via email at vanessa.clapp@lakecountyohio.gov or call the office at 440-350-3200 for more information.



LAKE COUNTY BAR ASSOCIATION
CLE
CONTINUING LEGAL EDUCATION

Remain current, satisfy your credit requirements, and strengthen your practice through Continuing Legal Education designed to support your professional workflow.

Wednesday, August 26th @ 12pm
CLE - AI in Practice w/ Judge Eugene A. Lucci

Wednesday, September 30th @ 12pm
CLE - Immigration Law Considerations
for Criminal Defense Attorneys
w/ Patrick Espinosa

UPCOMING LCBA EVENTS



An established Northeast Ohio law firm in Lake County with offices in Painesville and Cleveland seeks a motivated, self-starting associate attorney at least one to five years' experience in domestic relations, in Cuyahoga, Geauga and Lake counties. Successful candidate will possess solid domestic and family law knowledge, have actual trial experience, strong communication and people skills, and be able to independently manage a significant existing case load. Excellent benefits package and work environment with salary commensurate with experience.

Send resume and writing sample to: Kristy Keeper, Office Manager, Dworken & Bernstein, Co., LPA, 60 South Park Place, Painesville, Ohio 44077 or email to: kkeeper@dworkenlaw.com. No phone calls. An Equal Opportunity Employer.

