



MESSAGE TO MEMBERS

By CBA President Hon. Janaya Trotter Bratton

By the time you read this, the August 8 special election will be over. As I write this, I have no idea what the results will be. As the Cincinnati Bar Association Board of Trustees took exceptional action, I believe it is important to take the step of explaining how the board reached its decision. Process matters. Transparency matters. Our members matter enough to us to be transparent in the process the board took to reach its decision to recommend a 'No' vote on Issue 1.

What Was the Process?

The CBA regularly receives requests for the Board to act or take a position on a variety of matters. Most are quickly rejected because they do not impact our mission. All others are vetted pursuant to the CBA's Policy and Procedures in Connection with Public Positions.¹ A request was made regarding Issue 1. The executive committee discussed Issue 1 during its May meeting, but tabled the discussion because it was not known if the initiative was going to get enough support in the legislature to move forward.

After it was decided the special election was going to be held, the executive committee moved forward on whether to take action on the request. Prior to drafting the statement, the executive committee reviewed a ten-page research memo on the history of Ohio citizen-led constitutional initiatives dating back to 1912. After the executive committee agreed upon a statement, it was distributed to the full board. The full board vetted the statement in its board meeting. Upon making agreed upon edits, an overwhelming majority of the board voted to release the statement.

As I hope is evident, the CBA, like attorneys should when making any important decision, followed an extensive, well-researched, thoughtful process.

What makes Issue 1 different than other legal issues to cause the CBA to take a position?

It is a matter of substance versus procedure. Substantive law establishes the rights and obligations that govern people and organizations — bail reform, Marsy's Law, raising the minimum wage, maximum limit on levies, Ohio casinos, and abortion. Procedural law establishes the method and means by which substantive law is made and administered. Issue 1 is procedural. As a non-partisan organization, the CBA evaluated the history and long-term consequences on Ohioans, the legal system, and the Ohio Constitution. Issue 1 proposed changes in Ohio law and the process by which citizens were able to check the power of their legislature — on any issue — not just those before voters in future elections.

The CBA is a non-partisan organization.

The CBA's mission is *to promote professional excellence, foster justice, serve our members, and educate the public.* The public position taken on Issue 1 aligned with our duty to foster justice and educate the public. The CBA has an amazing board who ensures the focus, at all times, remains on the mission driven work of the Cincinnati Bar Association.

This message is not intended to change members' minds about the statement that was released. Transparency is important regardless of how you fall on Issue 1 or the released statement. It is important that you — our members — know how decisions are made on behalf of the organization.

Trotter Bratton is a judge with the Municipal Court of Hamilton County and the 2023-2024 CBA president.

¹ If you would like to review the CBA's Policy and Procedures in Connection with Public Positions, it can be found on the CBA's website in the About Us section under Regulations and Policy.