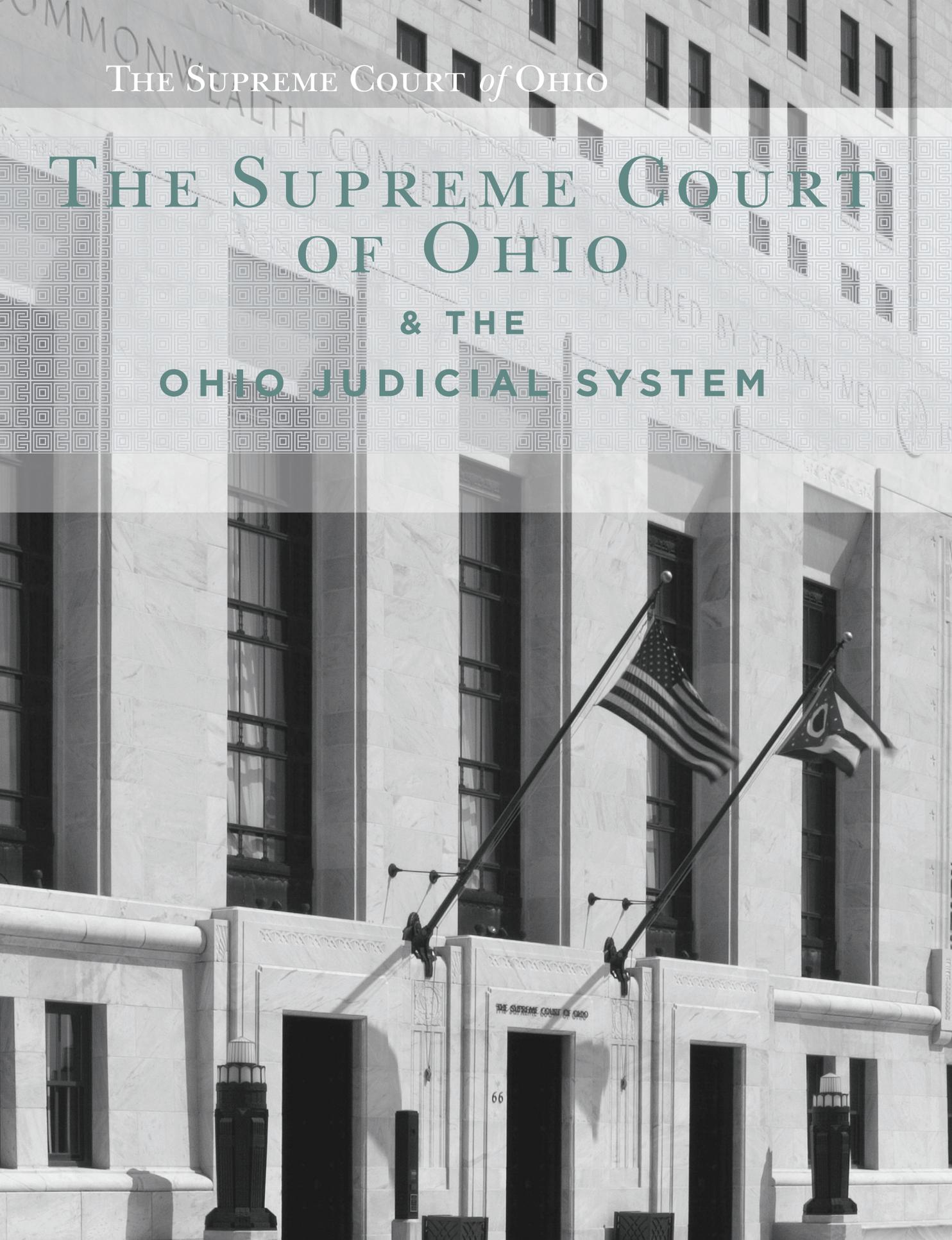


THE SUPREME COURT *of* OHIO

THE SUPREME COURT OF OHIO

& THE
OHIO JUDICIAL SYSTEM





THE SUPREME COURT OF OHIO

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R. PATRICK DEWINE

JUSTICES

INTRODUCTION

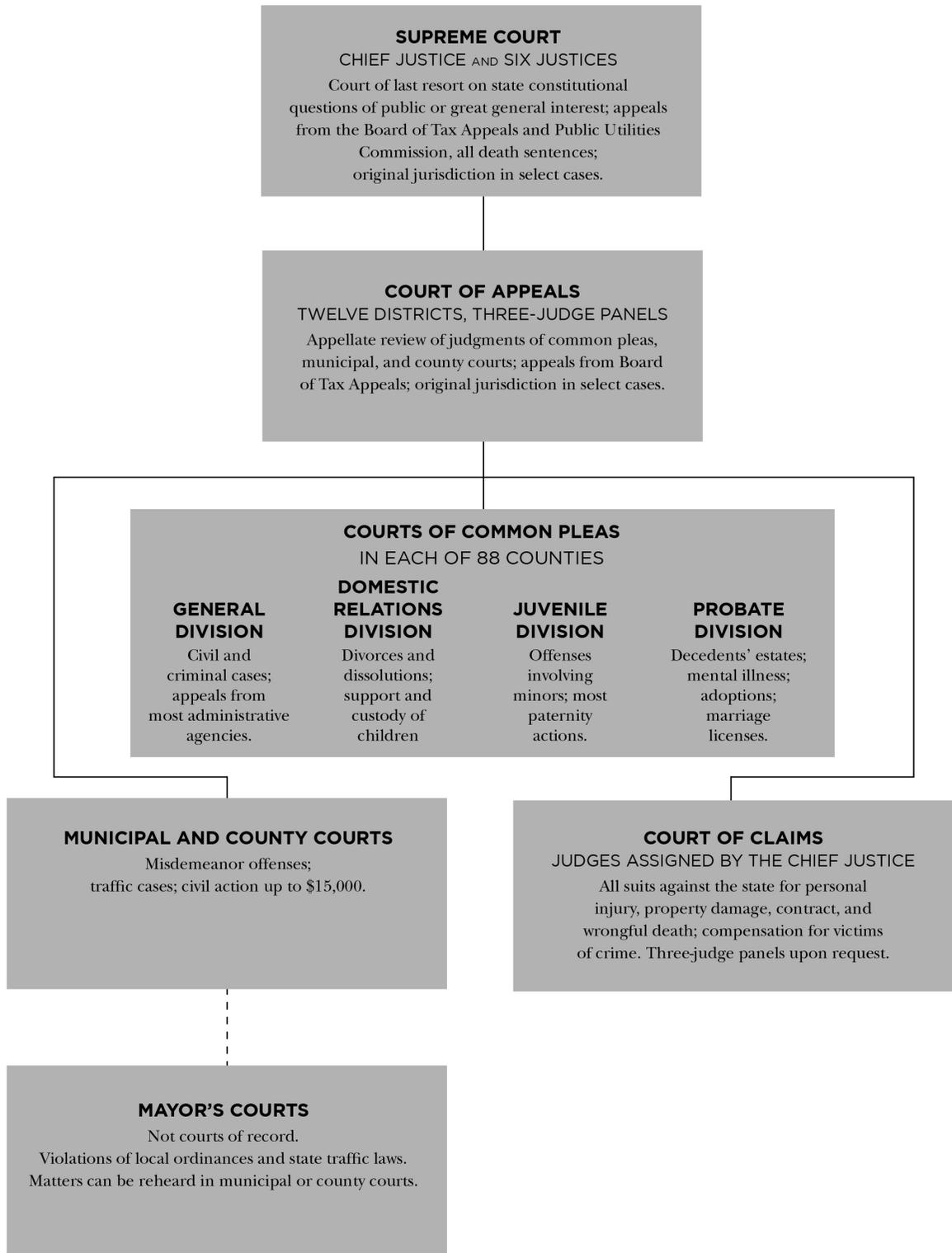
The Constitution of Ohio separates our state government into three branches, each with distinct areas of responsibility — the executive, the legislative, and the judicial.

The primary function of the judicial branch is to fairly and impartially settle disputes according to the law. To do this, a number of courts are established in the state by the Constitution and by acts of the General Assembly.

