



Section II

the courts

“Law has become utilitarian. It can be what the majority conceives as law, or it can be what an elite says it is. There is no absolute. In the end, it is always what a court or judge says it is.”

– William H. Seward (1850)

The courts oversee and administer the law. They resolve disputes under the law and strive to apply the law in a fair and impartial manner.

Like other states, Ohio is served by separate state and federal court systems organized into trial courts, intermediate courts of appeals and a Supreme Court in each system. State courts deal primarily with cases arising under state law and federal courts deal primarily with cases arising under federal law.

Ohio Trial Courts

In Ohio, most cases begin and are resolved in trial courts, which are the workhorses of the state’s judicial system. Ohio has several kinds of trial courts and each has *venue* and *jurisdiction* over cases. Simply stated, venue is the geographical location where a case is heard. Jurisdiction is the power and authority to hear and decide certain kinds of cases. Ohio’s trial courts include common pleas courts, municipal and county courts, and mayors’ courts.

- Common pleas courts have countywide venue and jurisdiction to decide all levels of civil and criminal cases. The common pleas court is Ohio’s court of general jurisdiction, which means that it has the authority to hear almost any civil or criminal matter. Most serious civil or criminal cases *must* be heard in common pleas court. Each of the state’s 88 counties has a common pleas court.
- Municipal and county courts have more limited jurisdiction than common pleas courts, and authority to decide only less serious civil and criminal cases.

- Mayors’ courts do not have civil jurisdiction and have only limited authority to hear minor criminal matters that occur within a city or village.

Ohio Courts of Appeals

The goal of every judicial system is to achieve complete and equal justice with every trial, but trial courts sometimes make mistakes or parties may disagree about the outcome of a particular case. This is why the courts of appeals were established.

Ohio’s courts of appeals review questions brought from common pleas courts, municipal courts and county courts. Only a final judgment or order can be appealed, and appeals generally must be on questions of law and not the facts of a case.

Court of appeals judges generally do not hear new testimony. They review transcripts from the lower court’s hearings to determine if the law was correctly interpreted and applied. An attorney writes a brief, arguing the client’s position. Then, the attorney may make oral argument, at which time the judge can raise questions about the case before making a decision.

Ohio’s appeals court system is divided into 12 districts. The number of judges in each district varies based on population. Cases challenging decisions made by a lower trial court located within its district are heard by a panel of three of the district’s judges. Although many cases end with a decision by a district court of appeals, such courts are not the last resort but an intermediate step from the trial courts to the Supreme Court of Ohio.

To qualify for election, courts of appeals judges must be licensed attorneys with at least six years' experience. Once elected, they serve six-year terms.

The Supreme Court of Ohio

The Supreme Court of Ohio is the highest and most powerful court in the state, and its primary purpose is to serve as a court of appeals and Ohio's court of last resort. It has original (trial) jurisdiction in the same types of extraordinary cases as the courts of appeals. The Supreme Court of Ohio also has other important duties. These duties include prescribing rules of procedure for and supervising the operation of all lower courts, and controlling the practice of law.

The Supreme Court of Ohio is empowered to review final judgments and orders of lower courts; to affirm, reverse, remand (send back to a lower court), or modify judgments; and to do whatever is necessary to render a just and final determination of a case. Appeals to the Supreme Court of Ohio are generally from the district courts of appeals rather than from the trial courts.

The Supreme Court of Ohio is required to hear some types of cases (cases involving the death penalty, some appeals from state agencies, cases involving state constitutional issues, and others), but most of its jurisdiction is discretionary and it selects cases of great public interest to resolve.

The Supreme Court of Ohio consists of a chief justice and six justices. To qualify for election, candidates must be licensed attorneys with at least six years' experience. Once elected, they serve six-year terms. The Supreme Court of Ohio is located in Columbus.

The Federal Courts

The federal court structure is similar to Ohio's court structure, with trial courts, courts of

appeals and a Supreme Court. The federal courts are primarily concerned with administering the federal law, and they function independently of state courts.

