



THE SUPREME COURT *of* OHIO
AND THE
OHIO JUDICIAL SYSTEM

OHIO JUDICIAL STRUCTURE

SUPREME COURT

Chief Justice and Six Justices

Court of last resort on state constitutional questions of public or great general interest; appeals from the Public Utilities Commission, all death sentences; original jurisdiction in select cases.

COURT OF APPEALS

Twelve Districts, Three-Judge Panels

Appellate review of judgments of common pleas, municipal, and county courts; appeals from Board of Tax Appeals; original jurisdiction in select cases.

COURTS OF COMMON PLEAS

In Each of 88 Counties

General

Civil and criminal cases; appeals from most administrative agencies.

Domestic Relations

Divorces and dissolutions; support and custody of children.

Juvenile

Offenses involving minors; most paternity actions.

Probate

Decedents' estates; mental illness; adoptions; marriage licenses.

MUNICIPAL AND COUNTY COURTS

Misdemeanor offenses; traffic cases; civil actions up to \$15,000.

COURT OF CLAIMS

Judges Assigned by Chief Justice

All suits against the state for personal injury, property damage, contract and wrongful death; compensation for victims of crime.
Three-judge panels upon request.

MAYOR'S COURTS

Not courts of record.
Violations of local ordinances and state traffic laws. Matters can be reheard in municipal or county courts.

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.

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
- Cases in which there were conflicting opinions from two or more court of appeals districts.
- 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.
- **Mandamus and Procedendo:** Ordering a public official to do a required act.
- **Prohibition:** Ordering a lower court to cease an unlawful act.
- **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 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.

TODAY'S SUPREME COURT OF OHIO

One hundred fifty-nine Ohioans have served on the Supreme Court, including 11 women. The current Court is led by the state's first female chief justice.



Maureen O'Connor

Chief Justice

Chief Justice Maureen O'Connor is the first woman and 10th chief justice in Ohio history. She was reelected to her second term as the head of Ohio's judiciary in 2016. Since

becoming chief justice, she has led significant reforms and improvements in the Ohio judicial system, including improving access to justice by addressing the impact that court fines, fees, and bail practices have on economically disadvantaged communities. In addition, she established a task force to maintain public trust and confidence in grand juries, created a committee to examine the administration of the death penalty, and proposed improvements to strengthen judicial elections in Ohio. Chief Justice O'Connor joined the Supreme Court of Ohio as a justice in January 2003.

Joined the Supreme Court: Jan. 1, 2003;

Became Chief Justice on Jan. 1, 2011

Last Day of Current Term: Dec. 31, 2022



Sharon L. Kennedy

Justice

A former Butler County Domestic Relations Court judge, Justice Sharon L. Kennedy won election to an unexpired term on the Supreme Court in November 2012, and was elected

to her first full term in November 2014. She served on the bench in Butler County from 1999 to 2012,

where, as administrative judge, she improved its case management system to ensure the timely resolution of cases for families and children. Before becoming a judge, she was special counsel to the attorney general and a part-time magistrate. She began her career as a police officer.

Joined the Supreme Court: Dec. 7, 2012

Last Day of Current Term: Dec. 31, 2020



Judith L. French

Justice

Former appellate judge Judith L. French became the 155th justice of the Ohio Supreme Court in January 2013, after a gubernatorial appointment. She won election to her first

full term on the Supreme Court in November 2014. Before serving as an appellate judge, she was chief legal counsel to Gov. Bob Taft, as well as an assistant attorney general and chief counsel to the attorney general. She argued twice before the U.S. Supreme Court, including on behalf of the state in the Cleveland school-vouchers case.

Joined the Supreme Court: Jan. 1, 2013

Last Day of Current Term: Jan. 1, 2021

A full listing of Ohio Supreme Court justices, including their biographies and terms, is on the Court's website at sc.ohio.gov/SCO/formerjustices/.



Patrick F. Fischer
Justice

Justice Patrick F. Fischer joined the Supreme Court on Jan. 1, 2017, following his election in November 2016. He previously was elected to serve as a judge on the Ohio First District Court of Appeals. As a practicing lawyer

for more than 30 years, he tried cases throughout the country, was named to Best Lawyers in America, and was routinely named to Ohio Super Lawyers. A respected member of the state's legal community, Justice Fischer served as president of the Ohio State Bar Association from 2012 to 2013.

Joined the Supreme Court: Jan. 1, 2017

Last Day of Current Term: Dec. 31, 2022



R. Patrick DeWine
Justice

Justice Pat DeWine began his six-year term on the Supreme Court on Jan. 2, 2017, following his statewide election in November 2016. Prior to joining the Supreme Court, Justice

DeWine served on the First District Court of Appeals and also on the Hamilton County Common Pleas Court. Before becoming a judge, Justice DeWine was in private practice for 13 years. He also served as a member of the Hamilton County Board of Commissioners and on the Cincinnati City Council.

