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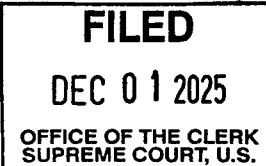
No. 25-

In the Supreme Court of the United States

IN THE MATTER OF THE TESTAMENTARY TRUST OF
BENNY JONES, DECEASED FBO SHARON ROE

PETITIONER

On Petition for a Writ of Certiorari to the Ohio Supreme Court



ORIGINAL

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

This case presents a question of exceptional national importance because it implicates the federal constitutional limits on States' authority to regulate core economic determinations in trust cases. The national stakes are heightened because modern trust administration is not a localized activity. Corporate trustees—predominantly financial institutions—operate across state lines and administer trusts in all regions of the country. Their compensation practices therefore affect interstate commerce and national financial markets. Uniform constitutional guidance from this Court is necessary to ensure that trustee compensation determinations are grounded in Equal Protection principles rather than institutional privilege. This case reflects national importance and stabilization not only for trustees, but also for trust grantors and beneficiaries in that it is fundamentally unfair for corporate trustees to routinely charge extraordinarily high fees without sufficient court oversight.

Specifically, the question in this case addresses whether a State's probate court violates the Fourteenth Amendment's guarantee of Equal Protection by permitting substantially higher compensation for corporate trustees than for similarly situated individual trustees without requiring any judicial finding that the disparity reflects differences in services performed, risk assumed, or benefit to the beneficiaries.

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Petition for Writ of Certiorari

Georgianna Parisi, pro se, respectfully petitions this Court for a Writ of Certiorari to review the decision of the Ohio Supreme Court.

Opinion Below

The decision of the Ohio Supreme Court declining jurisdiction from the decision of the Second District Court of Appeals is reported as 2025-Ohio-1678 on September 2, 2025.

Jurisdiction

Ms. Parisi invokes the jurisdiction of this Honorable Court 28. U.S.C. section 1257 having timely filed this Petition for Certiorari within 90 days of the Ohio Supreme Court's denial of accepting jurisdiction.

Constitutional Provisions and Statutes Involved

U.S. Constitution 5th Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Constitution 14th Amendment

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice

President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article

Ohio Constitution Article IV Section 5 (A)(1)

IV.05 Other powers of the Supreme Court

(A)(1) In addition to all other powers vested by this article in the supreme court, the supreme court shall have general superintendence over all courts in the state. Such general superintending power shall be exercised by the chief justice in accordance with rules promulgated by the Supreme Court.

Ohio Constitution Article IV Section 2(B)(1)(g)

IV.02 Organization and jurisdiction of Supreme Court

(B)(1) The Supreme Court shall have original jurisdiction in the following:
g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

Ohio Constitution Article IV Section 5(B)

(B) The Supreme court shall prescribe rules governing practice and procedure in all courts of the state, which rules shall not abridge, enlarge, or modify any substantive right. Proposed rules shall be filed by the court, not later than the fifteenth day of January, with the clerk of each house of the General Assembly during a regular session thereof, and amendments to any such proposed

rules may be so filed not later than the first day of May in that session. Such rules shall take effect on the following first day of July, unless prior to such day the General Assembly adopts a

concurrent resolution of disapproval. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Ohio Trust Code 5801, et. seq. which is substantially the same as the Uniform Trust Code.

VIII. STATEMENT OF THE CASE

The Ohio Supreme Court declined to accept jurisdiction to consider the decision by Ohio's Second District Court of Appeals that it is not a violation of both the federal and Ohio Constitutional Equal Protection and Due Process clauses to permit corporate trustees to charge substantially higher fees for performing exactly the same work as individual trustees.

BACKGROUND

CURRENT MATTER

The Appellant has been the Trustee for the Benny Jones (Sharon Roe) Trust since its establishment in 1997. While initially the Trust experienced litigation, the Trust has been administered without controversy by the Appellant for 20 years.

Ohio's 88 county probate courts each independently determine what trustees can charge for their professional services. There are two basic types of trustees—corporate trustees, who work for large bank trust departments, and individual trustees, who oversee one or a few trusts in addition to performing other professional activities, usually the practice of law. There is no distinction between the behavior and work by the two types of trustees, as both must conduct

themselves as proper fiduciaries. Both types of trustees must follow the rules established by Ohio's Trust Code 5801 et. seq., which include proper accountings, notification of beneficiaries, payment of bills, investment of the trust corpus, and filing tax returns, among other obligations imposed by statutory and common law.

Some Ohio probate courts have the same compensation schedule for both corporate and individual trustees. However, in Montgomery County, the probate court's local rule 74.1 and Appendix F permit corporate trustees to charge based upon their standard fees, while individual trustees must take their fees based upon a court appendix. Despite both types of trustees performing the exact same tasks, corporate trustees are permitted to be paid generally three to four times more than individual trustees.