In addition to its place in the court structure as the court of last resort, the Supreme Court, in particular the chief justice, is responsible for the administration of the judicial branch in Ohio.

In the belief that people's confidence in their courts is enhanced when they understand how the courts function and how the courts affect them, we hope you find the information in this booklet to be helpful.

OHIO JUDICIAL STRUCTURE



THE SUPREME COURT OF OHIO

The Supreme Court of Ohio is established by Article IV, Section 1, of the Ohio Constitution, which provides that “the judicial power of the state is vested in a Supreme Court, Courts of Appeals, Courts of Common Pleas and divisions thereof, and such other courts inferior to the Supreme Court as may from time to time be established by law.”

Article IV, Section 2, of the Constitution sets the size of the court at seven — a chief justice and six justices — and outlines the jurisdiction of the court.

The Supreme Court is the court of last resort in Ohio. Most of its cases are appeals from the court of appeals. The court may grant leave to appeal criminal cases from the courts of appeals and may direct any district court of appeals to certify its record on civil cases that are found to be “cases of public or great general interest.”

The court must accept appeals of cases that originated in the court of appeals, cases involving the death penalty, cases involving questions arising under the U.S. Constitution or the Ohio Constitution, and cases in which there were conflicting opinions from two or more court of appeals districts.

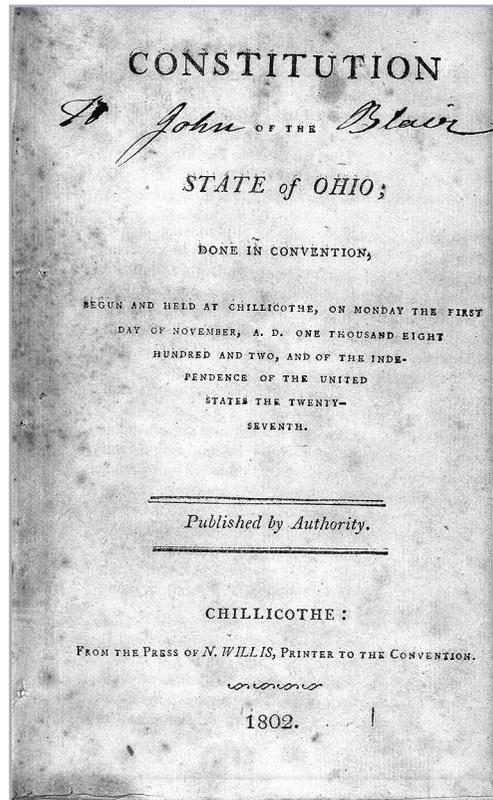
The court also must accept appeals from such administrative bodies as the Board of Tax Appeals and the Public Utilities Commission.

The court has original jurisdiction for certain special remedies that permit a person to file an action in the Supreme Court. These extraordinary remedies include writs of habeas corpus (involving the release of persons allegedly unlawfully imprisoned or committed), writs of mandamus and procedendo (ordering a public official to do a required act), writs of prohibition

(ordering a lower court to cease an unlawful act), and writs of quo warranto (against a person or corporation for usurpation, misuse, or abuse of public office or corporate office or franchise).

The court also may grant leave to appeal a case involving a contested election. This type of a case is unique because it is the only type of discretionary appeal that permits a case to be taken directly from the court of common pleas to the Supreme Court, bypassing the court of appeals.

The Supreme Court makes rules governing practice and procedure in Ohio’s courts, such as the Rules of Evidence, Rules of Civil Procedure, and Rules of Criminal Procedure. Procedural rules adopted by the Supreme Court become effective unless both houses of the General Assembly adopt a concurrent resolution of disapproval. The Supreme Court also exercises general superintendence over all state courts through its rule-making authority. The rules of superintendence set minimum standards for court administration statewide. Unlike procedural rules, rules of superintendence do not have to be submitted to the General Assembly to become



The Supreme Court of Ohio is established by the state Constitution.

effective.

The chief justice assigns judges to courts for temporary duty in cases of court overload, where a judge was removed from a case because of an affidavit of disqualification, or where a judge recused himself or herself from a particular case.