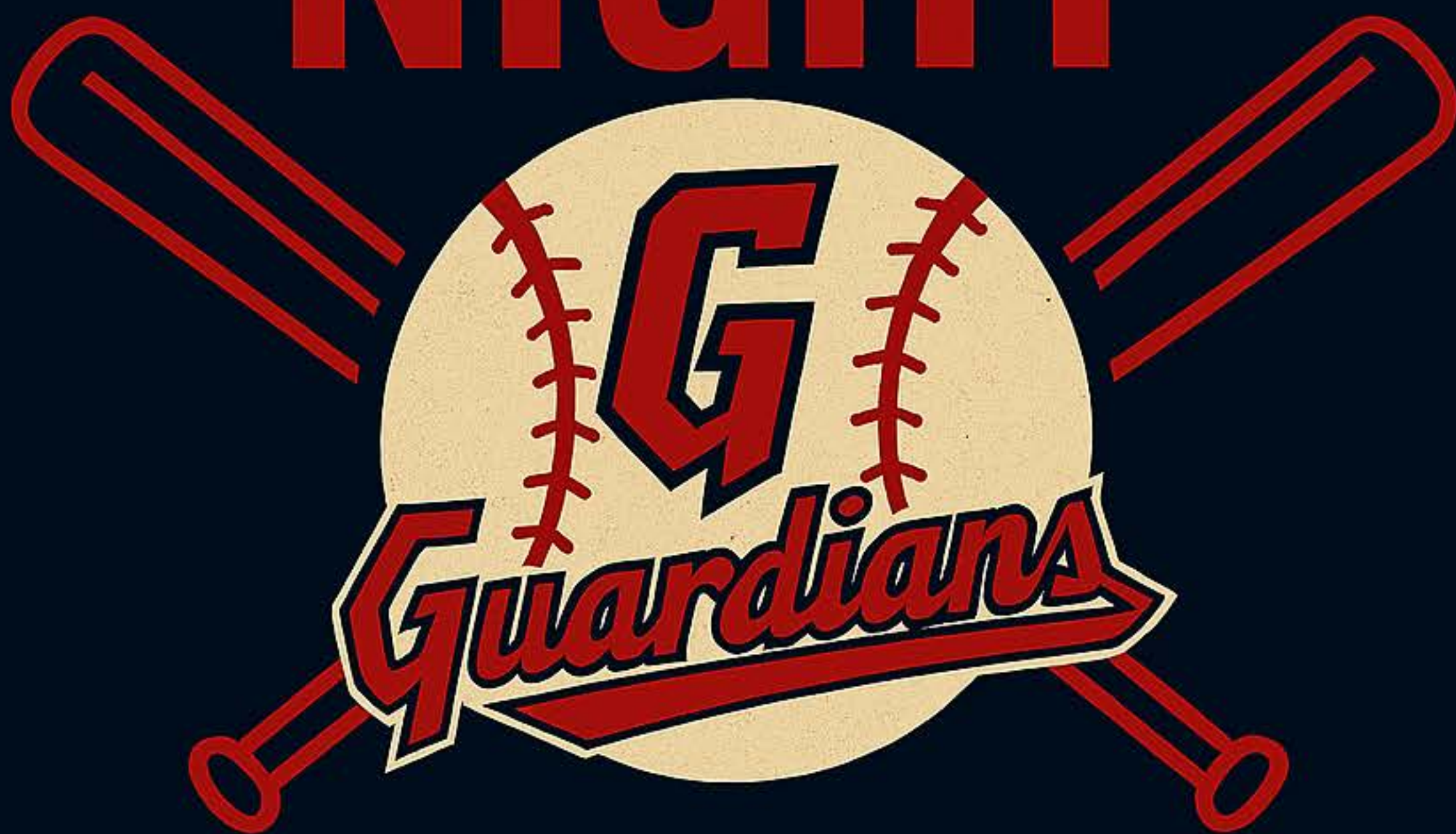


<i>Anthony Aveni</i>	<i>1</i>
<i>Barry Sweet</i>	<i>3</i>
<i>Gary Zeid</i>	<i>5</i>
<i>Michele Crotser</i>	<i>8</i>
<i>Honorable Colleen Falkowski</i>	<i>13</i>
<i>Amy Gehring</i>	<i>14</i>
<i>Honorable Marisa Cornachio</i>	<i>16</i>
<i>Joshua Strickland</i>	<i>16</i>
<i>Joseph Gurley</i>	<i>17</i>
<i>Honorable Paul Malchesky</i>	<i>19</i>
<i>Josephine Begin</i>	<i>23</i>

Welcome
to our
New Members

Frank Consolo
Consolo Law Firm LTD

LCBA BASEBALL NIGHT



GUARDIANS v WHITE SOX

MONDAY, SEPTEMBER 14

5:00 PM – 9:00 PM

\$45 PER TICKET

TRANSPORTATION AND ADMISISION

**DEPARTURE/ARRIVAL FOR THE LIMO WILL BE AT
HAPPY MOOSE, 7693 REYNOLDS RD, MENTOR, OH**

Purchase Ticket at LCBA Events Page

DEADLINE TO REGISTER IS FRIDAY, 8/14



COMMON PLEAS SEMINAR
Thursday, October 15, 2026
The Everly
8200 Norton Pkwy
Mentor, OH 44060



**SAVE
THE
DATE**

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Eleventh Appellate District

Matt Lynch
Presiding Judge

Eugene A. Lucci
Judge

Scott Lynch
Judge

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Telephone: (330) 675-2650
Facsimile: (330) 675-2655
Ashtabula Geauga Lake Portage Trumbull

John J. Eklund
Administrative Judge

Robert J. Patton
Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

August 3, 2026

R E L E A S E

LAKE

2025-L-133 STATE OF OHIO, Plaintiff-Appellee v. LORENZO L. ROBINSON,
Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [PATTON] (M. LYNCH) (EKLUND)

CRIMINAL LAW - motion to suppress; officer had reasonable suspicion to initiate a traffic stop; suspended driver's license; inventory search; firearms; digital scale; having weapons under disability; sufficiency of evidence; manifest weight of the evidence; sentencing; R.C. 2953.08(G); contrary to law; trial court considered R.C. 2929.11 and 2929.12.

2026-L-0048 GEORGE HOLMES, Plaintiff-Appellant v. SUSAN R. DICKEY,
Defendant-Appellee.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [PATTON] (M. LYNCH) (EKLUND)

APPELLATE REVIEW - R.C. 2505.02(B); entry ordering documents be submitted to trial court for in camera inspection does not affect a substantial right and is not a final order.