LOWER COURT DECISIONS

The Appellant had a hearing in the Montgomery County Probate Court on September 24, 2024. Prior to the hearing, Appellant briefed the Court on the Equal Protection and Due Process issues, and also argued those matters before the Court at the hearing. Despite the nexus of the very point as to why the Court's local rule violations both Ohio and the federal Constitution, the Court did not address that issue in its ruling.

In the Second District Court of Appeals, the Appellant noted that the trial court had abused its discretion and committed prejudicial error because it failed to address that Local Rule 74.1 violated both the federal and Ohio Constitutions guarantees for Equal Protection and Due Process. The Second District Court of Appeals noted that the trial court had not addressed the

Constitutional arguments, but opined that the trial court's failure to address the arguments was fine because "... the trial court found that Parisi's proposed fact witnesses (corporate trustees) were not relevant to how trustees fees should be awarded in this case . . ." Although the trial court never addressed the Constitutional issues, the Second District Appellate Court surmised that the Appellant "...needed to establish that corporate trustees were similarly situated to individual trustees. . . . (by using an expert witness)" Page 7, paragraph 21, of the Second District Appellate decision, issued May 9, 2025. Despite the Ohio Trust Code establishing the exact same duties and obligations for both corporate and individual trustees, the Appellate Court added that the trial court indicated that an expert witness would be necessary

The Ohio Supreme Court declined to accept jurisdiction in a further appeal despite the Appellant's argument that the Montgomery County Probate Court Local Rule 74.1 lacks a rational basis, resulting in arbitrary, unequal treatment to persons similarly situated and violates Due Process.

REASONS FOR GRANTING THE WRIT

I. This Case Presents an Issue of Exceptional and Nationwide Importance

A. Trust administration is governed by uniform law in most states

At least thirty-six states and the District of Columbia have adopted some version of the Uniform Trust Code (hereinafter referred to as the UTC). The UTC establishes identical

fiduciary duties for ALL trustees—corporate and individual. Because trust administration is standardized nationwide, Constitutional questions affecting trustee compensation have national, not localized, significance. Federal law has not developed a robust, uniform bank-vs-individual trustee compensation standard.

Demonstrating this immediate and vitally important nationwide issue is the May/June 2025 ABA Probate & Property Journal article “Where’s the Uniformity? Trustee Compensation” by attorney David E. Wolff. The article highlights this compelling and important matter, as well as the numerous cases (both federal and state) which recur frequently due to this unsettled issue. The onslaught of trustee compensation litigation, most likely costing billions of dollars, will continue until the United States Supreme Court addresses this volatile issue.

The United States Census Bureau reports on its website ([census.gov](https://www.census.gov)) that the over 65 population is seeing an exploding increase, lead by aging Baby Boomers. As these Americans age, and contemplate their mortality, it is anticipated that they will utilize various trusts to safeguard family wealth. Without transparency and clarification by the USSC as to determining factors driving trustee compensation, this litigation bonanza will continue.

Affordability has become a major issue facing many Americans. Allowing courts to continue to permit corporate trustees to determine their own compensation without effective court oversight is akin to opening the hen house to the wolves. It is likely that very few citizens

are sophisticated enough to understand that having a corporate, rather than an individual trustee, could over time result in a huge depletion of the family trust.

B. The national fiduciary industry depends on fair and uniform compensation rules

Corporate trustee services constitute a major national industry. Allowing a state court to create unreviewable compensation multipliers—triple or quadruple normal rates—affects:

- the cost of administering special-needs and family trusts nationwide;
- the availability of individual trustees in underserved communities;
- settlor and beneficiary choice of trustee; and
- the uniformity and predictability the UTC was designed to provide.

This Court routinely grants certiorari where a state rule threatens nationwide economic uniformity.

C. The decision below creates a roadmap for states to enact arbitrary and unreviewable economic classifications

The combination of:

1. a substantial economic preference for corporate actors, and
2. a judicial rule forbidding evidence necessary to test that preference

creates a constitutional blueprint that could be used in any regulatory context, enabling states to evade rational-basis scrutiny entirely.

This Court has never permitted economic classifications to be insulated from Constitutional review in this manner.

II. The Decision Below Conflicts with This Court's Equal Protection Precedents

Under *Romer v. Evans*, 517 U.S. 620 (1996) and *Allegheny Pittsburgh Coal Co. v. Cty. Comm'n*, 488 U.S. 336 (1989) a state's classification must have a real and substantial relation to a legitimate purpose.

Here, the classification rests solely on corporate status, not duties performed, costs incurred, or services rendered. The Local Rule contains no factual predicate supporting higher corporate fees.