The court has authority over the admission of attorneys to the practice of law in Ohio and may discipline admitted attorneys who violate the rules governing the practice of law.

The chief justice and six justices are elected to six-year terms on a nonpartisan ballot. Two justices are chosen at the general election in even-numbered years. In the year when the chief justice is on the ballot, voters elect three members of the court. A person must be an attorney with at least six years of experience in the practice of law to be elected or appointed to the court. Appointments are made by the governor for vacancies occurring between elections.

HOME OF THE COURT

The Supreme Court is housed in the Thomas J. Moyer Ohio Judicial Center at 65 South Front Street in Columbus. This historic landmark consolidates the court, its affiliated offices, and other offices in the judicial branch, including the:

- Board of Professional Conduct;
- Lawyers' Fund for Client Protection;
- Ohio Court of Claims;
- Ohio Criminal Sentencing Commission; and
- Ohio Judicial Conference.

The move of the court and these offices in February 2004 to the Moyer Judicial Center marked a historic change in Ohio: For the first time in the state's 200-year history, the judicial branch had quarters separate from

the other two branches of Ohio government, emphasizing its unique and independent role in state government.

Built in the 1930s, the building was meticulously restored and renovated at less than half the cost of building a new facility. Unlike modern buildings, original artwork is integrated on the building's exterior and interior. Many public

spaces have their own theme relating to Ohio's rich history.

The Civic Center Drive level pays tribute to the first Ohioans — the Native Americans — with bronze panels of Little Turtle, Logan, Pontiac, and Tecumseh. Native-American influence also can be seen in the tiled ceiling mosaics and bronze details on the light fixtures, doors, and elevator panels.

The Grand Concourse on the Front Street level honors political leaders from Ohio with bronze bas relief portraits of two speakers of the U.S. House of Representatives, eight U.S. presidents and nine U.S. Supreme Court justices.

The most impressive space in the building is the courtroom on the Front Street level. It is nearly two-stories high, with several 70-year-old murals depicting the history of Ohio and the Northwest Territory. At the north end sits a massive hand-carved walnut bench with 10 iconic images depicting the story of Ohio's judiciary.

For more information and photos of the building, visit www.supremecourt.ohio.gov.

HEARING A CASE

At exactly 9 a.m., the marshal of the Supreme Court asks the attorneys and spectators to rise and announces:

*The honorable chief justice and justices
of the Supreme Court of Ohio.*

Members of the court file in and take their places behind the walnut bench. The chief justice is in the center with three justices on either side. The most senior justices sit nearest the center of the bench.

The members of the court remain standing as the marshal opens court.

*Hear Ye! Hear Ye! Hear Ye! The honorable
Supreme Court of Ohio is now in open session
pursuant to adjournment.*



State flags fly opposite the Moyer Judicial Center in Columbus.



The Thomas J. Moyer Ohio Judicial Center was completed in the 1930s.



Normally, arguments are limited to 15 minutes per side.

The chief justice announces the first case and the name of the attorney who will make the first presentation. The attorney walks to the lectern in front of the bench and begins the argument. Normally, arguments are limited to 15 minutes per side, but in some cases the time increases to 30 minutes.

The marshal keeps track of the time and turns on a white light on the lectern when the attorney has two minutes remaining. A red light indicates when the time expires.

Prior to the arguments, members of the court read summaries of the case and briefs of the legal arguments of each side. The oral presentations of attorneys are often marked by sharp questioning from the bench.

All oral arguments before the court are televised live by Ohio Governmental Telecommunications on the Ohio Channel. Live streaming video and a video archive of all court oral argument sessions since March 2004 can be viewed on the court's website at www.supremecourt.ohio.gov/videostream/oarg_video/default.asp.

The court generally hears four or five cases in a day. When the final argument ends in the last case on the day's docket, the marshal asks those in the courtroom to rise and announces:

Hear Ye! Hear Ye! Hear Ye! This open session of the honorable Supreme Court of Ohio now stands adjourned.

DECIDING A CASE

The justices file out and go to the deliberation room to discuss the cases they just heard. The only person with them in the deliberation room is the reporter of

decisions, who records the justices' votes.