District Courts

The trial courts in the federal system are the U.S. District Courts. The district courts are courts of general jurisdiction and correspond to Ohio's common pleas courts, meaning they handle all types of criminal cases (felonies as well as misdemeanors) that arise under federal statutes, as well as many kinds of civil cases. For example, district courts handle:

- cases governed solely by federal law (bankruptcies; patents and copyrights; and admiralty, the branch of law that governs shipping and navigation on the oceans, seas and navigable inland waterways);
- cases under the U.S. Constitution or federal statutes (cases involving interstate commerce, claims by one state against another, civil rights or antitrust claims); and
- diversity cases (claims by a citizen of one state against a citizen of another state where the amount of the claim is \$75,000 or more). For example, a diversity case might be a claim by an Ohio resident against a Kentucky resident for injuries sustained in an auto accident that occurred in Ohio. If the amount involved was \$75,000 or more, this case could be heard in a federal district court located in Ohio. Because the federal system does not have a common law of its own, the law of Ohio would be applied in such a case.
- Bankruptcy cases require an additional explanation. District courts have the power to handle bankruptcy cases, but have referred them in the past to bankruptcy courts. Technically, the bankruptcy court is part of the district court, although it operates as an independent court and handles almost all aspects of bankruptcy cases. (*See Section VII, "Business Transactions," for more information on*

bankruptcy courts, as well as the corresponding chapter in The Law & You for more detailed information.)

Ohio has two federal district courts: the U.S. District Court for the Northern District of Ohio and the U.S. District Court for the Southern District of Ohio. The Northern District has a western division, based in Toledo, and an eastern division, based in Cleveland, with separate courts in Akron and Youngstown. The Southern District has a western division, based in Cincinnati, with a separate court in Dayton, and an eastern division, based in Columbus. There is a bankruptcy court for the Northern District, as well as the Southern District. There are bankruptcy court offices and courtrooms in Akron, Canton, Cleveland, Toledo, Youngstown, Cincinnati, Columbus and Dayton.

Judges of the U.S. District Court are appointed for a life term by the president of the United States, with confirmation by the U.S. Senate. Judges of the bankruptcy court are appointed for 14-year terms by the judges of the U.S. Court of Appeals for the circuit where the district court is located.

U.S. Courts of Appeals

The United States and its territories are divided into 13 “circuits,” with a court of appeals for each circuit. Ohio is in the Sixth Circuit, along with Michigan, Kentucky and Tennessee. The U.S. Court of Appeals for the Sixth Circuit is based in Cincinnati.

The U.S. courts of appeals are intermediate appeals courts. The U.S. courts of appeals hear appeals from the district courts and their decisions may be appealed to the U.S. Supreme Court. The U.S. appeals courts correspond to Ohio’s courts of appeals and function in much the same manner.

The president of the United States, with confirmation by the U.S. Senate, appoints all judges on the U.S. courts of appeals for life terms.

The U.S. Supreme Court

Just as the Supreme Court of Ohio is the highest court in the state, the U.S. Supreme Court is the highest court in the nation and the court of last resort. It consists of the chief justice and eight associate justices, who are appointed for life terms by the president of the United States with confirmation by the U.S. Senate.

The U.S. Supreme Court is the ultimate authority on many of the nation’s most important issues. Over the years, those decisions have desegregated our nation’s public schools, compelled a president to produce evidence in a pending criminal case, extended the rights of persons accused of crime, established equal voting rights and resolved a disputed presidential election.

Working with the Courts

Many journalists working with both state and federal courts stress the importance of building a relationship with court clerk. The clerk is responsible for administering oaths, evidence and exhibits and assisting the judge in a case. The clerk can provide journalists with calendar information, documents, names, addresses and phone numbers of court participants and other tips for coverage. The bailiff may also be helpful and can assist the journalist with seating and issues of entering or leaving a courtroom. In some cases, a courtroom may have a public information officer assigned to help the press with these issues and other concerns.

Journalists are reminded to address a judge with respect, using the terms “Your Honor” and “The Court.” Journalists can be cited for contempt during proceedings if they cause a disruption. Showing up on time, following calendars, conducting good research and double-checking names, facts and other details can all go a long way toward gaining the court’s helpful hand.

