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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 249
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 249's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Hillyer

Local Impact Statement Procedure Required: No

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Highlights

- Two state entities may be affected by the bill: Ohio State University (OSU) and the Court of Claims (as adjudicator of claims against the state). The special counsel litigation expenses and resulting settlement costs that OSU may incur should one or more cases or class action lawsuits be filed and mediation fails are indeterminate. The costs for the Court of Claims to adjudicate one or more related lawsuits are similarly indeterminate.
- The bill has no direct fiscal effect on political subdivisions.

Detailed Analysis

The bill allows a victim of sexual misconduct committed between January 1, 1978, and December 31, 2000, by a physician employed by a land grant university during that period of time to bring a civil action against the university if certain conditions are met. Ohio State University (OSU) and Central State University are the only two land grant universities in Ohio.

Under current law, certain damages are recoverable against a state university or college by a victim who brings a civil action within two years from the time the wrongful act was committed. The bill provides an exception to this general rule for cases that meet its requirements. The bill also requires any such civil actions to be stayed while the parties in the action are engaged in good faith mediation to resolve the dispute involved. If the mediation results in resolving the dispute among the parties, the court must enter judgment in accordance with that resolution.

At this point in time, LBO is only aware of one situation involving OSU that meets all of the bill's conditions. That situation involves a now-deceased medical doctor employed by OSU who, according to an independent report financed by OSU, committed acts of sexual misconduct against at least 177 former students. At this time, it appears that at least five

federal class action lawsuits have been filed against OSU alleging that OSU knew about the acts and failed to act, and that some form of mediation may already be underway.

Under the bill, two state entities may be affected: OSU (as defendants) and the Court of Claims (as adjudicator of claims against the state). The special counsel litigation expenses and resulting settlement costs that OSU may incur should one or more cases or class action lawsuits be filed and mediation fails are indeterminate. The costs for the Court of Claims to adjudicate one or more related lawsuits are similarly indeterminate. Cases are assigned to a judge or panel of judges based on complexity. The court sits in Franklin County and consists of judges who sit by temporary assignment of the Chief Justice of the Supreme Court of Ohio.