The chief justice calls on each justice to present his or her view of the case. In cases where one of the justices recused himself or herself from hearing a case, a judge from a court of appeals district is assigned by the chief justice to sit on the Supreme Court. If the chief justice does not participate, then the most senior justice sits as acting chief justice.

It takes at least four votes to decide a case. After the vote is taken, small balls with numbers representing the justices who voted with the majority are put in a leather bottle. The senior justice shakes the bottle and pours out one ball. Another justice looks at the ball and announces who was selected to write the opinion of the court in the case. That ball is not put back in the bottle until each justice is assigned the writing of a case. The writing of the opinions is done by random selection and the workloads of the chief justice and justices are nearly equal.

When the majority opinion is written, it is circulated to members of the court for comment. Members in the majority may choose to write a concurring opinion. Those in dissent may prepare a dissenting opinion.

Opinions are announced on Tuesdays, Wednesdays, and Thursdays — except for some special releases — and become the governing law throughout the state.

The Ohio Constitution requires all actions of the Supreme Court to be published. There are no "unreported decisions." Several days after being issued, the opinions are printed in the Ohio Official Reports Advance Sheets. They are later issued in bound volumes of the Ohio Official Reports and in the North Eastern Reporter. These volumes are available in law libraries throughout the state, the nation, and the world.



The justices vote on cases in the deliberation room.

THE SUPREME COURT OF OHIO: HISTORICAL PERSPECTIVE

The history of the Supreme Court of Ohio begins with the history of our state.

When Ohio was carved out of the Northwest Territory and its first Constitution adopted in 1802, the Supreme Court of Ohio was established as the highest court of the state. That Constitution, which provided for a court consisting of three judges, required a session of the Supreme Court to be held each year in every county of the state.

Those early judges spent a major portion of their time riding horseback throughout the state. They were usually accompanied by members of the bar who went along to present the cases to the court. The judges, in order to make room in their saddlebags for fresh linen, carried very few law books with them. They carried most of the law in their heads. Many of their early sessions were not held in the Statehouse — or even a courthouse — but were held in the homes of various individuals in the counties.

From those early days until the amendment of the Constitution in 1912, the number of judges on the Supreme Court varied from three to six. By an amendment in 1912, however, the membership of the court was fixed at seven, composed of a chief justice and six judges. That is the present size of the court. In 1968, the Constitution was amended further to identify each of the other six judges as justice.



Ross County Courthouse
Chillicothe

COURT OF APPEALS

The court of appeals is established by Article IV, Section 1, of the Ohio Constitution and its jurisdiction is outlined in Article IV, Section 3. As the intermediate-level appellate court, its primary

function is to hear appeals from the common pleas, municipal, and county courts. Each case is heard and decided by a three-judge panel.

The court of appeals is divided into 12 districts throughout the state. The number of judges in each district depends on a variety of factors, including the district's population and the court's caseload. Each district has a minimum of four appellate judges. Appeals court judges are elected to six-year terms in even-numbered years. They must have been admitted to the practice of law in Ohio six years preceding commencement of the term.

In addition to its appellate jurisdiction, the court of appeals has original jurisdiction, as does the Supreme Court, to hear applications for writs of habeas corpus, mandamus, procedendo, prohibition, and quo warranto. The Tenth District Court of Appeals in Franklin County also hears appeals from the Ohio Court of Claims.

THE COURT OF CLAIMS

The Court of Claims has original jurisdiction to hear and determine all civil actions filed against the state of Ohio and its agencies. The court also hears appeals from decisions made by the attorney general on claims allowed under the Victims of Crime Act.

The Court of Claims decides civil claims typically involving contract disputes, property damage, personal injury, immunity of state officers and employees, discrimination, and wrongful imprisonment. The chief justice assigns judges to hear such cases. In almost every instance, a single judge hears a case, but the chief justice may assign a panel of three judges to a civil action that presents novel or complex issues of law and fact.