A state may not justify discrimination by simply blocking discovery of the facts that would reveal its arbitrariness.

III. The Lower Courts Violated Due-Process Principles

This Court's precedents hold that litigants are entitled to present evidence relevant to their claims. *Crane v. Kentucky*.

By excluding lay testimony essential to proving irrationality, the lower courts:

- prevented Petitioner from developing the required record, and
- then faulted Petitioner for not producing evidence the court had barred.

This is a textbook due-process violation.

IV. The Decision Conflicts With the Uniform Trust Code and With Other Ohio Courts

The UTC and Ohio Trust Code treat all trustees identically. Many Ohio counties—including two adjacent counties and the state’s largest county—do not allow the fee disparity Montgomery County has adopted.

This inconsistency within the same statutory framework underscores the need for this Court’s review.

V. This Case is a Clean Vehicle

The issues are purely legal. The dispute is fully developed. The record is clear that the lower courts excluded the evidence required for Constitutional review. No alternative grounds complicate the petition. This case is an excellent vehicle for this Court to resolve this issue.

VI. The Fourteenth Amendment and Ohio’s Coextensive Equal-Protection Guarantee Prohibit Arbitrary Fee Disparities Unrelated to Any Legitimate State Interest

The Fourteenth Amendment to the United States Constitution provides that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV The Ohio Constitution contains a parallel guarantee: that “[g]overnment is instituted for their equal protection and benefit, and ... no special privileges or immunities shall ever be granted.” Ohio Constitution Article I, Section 2 Ohio courts have consistently held that these

protections are coextensive. *Pickaway Cty. Skilled Gaming LLC v. Cordray*, 127 Ohio St.3d 104, 2010-Ohio-4908, ¶ 26.

When a law or rule does not implicate a fundamental right or suspect classification, courts apply the rational basis test. *Id.* at ¶ 27. Under this test, a governmental classification violates Equal Protection if it is not rationally related to a legitimate governmental interest. *In re Adoption of Y.E.F.*, 163 Ohio St.3d 521, 2020-Ohio-6785, ¶ 19. This analysis requires two steps: (1) identifying a valid governmental interest, and (2) determining whether the method chosen to advance that interest is rational. *Pickaway*, *supra*, at ¶ 28. Montgomery County Probate Court's Local Rule 74.1 fails rational basis scrutiny.

This Court has long held that litigants must be permitted to introduce evidence necessary to present their claims *Crane v. Kentucky*, 475 US 683 (1986). Blocking lay testimony about personal job duties—mischaracterizing such testimony as “expert”—is a fundamental procedural error.

By excluding the evidence necessary to prove irrationality, and then upholding the rule because Petitioner did not provide evidence, the courts created a textbook due-process violation.

VII. Montgomery County's Local Rule Creates an Unjustified and Arbitrary Fee Disparity Between Corporate and Individual Trustees

There is no dispute that Montgomery County Probate Court's Local Rule 74 governing annual trustee compensation pursuant to Ohio Sup.R. 74(A) addresses a valid governmental interest. Montgomery County Probate Court's Appendix F Computation of Trustee Fees (Local R. 74.1) establishes strict compensation limits for individual trustees, but then the Appendix at

the bottom has this carve-out that allows corporate trustees to charge their private fee schedules:

“Note: Per Local Rule 74.1 (B), corporate trustee fees may be determined as follows: A fee may be charged on the same basis as the corporate trustee charges its clients as trustee of a living trust. Each corporate fiduciary shall file its current fee schedule with this Court. Any amendments to the schedule must be filed before a fee computed under the amended schedule is credited to an account. The fee schedule shall be limited to a maximum 1% fee for all trust estates with a market value of \$75,000.00 or less.”

Under this structure, corporate trustees may unilaterally use their private fee schedules—often three to four times higher than the fees allowed for individual trustees—without any hearing or showing that additional services were provided. While the Restatement of Trusts (Third) recognizes that corporate trustees generally have higher overhead and administrative costs, which can be considered when determining trustee compensation, in the case at bar, the higher trustee fee is permitted without any court oversight as to whether these factors played any role in justifying the much larger fees.

This disparity is not hypothetical. Public filings on the Probate Court’s website illustrate the concrete inequality:

- **Abby Scott Special Needs Trust:** Key Bank trustee Laura M. Kehn charged **\$5,944.33**, more than **three times** the \$1,686.82 maximum permitted to an individual trustee.
- **Hazel M. Funkhouser Testamentary Trust:** Corporate trustee Michael D. Nagel charged **\$5,149.43**, more than **four times** the \$1,261.47 ceiling for individual trustees.

