

Legal Connections



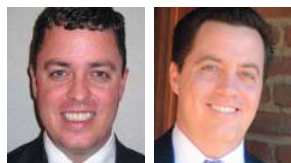
POWERED BY THE COLUMBUS BAR ASSOCIATION

MARCH 31, 2017

THE LEGAL PERILS OF JUVENILE SEXTING

Everyone knows that with great power comes great responsibility, this is also the case with cell phones. In Ohio, it is unlawful to create, reproduce, publish, deliver, disseminate, display, exhibit, present, provide, photograph, film, develop, transfer, possess or even view pictures containing obscenity, sexual activity or nudity involving minors. Such behavior is a felony, with most infractions qualifying as a second degree felony under the law. Second degree felonies for juveniles are punishable by a commitment to the Department of Youth Services, house arrest, electronic monitoring, day reporting, community service, curfew, mandatory treatment and even removal from the home and placement in foster care. Although many of these sanctions are naturally viewed as extreme when kids are simply being kids engaging in the 21st Century version of spin the bottle, many children and parents do not understand the potential consequences of sexting.

Unfortunately, it is clear that the law does not presently comport with the broader community sense of fairness or proportionality. The General Assembly



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needs to readdress this issue and modify the law to amend the legal consequences for juveniles caught using their smart phones inappropriately. To be sure, the law must protect children from the long term consequences that come from having pictures of themselves floating around on the internet for all of eternity. But the process of improving the law in this area begins with children and their families understanding the potential consequences for such behavior under the law as it exists today.

Additionally, the law does not provide a defense for kids who share pictures of other kids their same age; a minor who shares a naked picture of themselves also violates the

law. However, the consequences do not end at the Courthouse steps.

Under Ohio Law, this kind of behavior may also subject kids to being labeled as sex offenders. For children ages 14 and 15, Courts have discretion to decide whether the child is a sex offender. But, for children who are 16 and 17 years old, the classification as a "sex offender" is mandatory. The level of classification for juvenile offenders, as determined by the Juvenile Court, ranges from 10 years to the rest of their lives. These reporting requirements can truly derail a young person's life, compromising the ability to attend college, obtain employment, or even secure a lease for an apartment. While provisions in the law do exist to allow a Juvenile Court to modify, reduce or even eliminate the sexual offender classification at a later time, kids and families do not want to take the chance that their son or daughter may end up with the sex offender label.

To read up on some practical and legal steps you can take to ensure your child is not engaged in juvenile sexting, check back in on our April 28 issue of Legal Connections. ■



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EDUCATION AND EVENTS

Wednesday, April 5 • 9 a.m. – 5 p.m.
Securities Litigation 2017:
From Investigation to Trial
3.0 CLE Hours

Friday, April 7 • 9 a.m. – 12:15 p.m.
Analysis of Obergfell
3.0 CLE Hours

Saturday, April 8 • 9 – 10 a.m.
Notary Public: Test Only

Wednesday, April 12 • 1:30 – 4:45 p.m.
New Lawyer Training:
Introduction to Immigration
3.0 CLE and NLT Hours

Thursday, April 13 • 1:15 – 2:15 p.m.
Constitutional Conversations:
Federalism: States' Rights & the ACA
Free and Open to the Public

All classes listed are offered at the Columbus Bar Associations offices, 175 S. Third St. Ste. 1100. To register, call 614-221-4112 or enroll online at www.cbalaw.org.

To help improve legal access for all, donate to the Columbus Bar Foundation • marion@cbalaw.org (614) 340-2070

LEAN SIX SIGMA AT YOUR FIRM: DEFECTS

In the previous article, we introduced the concept of leveraging Lean Six Sigma in your law firm. In a nutshell, that means 'Doing things right, and doing the right things.' Eliminating waste is a big part of doing the right things. Waste is defined as anything that does not add value to the client, and can be identified by thinking through these points: Is the client willing to pay for it, is it done right the first time and is it something that changes the client situation. The first waste we want to cover is Defects, which show up in a variety of ways in your law firm. An easy way to think about

defects is as mistakes, like having the wrong party listed on a contract or the style of a case, notices not sent or sent to the wrong people, missed deadlines, drafting and re-drafting documents time after time – not to build upon the legal argument – but to fix errors. Your clients do not want to pay for you to fix mistakes and defects do not add value for your client. The first step in eliminating defects is to identify the defects, and then to understand why they are happening. Often times, the solutions



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are related to the automation of documents or processes that surround the entry of data into your system. When trying to solve your defects, start with your process: how you get your work done. Then, move to the people piece – are the people following the process. And then, explore the technology and find the best way for the technology to support the process. Next up: Overproduction. ■

Constitutional conversations

Free and open to the public.

Federalism, States' Rights and the Affordable Care Act

APRIL 13 Join the Columbus Bar for a series of informal, moderated conversations on modern day constitutional issues. The next session, on **April 13**, will explore the interplay of federal and states' rights in the context of health care and the future of the Affordable Care Act. Details at www.cbalaw.org.



The Columbus Bar Foundation held its annual Gala on March 11, which helped raise over \$200,000 for the Legal Aid Society of Columbus and the Law and Leadership Institute.