DIRECTORY of OHIO COMMON PLEAS COURTS

Names and telephone numbers of Clerks of Court, by County

(for additional information and links to court Web sites, go to www.occaohio.org/map.htm)

County	Clerk	Phone Number
Adams	Gary Gardner	(937) 544-2344
Allen	Gina C. Staley-Burley	(419) 223-8513
Ashland	Annette Shaw	(419) 282-4242
Ashtabula	Carol Mead	(440) 576-3637
Athens	Ann C. Trout	(740) 592-3242
Auglaize	Sue Ellen Kohler	(419) 738-4219
Belmont	Randall Marple	(740) 699-2169
Brown	Tina Meranda	(937) 378-4740
Butler	Cindy Carpenter	(513) 887-3278; 887-3090
Carroll	Bill Wohlwend	(330) 627-4886
Champaign	Edward Preston	(937) 484-1047
Clark	Ron Vincent	(937) 328-2458
Clermont	Barbara Wiedenbein	(513) 732-8119
Clinton	Joann M Chamberlain	(937) 382-2316
Columbiana	Anthony Dattilio	(330) 424-7777
Coshocton	Irene Miller	(740) 622-1456
Crawford	Sue Seevers	(419) 562-2766
Cuyahoga	Gerald Fuerst	(216) 443-7925
Darke	Cindy Pike	(937) 547-7335
Defiance	Jean Ziegler	(419) 782-1936
Delaware	Jan Antonoplos	(740) 833-2500
Erie	Barbara Johnson	(419) 627-7705
Fairfield	Deborah Smalley	(740) 687-7030
Fayette	Larry Long	(740) 335-6371
Franklin	John O'Grady	(614) 462-3600
Fulton	Mary Gype	(419) 337-9230
Gallia	Noreen Saunders	(740) 446-4612
Geauga	Denise Kaminski	(440) 279-1960
Greene	Terri Mazur	(937) 562-5290
Guernsey	Teresa Dankovic	(740) 432-9230
Hamilton	Greg Hartmann	(513) 946-5656
Hancock	Cathy Prosser Wilcox	(419) 424-7037
Hardin	Lori Stevenson	(419) 674-2278
Harrison	Barbara Yoho	(740) 942-8863
Henry	Judy Sonnenberg	(419) 592-5886
Highland	Paulette Donley	(937) 393-9957
Hocking	Narcie Stahr	(740) 385-2616
Holmes	Dorcas Miller	(330) 674-1876
Huron	Susan S. Hazel	(419) 668-5113
Jackson	Robert Walton	(740) 286-2006
Jefferson	John Corrigan	(740) 283-8583
Knox	Mary Jo Hawkins	(740) 393-6788

County	Clerk	Phone Number
Lake	Lynne Mazeika	(440) 350-2657
Lawrence	Les Boggs	(740) 533-4352
Licking	Gary Walters	(740) 670-5796
Logan	Dottie Tuttle	(937) 599-7275
Lorain	Ron Nabakowski	(440) 329-5625
Lucas	Bernie Quilter	(419) 213-4484
Madison	Marie Parks	(740) 852-9776
Mahoning	Tony Vivo	(330) 740-2103
Marion	Julie Kagel	(740) 223-4270
Medina	Kathy Fortney	(330) 725-9722
Meigs	Marlene Harrison	(740) 992-5290
Mercer	James Highley	(419) 586-6461
Miami	Jan Mottinger	(937) 440-6010
Monroe	Beth Rose	(740) 472-0761
Montgomery	Gregory Brush	(937) 687-9099; 496-7231
Morgan	Mary Gessel	(740) 962-4752
Morrow	Geri Park	(419) 947-2085
Muskingum	Todd Bickle	(740) 455-7177
Noble	Karen Starr	(740) 732-5604
Ottawa	JoAn C Monnett	(419) 734-6755
Paulding	Eleanor Edwards	(419) 399-8210
Perry	Timothy Wollenberg	(740) 342-1022
Pickaway	James Dean	(740) 474-5231
Pike	John Williams	(740) 947-2715
Portage	Linda Fankhauser	(330) 297-3644
Preble	Christopher Washington	(937) 456-8160
Putnam	Teresa Lammers	(419) 523-3110
Richland	Linda Frary	(419) 774-5549
Ross	Ty D. Hinton	(740) 702-3010
Sandusky	Warren Brown	(419) 334-6161
Scioto	Mildred Thompson	(740) 355-8218
Seneca	Mary K. Ward	(419) 447-3433
Shelby	Michele Mumford	(937) 498-7221
Stark	Nancy Reinbold	(330) 451-7801
Summit	Daniel M. Horrigan	(330) 643-2211
Trumbull	Karen Infante Allen	(330) 675-2557
Tuscarawas	Rockne Clarke	(330) 365-3243
Union	Paula Warner	(937) 645-3006
Van Wert	Carol Speelman	(419) 238-1022
Vinton	Lisa Gilliland	(740) 596-3001
Warren	James Spaeth	(513) 695-1120
Washington	Judy Van Dyk	(614) 373-6623
Wayne	Tim Neal	(330) 287-5590
Williams	Kimberly Herman	(419) 636-6910
Wood	Rebecca Bhaer	(419) 354-9280
Wyandot	Ann Dunbar	(419) 294-1432