Joined the Supreme Court: Jan. 2, 2017

Last Day of Current Term: Jan. 1, 2023



Michael P. Donnelly
Justice

Justice Michael P. Donnelly took office in January 2019, following his election in November 2018 to a full term on the Court. Prior to joining the state Court, Justice Donnelly served as a judge on the

Cuyahoga County Court of Common Pleas, General Division for 14 years, from 2005 to 2018. He was elected to the seat in November 2004 and re-elected in 2010 and 2016. Before serving as a member of the local judiciary, Justice Donnelly was an assistant Cuyahoga County Prosecutor from 1992 until 1997. He went on to practice civil litigation for seven years.

Joined the Supreme Court: Jan. 1, 2019

Last Day of Current Term: Dec. 31, 2024



Melody J. Stewart
Justice

Justice Melody J. Stewart was elected in November 2018 to a full term on the Court. Prior to joining the Supreme Court, she served on the Eighth District Court of Appeals – elected to an

unexpired term in 2006, and twice re-elected to full terms. Justice Stewart has more than 30 years of combined administrative, legal, and academic experience. She was an administrator for a health care management company, a music teacher, a civil defense litigator, and a law school administrator and professor before being elected to the Court of Appeals.

Joined the Supreme Court: Jan. 2, 2019

Last Day of Current Term: Jan. 1, 2025



HOME OF THE COURT

The Supreme Court of Ohio 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
- 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.”

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 is available on the Court’s website at supremecourt.ohio.gov.

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:

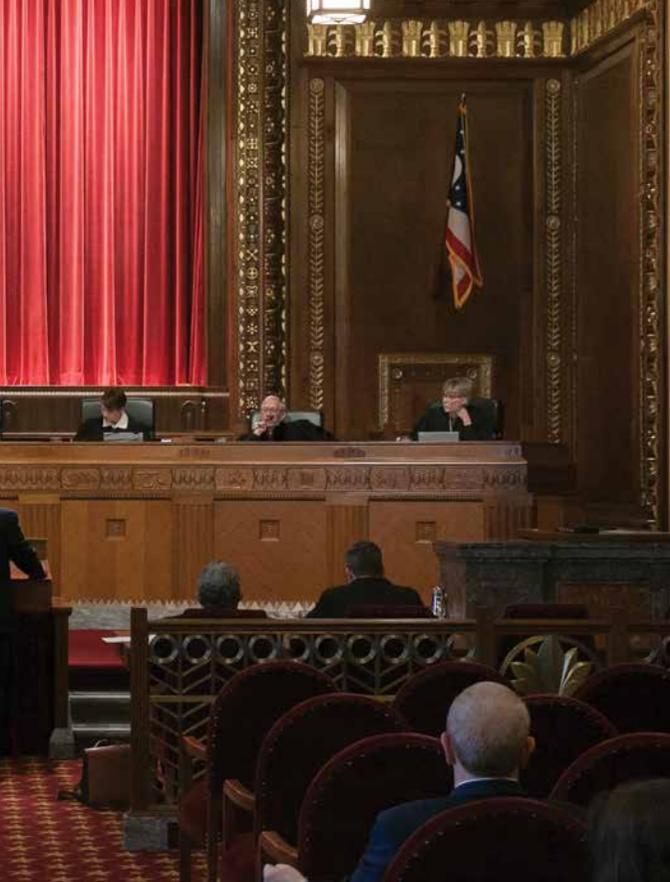
“Hear Ye! Hear Ye! Hear Ye! This open session of the honorable Supreme Court of Ohio now stands adjourned.”

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



An attorney answers questions from Ohio Supreme Court justices during oral arguments. Normally, arguments are limited to 15 minutes per side.

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.

A 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 justices.

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

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 10th District Court of Appeals in Franklin County also hears appeals from the Ohio Court of Claims.



The Ohio Court of Claims Courtroom is located in the Thomas J. Moyer Ohio Judicial Center.

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 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.



The Allen County Common Pleas Court in Lima, Ohio.

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.

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.



Bellefontaine Municipal Court.



For more information about the Supreme Court of Ohio
and the Ohio Judicial System, visit:
supremecourt.ohio.gov.

THE SUPREME COURT *of* OHIO

Maureen O'Connor
CHIEF JUSTICE

Sharon L. Kennedy
Judith L. French
Patrick F. Fischer
R. Patrick DeWine
Michael P. Donnelly
Melody J. Stewart
JUSTICES

Jeffrey C. Hagler
ADMINISTRATIVE DIRECTOR

Stephanie E. Hess
DEPUTY ADMINISTRATIVE DIRECTOR

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65 South Front Street
Columbus, Ohio 43215-3431
www.supremecourt.ohio.gov