Civil complaints filed for \$2,500 or less are decided on the contents of the case file or “administratively” by



Ohio Court of Claims Courtroom
Moyer Judicial Center

the clerk or a deputy clerk of the court. Appeals from those decisions (“administrative determinations”) may be taken to a judge of the court upon motion for court review. The court’s judgment is not subject to further appeal.

Appeals filed by crime victims are heard and determined by a panel of three commissioners who are appointed by the Supreme Court for a term of six years. A further and final appeal from the panel’s decision may go to a judge of the court. Like administrative determinations, the judge’s decision is final.

COURTS OF COMMON PLEAS

The court of common pleas, the only trial court created by the Ohio Constitution, is established by Article IV, Section 1, of the Constitution, and its duties are outlined in Article IV, Section 4.

There is a court of common pleas in each of the 88 counties. Specific courts of common pleas may be divided into separate divisions by the General Assembly, including general, domestic relations, juvenile, and probate divisions.

Common pleas judges are elected to six-year terms on a nonpartisan ballot. A person must be an attorney with at least six years of experience in the practice of law to be elected or appointed to the court.

General Division

The general division has original jurisdiction in all criminal felony cases and in all civil cases in which the amount in controversy is more than \$15,000. General divisions also have appellate jurisdiction over the decisions of some state administrative agencies.

Domestic Relations Division

Domestic relations courts have jurisdiction over all proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support, and allocation of parental rights and responsibilities for the care of children.

Juvenile Division

Juvenile courts hear cases involving persons under 18 years of age charged with acts that would be crimes

if committed by an adult. They also hear cases involving unruly, dependent, and neglected children. Juvenile courts have jurisdiction in adult cases involving paternity, child abuse, non-support, contributing to the delinquency of minors, and the failure to send children to school.

Probate Division

The Ohio Constitution of 1851 provided that probate courts be established as separate independent courts with jurisdiction over the probate of wills and supervision of the administration of estates and guardianships. In 1968, under the Modern Courts Amendment of the Ohio Constitution, the probate courts became divisions of the courts of common pleas. Probate courts also have jurisdiction over the issuance of marriage licenses, adoption proceedings, determination of sanity or mental competency, and certain eminent domain proceedings. Probate judges can perform marriages and may charge a fee for the service.



Highland County Courthouse
Hillsboro

MUNICIPAL AND COUNTY COURTS

Municipal and county courts are created by the General Assembly as provided in R.C. 1901 and 1907. When municipal courts exercise countywide jurisdiction, no county court is needed. A county court is needed if an area of a county is not served by a municipal court.

The subject-matter jurisdiction of municipal and county courts is nearly identical. Both municipal and county courts have the authority to conduct preliminary hearings in felony cases, and both have jurisdiction over traffic and non-traffic misdemeanors. These courts also have limited civil jurisdiction. Municipal and county courts may hear civil cases in which the amount of money in dispute does not exceed \$15,000.



Adams County Courthouse
West Union

Judges sitting in these courts, like probate judges, have the authority to perform marriages.

Municipal court judges are elected to six-year terms on a nonpartisan judicial ballot. A municipal court judge may have jurisdiction in one or more municipalities, across county borders, in adjacent townships,

or throughout an entire county. A county court judge is elected to a six-year term on a nonpartisan ballot. All county court judges and some municipal court judges are part-time.

Municipal court judges and county court judges must be attorneys with at least six years of experience in the practice of law.

MAYOR'S COURTS

Mayor's courts are not a part of the judicial branch of Ohio government and are not courts of record. Still, they must file statistics quarterly and annually with the Supreme Court. Additionally, at the request of the General Assembly, the Supreme Court adopted rules providing for court procedures and basic legal education for mayors and mayor's court magistrates. Mayors whose courts hear alcohol- and drug-related traffic offenses have additional educational requirements.

Ohio and Louisiana are the only two states allowing the mayors of municipal corporations to preside over a court. In Ohio, in municipalities populated by more than 200 people where there is no municipal court, mayor's courts hear only cases involving violations of local ordinances and state traffic laws.

A mayor is not required to be a lawyer, but may appoint an attorney who has engaged in the practice of law for three years to hear cases in mayor's court.

