

Webb & Pillich Win at Supreme Court of Ohio

Case Confirms Rights of Citizens to Use the Ballot Initiative Process to Create Parks

Founding Webb & Pillich partner Connie Pillich successfully represented a group of local residents to the Ohio Supreme Court in an effort to place a citizens' initiative to create a new nature preserve on the November ballot in the City of Montgomery, Ohio. As a longtime resident of Montgomery and a staunch believer in the rights of citizens to use initiatives and to participate in their governance, Ms Pillich provided the lion's share of these legal services *pro bono*.

Working on behalf of the group, Citizen Action for A Livable Montgomery, (CALM), Attorney Pillich served as counsel to draft the legislation entitled the Natural Parkland Initiative to create a natural preserve for the last 10 acres of undeveloped woods on Montgomery Road in Hamilton County, Ohio. CALM members collected sufficient signatures on a petition drive to put this citizens' initiative on the November general election ballot.

After approving the legal validity of the Natural Parkland Initiative, the City of Montgomery forwarded the Initiative to the Hamilton County Board of Elections for inclusion on the November ballot. In a surprise move, the City of Montgomery then organized a protest against the Initiative's legal validity at the Board of Elections. On September 11th, the members of the Board of Elections approved the protest and removed the citizen's referendum from the 11/6 General Election ballot. Those voting Board members believed that this citizen's initiative called for "administrative" action rather than legislative action.

The following week, on behalf of CALM, Attorney Pillich filed a petition for a *Writ of Mandamus* — an appeal to the Supreme Court of Ohio. Due to the time-sensitive nature of this election-balloting issue, the *Writ* was granted in an expedited fashion on October 8, 2007.

Ms. Pillich argued to the Supreme Court of Ohio for the first time in her legal career. On 10/8, the Supreme Court of Ohio fully affirmed the "right of citizens to use the initiative process" and confirmed the right of that initiative process to acquire land and create a local park.

The decision stated that the Hamilton County Board of Elections "abused its discretion and clearly disregarded applicable law in upholding the protest and refusing to certify the initiative." The Supreme Court affirmed the citizen's initiative as a new legislative action, rather than an administrative action as the protesters were alleging.

Only a small percentage of attorneys in private practice statewide are ever even afforded the opportunity to argue to the Supreme Court of Ohio. In her successful first case before the Court, Attorney Pillich asserted that the "very foundation of our American democracy is based on our citizens' rights to petition for legislative change in their own communities." Furthermore, the Supreme Court of Ohio directly cited case precedents, facts, and argument proffered by Ms. Pillich in her case brief, along with others from the US Supreme Court, in its decision. This granting of the *Writ* is another public confirmation of the high legal standards that Webb & Pillich and partner

Constance Pillich uphold and the exceptional dedication and expertise provided in their daily work as attorneys for all their legal clients.

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