FEDERAL TRIAL AND APPELLATE COURTS SERVING OHIO

Court/ Divisions	Location	Phone	Web site/ e-mail address	Counties Served
U.S. District Court for the Southern District of Ohio			www.ohsd.uscourts.gov/	Total of 48 counties; see breakdown below. (<i>NOTE: Cases are generally, but not always, assigned by county of origin.</i>)
EASTERN DIVISION (Columbus)	U.S. Courthouse, Rm. 260, 85 Marconi Blvd., Columbus, OH 43215	(614) 719-3000	www.ohsd.uscourts.gov/	Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, Washington
WESTERN DIVISION (Cincinnati)	U.S. Courthouse, Rm. 103 100 East Fifth Street Cincinnati, OH 45202	(513) 564-7500	www.ohsd.uscourts.gov/	Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Lawrence, Scioto, Warren
(Dayton)	Federal Building, Rm. 712 200 West Second Street Dayton, OH 45402	(937) 512-1400	www.ohsd.uscourts.gov/	Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble, Shelby
U.S. District Court for the Northern District of Ohio			www.ohnd.uscourts.gov/	Total of 40 counties, see breakdown below. (<i>NOTE: Cases are generally, but not always, assigned by county of origin.</i>)
EASTERN DIVISION (Cleveland)	U.S. Courthouse, Rm. 300 801 W. Superior Avenue Cleveland, OH 44113	(216) 357-7000	www.ohnd.uscourts.gov/	Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina, Richland
(Akron)	U.S. Courthouse, Rm. 568 Two South Main Street Akron, OH 44308	(330) 252-6000	www.ohnd.uscourts.gov/	Carroll, Holmes, Portage, Stark, Summit, Tuscarawas, Wayne
(Youngstown)	U.S. Courthouse, Rm. 337 125 Market Street Youngstown, OH 44503	(330) 746-1906	www.ohnd.uscourts.gov/	Columbiana, Mahoning, Trumbull
WESTERN DIVISION (Toledo)	U.S. Courthouse, Rm. 114 1716 Spielbusch Avenue Toledo, OH 43604	(419) 213-5500	www.ohnd.uscourts.gov/	Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot
U.S. Court of Appeals for the Sixth Circuit	U.S. Courthouse, Rm. 540 100 East Fifth Street Cincinnati, OH 45202	(513) 564-7000	www.ca6.uscourts.gov/	Hears federal appeals from the District Courts in Ohio, Michigan, Kentucky and Tennessee