Yet, the fiduciary duties—asset oversight, bill payment, tax filings, and court accountings—are identical, regardless of whether the trustee is a corporate trustee or a private individual trustee. All

trustees, corporate or individual, owe duties of loyalty, prudence, and impartiality. The Local Rule itself treats the tasks as equivalent; it is only the compensation that is arbitrarily permitted to diverge.

VIII. The Lower Courts Committed Serious Legal Error by Blocking the Lay Testimony Needed to Assess the Equal-Protection Issue

To evaluate whether this fee disparity had any rational basis, Appellant sought to subpoena bank corporate trustees Laura M. Kehn (Abby Scott Special Needs Trust) and Michael D. Nagel (Hazel M. Funkhouser Testamentary Trust) --the very corporate trustees whose fees formed the basis of the challenge to provide fact testimony regarding their trustee duties and the time required to perform those duties. Such testimony is quintessential lay testimony under Ohio Evid. R. 701 as it pertains to personal knowledge of daily job duties, not expert opinion. Ohio Rule of Evidence 702 Testimony by Experts explains that expert testimony relates to matters beyond the knowledge or experience possessed by lay persons. The Court is the fact finder in this situation and is not a lay person.

Nevertheless, the trial court prohibited the subpoenas by mischaracterizing the witnesses as “experts”, thereby preventing them from testifying to factual matters within their own personal experience. This prohibition deprived the record of the only evidence capable of demonstrating whether corporate trustees actually perform three to four times more work than individual trustees—an assumption the Court made in implementing the Local Rule, but which the record itself does not support.

The Second District compounded the error by inventing a new reason, one which does not exist in the trial record, by saying the trial court decided against permitting the testimony because the

Appellate needed to first establish that corporate and individual trustees were similarly situated. But Local Rule 74.1 itself presupposes that all trustees perform equivalent duties, only their compensation differs. Without evidence of what corporate trustees actually do, courts cannot conclude that charging triple or quadruple the fees rationally relates to a legitimate governmental interest.

The lower courts committed a serious procedural and legal error by refusing to permit the Appellant to subpoena the named corporate trustees as lay witnesses. The denial prevented the court from evaluating whether the substantial discrepancy in fees is rationally related to any legitimate governmental objective. No evidence supports the conclusion that higher corporate trustee fees advance any legitimate governmental purpose

IX. The Arbitrary Fee Disparity Cannot Be Justified Under the Ohio Trust Code, the Uniform Trust Code, or Comparative Probate Practice

Ohio's Trust Code, which mirrors the Uniform Trust Code (hereinafter referred to as UTC) as adopted by 36 states, imposes the same material duties on all trustees, corporate and individual. No rational basis of the Code authorizes arbitrary blanket enhancements of corporate trustee compensation three to four times the compensation granted to individual trustees.

On the contrary, such a disparity is arbitrary, especially when viewed against the backdrop of other Ohio probate courts which use the same determinative parameters to compensate both corporate and individual trustees. For example:

- **Darke and Preble Counties** (which border Montgomery County): no fee distinction between corporate and individual trustees.
- **Cuyahoga County**: limits corporate trustee fees and requires justification for higher rates linked to enhanced investment services.

X. Absent Evidence of Greater Labor or Enhanced Services, the Fee Disparity Fails Rational-Basis Scrutiny

It begs the question that if the courts below do not know what duties are performed by corporate trustees so as to justify three to four times higher compensation as opposed to individual trustees, then how does the court rationally justify the vast disparity in compensation?

Under rational-basis review, a classification must bear a real and substantial relationship to a legitimate governmental purpose. *Romer v. Evans*, *supra*, *Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985).

Here, the Probate Court created a classification based solely on the trustee's corporate status—granting corporate actors the ability to charge triple or quadruple the fees without evidence that they perform more services.

No legitimate purpose supports this disparity:

- Duties are identical.
- Oversight is identical.
- The Local Rule itself recognizes identical responsibilities.

The trial court blocked the only factual testimony that could support a “rational” basis. This Court has repeatedly granted certiorari when arbitrary economic classifications lack factual grounding.

CONCLUSION

For the foregoing reasons, the Petitioner respectfully requests that this Court issue a Writ of Certiorari to review the lower court decisions of the Ohio Supreme Court and Second District Court of Appeals.

Dated December 1, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Appeal was served upon Estate of Jackie Jones, Post Office Box 204, West Carrollton, Ohio 45449; Joan Carpenter, 890 Tartan Trail, Bloomfield Hills, Michigan 48304; Vickie Flynn, 5108 Soldiers Home-Miamisburg Rd., Miamisburg, Ohio 45342, and Debbie Newsome, 13564 Lindamere Lane, San Diego, California 92128; by mailing it via regular U.S. Mail, postage prepaid; on this 1st day of December 2025.

/s/ Georgianna Parisi
Georgianna Parisi
Appellant Pro Se