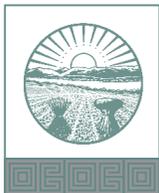
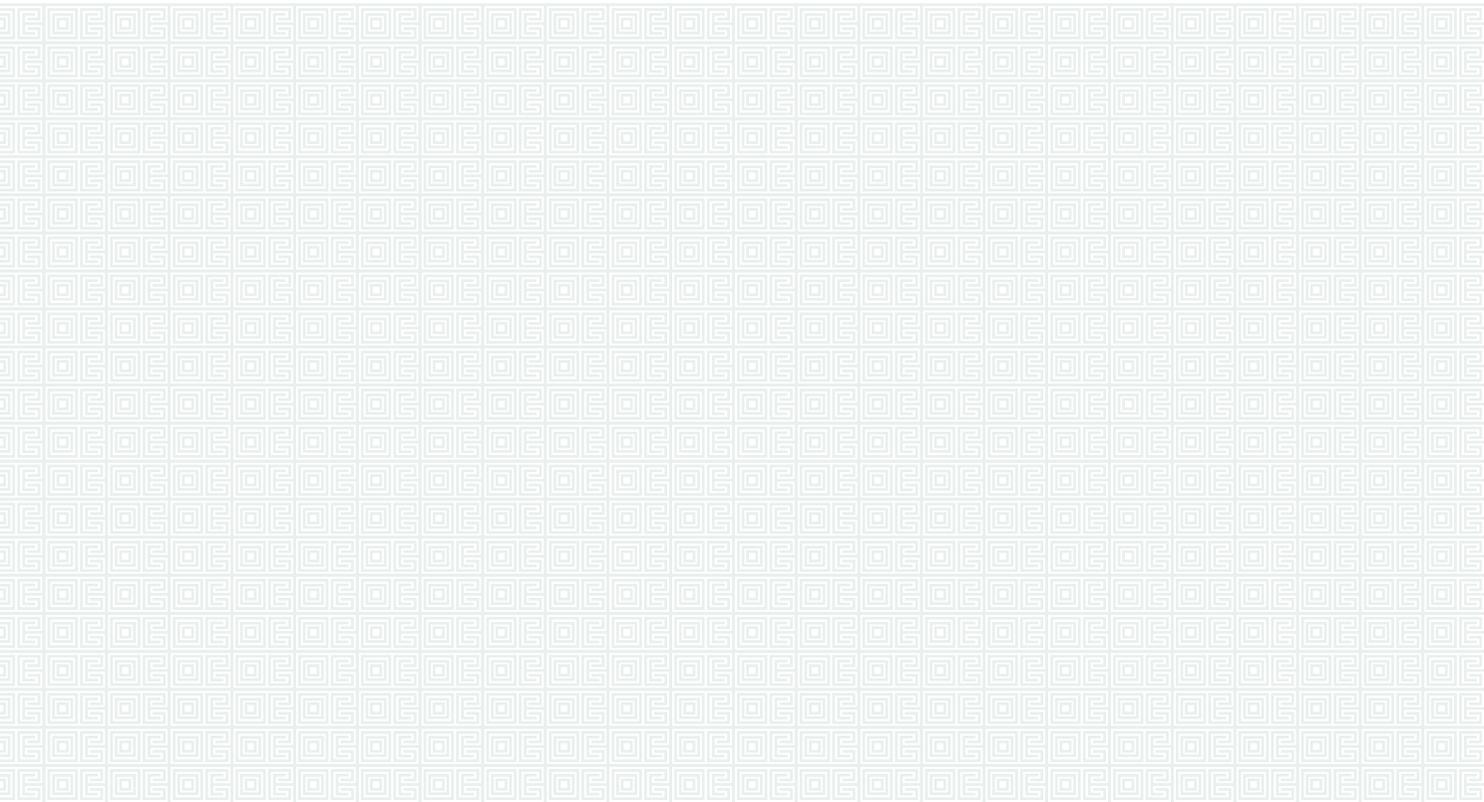
A person convicted in a mayor's court may appeal the conviction to the municipal or county court having jurisdiction within the municipal corporation.

SUPREME COURT OF OHIO DIRECTORY

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