2026-L-0065 FIRENZA STONE INC., et al., Plaintiffs-Appellants, v. MR. LUKE
FARSHCHIAN, Defendant-Appellee.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [M. LYNCH] (EKLUND) (LUCCI)

APPELLATE REVIEW - trial court judgment can only be reviewed on appeal if it constitutes a final order pursuant to R.C. 2505.02 and Civ.R. 54(B); multiple claims and parties remain pending; interlocutory order; no mandatory language that there is no just reason for delay; lack of a final and appealable order.

PORTAGE

2025-P-0092

STATE OF OHIO ex rel. ELHADJ ALPHA MAHMOUD SQUARE,
Relator v. RAVENNA POLICE DEPARTMENT, Respondent.

Petition denied. See Per Curiam Opinion and Judgment Entry. (M. LYNCH) (EKLUND) (LUCCI)

EXTRAORDINARY WRITS - mandamus; Ravenna Police Department; public records request; stop of business vehicle; criminal investigation; rape; motion to dismiss petition; denied; service perfected; confidential law enforcement investigatory record exception inapplicable; proper jurisdiction; motions for summary judgment; unavailable or non-existent records; indictment; applicable records provided by State during discovery; alternative means of seeking documents if convicted and found to exist and found otherwise exculpatory; no entitlement to statutory damages; no genuine issue of material fact; petition denied.

TRUMBULL

2026-T-0055

IN THE MATTER OF: J.J.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [EKLUND] (LUCCI) (PATTON)

APPELLATE REVIEW - R.C. 2505.02(B); appeal from magistrate's order is not a final appealable order; Civ.R. 53(D)(2)(a)(i); lack of jurisdiction.

LCBA BOCCE BALL NIGHT



**CLUB MOLISANI CHARITIES
29101 EUCLID AVE.
WICKLIFFE, OH 44092**

OCTOBER 22, 2026 • 5PM–8PM

**COST: FREE FOR LCBA MEMBERS
RSVP TO LCBA OFFICE.
MORE DETAILS TO FOLLOW.**

THE SUPREME COURT *of* OHIO

SAVE THE DATE

2026
Character and
Fitness Seminar

Tuesday,
September 29, 2026

The Bar Admissions Section of the Supreme Court of Ohio is pleased to announce the 2026 Seminar on Character and Fitness. This program will cover the framework of the character and fitness process, best practices, and related topics. The seminar will be held via Zoom and is tentatively scheduled from 9:00 a.m. to 12:40 p.m. CLE credit is being requested for this event.

Please share this invitation with admissions committee members and others who may benefit from the program.

Additional details will be provided in early August 2026.

Questions? Email: Elizabeth.Arcos@sc.ohio.gov



The Whole Lawyer

Thriving as a Person and Practitioner

Student to Lawyer Symposium

Oct. 2, 2026, 10 a.m. – 2 p.m.

Hybrid Event: In-person at the Supreme Court of Ohio and Zoom Webinar.

Lunch will be provided for in-person attendees.

An application for CLE accreditation will be submitted to the Supreme Court of Ohio Commission on Continuing Legal Education.



The Student to Lawyer (S2L) Symposium is a biennial conference put on by the Supreme Court of Ohio's Commission on Professionalism that engages a variety of stakeholders—law students, law schools, lawyers, law firms, legal organizations, industry leaders, and bar associations—to explore a topic relevant to law students and practicing lawyers. The goal of the conference is to develop a sustainable focus on assisting law students in their transition to becoming practitioners and on supporting the practicing bar.

This year's symposium invites law students and legal professionals to explore what it means to thrive, not just as competent practitioners, but as whole people. The theme centers around the idea that personal well-being, emotional intelligence, and purpose-driven practice are essential components of professionalism.

The 2026 Symposium is a hybrid event. There are limited spots for in-person attendance.

The 2026 Symposium will include four presentations on topics such as:

- Mentoring and burnout;
- The impacts of mental illness;
- Building a professional identity that you're proud of; and
- Emotional labor.

Click to Register

Register by September 14

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