OHIO DISTRICT COURTS OF APPEALS

District	Address	Phone/Fax	County(ies) Served
1st District	Court Administrator 230 East Ninth St., 12th Floor Cincinnati, OH 45202	Phone (513) 946-3500 Fax (513) 946-3412	Hamilton County
2nd District	Court Administrator 41 N. Perry, P.O. Box 972 Dayton, OH 45422	Phone (937) 225-4464 Fax (937) 496-7724	Champaign, Clark, Darke, Greene, Miami and Montgomery Counties
3rd District	Court Administrator 204 N. Main Street Lima, OH 45801	Phone (419) 223-1861 Fax (419) 224-3828	Allen, Auglaize, Crawford, Defiance, Hancock, Hardin, Henry, Logan, Marion, Mercer, Paulding, Putnam, Seneca, Shelby, Union, Van Wert and Wyandot Counties
4th District	Court Administrator 14 South Paint Street, Suite 38 Chillicothe, OH 45601	Phone (740) 779-6662 Fax (740) 474-6870	Adams, Athens, Gallia, Highland, Hocking, Jackson, Lawrence, Meigs, Pickaway, Pike, Ross, Scioto, Vinton and Washington Counties
5th District	Court Administrator 110 Central Plaza S. #320 Canton, OH 44702	Phone (330) 451-7765 Fax (330) 451-7249	Ashland, Coshocton, Delaware, Fairfield, Guernsey, Holmes, Knox, Licking, Morgan, Morrow, Muskingum, Perry, Richland, Stark and Tuscarawas Counties
6th District	Court Administrator One Constitution Avenue Toledo, OH 43604	Phone (419) 213-4755 Fax (419) 213-4844	Erie, Fulton, Huron, Lucas, Ottawa, Sandusky, Williams and Wood Counties
7th District	Court Administrator Mahoning County Courthouse 131 W. Federal Street Youngstown, OH 44503	Phone (330) 740-2180 Fax (330) 740-2182	Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe and Noble Counties
8th District	Court Administrator Cuyahoga County Courthouse 1 Lakeside Avenue #202 Cleveland, OH 44113	Phone (216) 443-6350 Fax (216) 443-2044	Cuyahoga County
9th District	Court Administrator 161 South High Street, #504 Akron, OH 44308	Phone (330) 643-2250 Fax (330) 643-2091	Lorain, Medina, Summit and Wayne Counties
10th District	Court Administrator 373 South High Street 24th Floor Columbus, OH 43215	Phone (614) 462-3580 Fax (614) 462-7249	Franklin County
11th District	Court Administrator 111 High Street, NE Warren, OH 44481	Phone (330) 675-2650 Fax (330) 675-2655	Ashtabula, Geauga, Lake, Portage and Trumbull Counties
12th District	Court Administrator 1001 Reinhartz Boulevard Middletown, OH 45042	Phone (513) 425-6609 Fax (513) 425-8751	Brown, Butler, Clermont, Clinton, Fayette, Madison, Preble and Warren Counties

Web Links:

From the OSBA's Law Facts pamphlet series:

<http://www.ohioabar.org/pub/lawfacts> (search by title)
"Ohio's Courts"

From the OSBA's "Law You Can Use" column:

<http://www.ohioabar.org/pub/lycu/> (search by title or topic)
"Electing Judges: How Do Voters Decide?"
"Magistrates' Service Is Widespread in Ohio Courts"
"Mental Health Court Can Save Time, Money and Lives"
"What Is a Drug Court?"
"What To Expect in Traffic Court"

From the Supreme Court of Ohio:

<http://www.sconet.state.oh.us/>
Ohio District Courts: http://www.sconet.state.oh.us/District_Courts/

From the Ohio Judicial Conference:

<http://www.ohiojudges.org/>

From the U.S. Supreme Court:

<http://www.supremecourtus.gov/>

From National Center for State Courts (portal to state and federal courts):

<http://www.ncsconline.org/>
Choose "information" and then "court Web sites"

Federal judicial Web sites:

<http://www.ohsd.uscourts.gov/>
<http://www.ohnd.uscourts.gov/>
<http://www.uscourts.gov/>

From Cornell Law School Legal Information Institute:

<http://www.law.cornell.edu/> (choose "law about," then "all topics")
appellate procedure
court rules
federal courts
judicial administration
judicial ethics

Small Claims Court information:

http://law.freeadvice.com/small_claims/

U.S. Court of Appeals for the Sixth Circuit:

<http://www.ca6.uscourts.gov/>