

JUDICIAL ELECTIONS

In November, Ohio voters will be voting on a number of judicial candidates. On the ballots in Hamilton, Butler and Warren Counties will be candidates for Justice of the Supreme Court of Ohio, Ohio Court of Appeals Judge, County Court Judge (Warren County), and Court of Common Pleas Judge. Voting on judicial races poses a major challenge for many voters. In November 2012, 40 percent of Ohioans who cast a ballot skipped voting in judicial races because they lacked information about the judiciary and judicial candidates.

INFORMATION ON THE JUDICIARY

The Supreme Court of Ohio – The Supreme Court is established by the Ohio Constitution (Article IV) and is made up of seven justices. It is responsible for the leadership of the judicial branch of Ohio government. Most of its cases are from the 12 district Courts of Appeals. The Supreme Court also has appellate jurisdiction in cases involving questions arising under the Ohio or United States Constitution, hears all cases in which the death penalty has been imposed and reviews the actions over certain administrative agencies including the Public Utilities Commission and the Board of Tax Appeals. The Supreme Court of Ohio also regulates admission to the practice of law, the discipline of attorneys admitted to practice and all other matters relating to the practice of law.

The Ohio Court of Appeals – The Courts of Appeals are established by the Ohio Constitution (Article IV). As intermediate level appellate courts, their 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 state is divided into twelve districts and the number of judges in each district varies between four and twelve depending on various factors including the court's caseload and size of the district.

Ohio Court of Common Pleas - The trial courts of the state court system of Ohio, the courts of common pleas are the only trial courts created by the Ohio Constitution (Article IV). Each of Ohio's 88 counties has a court of common pleas. The courts of common pleas are often divided into divisions including general, domestic relations, juvenile and probate. In order to be appointed or elected to the court, a person must be an attorney with at least six years of experience in the practice of law.

Warren County Court - The Warren County Court was created in 1958 by an act of the Ohio General Assembly to replace township justices of the peace. The court handles an average of approximately 8,000 criminal, traffic and civil

cases per year and its jurisdiction includes cases in the following Townships: Clearcreek, Hamilton, Harlan, Massie, Salem, Union, Washington and Wayne.

WHAT VOTERS SHOULD UNDERSTAND

The courts are an important part of our democracy and provide essential balance in our government. American democracy depends on the People's knowledge of the role of the courts within our constitutional system, the difference between judges and other elected officials, how judges make decisions and the reasons why our courts should be free from political influences. Politics and special interests have no place in the courts, as the courts' purpose is to uphold the Constitution and interpret and apply state and local laws.

The peaceful resolution of differences depends on fair judges. When we end up in a lawsuit, we need to have confidence that judges will decide our case ON THE BASIS OF THE LAW and the evidence with no consideration of the relative wealth or political clout of supporters or detractors who may be lobbying for a particular result. The judicial process is

threatened when large amounts of money and political pressure are applied to influence how cases are decided. Voters play a critical role in protecting courts from these pressures by participating in choosing judges.

HOW TO FIND OUT ABOUT JUDICIAL CANDIDATES

It can be hard for the average person to decide among judicial candidates because most voters don't know much about them. This is because most citizens do not routinely interact with judges in their communities, so they tend to know very little about how judges conduct themselves in the course of doing their jobs. In addition, state rules do not allow judicial candidates to discuss their views on controversial issues because judges must be impartial on the bench; if they discuss their personal beliefs, they might appear to be prejudiced toward a particular viewpoint.

Other candidates for office often inform voters by discussing issues and policies and by promising to do certain things if they are elected. The Ohio Code of Judicial Conduct, Canon 4, spells out rules for permissible and prohibited conduct by candidates for judge.

A judicial candidate may: present his or her record of public service and other relevant experience and qualifications; discuss his or her general views about the administration of justice; talk about court management and policies.

A judicial candidate may not: make speeches on behalf of a political party or act as a leader of a political party; publicly endorse or oppose a candidate for another public office; comment on any substantive



In the general election, there are no party designations listed on your ballot for judicial

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matter relating to a specific case pending on the docket of any judge; make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court; in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

VOTERS SHOULD FOCUS ON ESSENTIAL QUALITIES FOR JUDICIAL CANDIDATES

Integrity -- A judge should be honest, upright and committed to the rule of law.

Professional Competence -- A judge should have a keen intellect, extensive legal knowledge and strong writing skills.

Judicial Temperament -- A judge must be neutral, decisive, respectful and composed.

Experience -- A judge should have a strong record of professional excellence in the law.

Service -- A judge should be committed to public service and the administration of justice.

QUESTIONS TO ASK ABOUT A JUDICIAL CANDIDATE

As an attorney, has the candidate handled a variety of cases such as tax law, divorce, criminal, etc.?

If the candidate is a judge, has he/she presided over a variety of trials?

What is the opinion of practicing attorneys and/or the

local bar association regarding the candidate?

Is the candidate considered impartial?

Does the candidate possess a deep commitment to the law?

ADDITIONAL SOURCES OF INFORMATION ON JUDICIAL CANDIDATES

Ohiojudges.org -- Ohio Judicial Conference provides a citizen guide brochure to include an overview of Ohio's court system and legal terminology. Website includes links to elected judges.

State.oh.us/sos -- Ohio Secretary of State "Candidate Profiles" link: profiles and position statements of candidates for Justice and Chief Justice of the Supreme Court of Ohio.

The local bar association in your area may rate candidates, or guide you to other information such as judicial performance evaluations. See Ohiobar.org for the Ohio State Bar Association "Ohio Metro Areas" that will help you find your local Bar Association listing.

Attend voter information sessions -- The LWVCA's "Behind the Gavel" event on Sept. 22 (see related article on page 2) features information on the Hamilton County Court of Common Pleas and the judicial candidates for this office.

Check campaign web sites and voter guides provided by nonpartisan groups such as the League of Women Voters -- lwvcincinnati.org; lwvohio.org; vote411.org

Above all, consider who is paying for any advertising about any particular judicial election. There are contribution limits for judicial candidates

under Ohio law. For candidates of the Ohio Supreme Court individuals are limited to \$3,425 and \$6,325 for political action committees for both the general and primary elections. State and local party organizations are limited to \$172,500 for the primary election while the limit for the general election is \$316,250. For contributions to candidates for the Ohio Court of Appeals, individuals are limited to \$1,125 and \$3,450 for political action committees for both the general and primary elections. State and local party organizations are limited to \$34,500 for the primary election while the limit for the general election is \$69,000. Contributions for all candidates for the Ohio Court of Common



Pleas are limited to \$575 for individuals and \$3,450 for political action committees. State and local party organizations have different limits for Common Pleas candidates. For candidates in a population greater than 750,000, the limits are \$34,500 for the primary election while the limit for the general election is \$69,000. For a population less than 750,000 the limits are \$28,750 for the primary election while the limit for the general election is \$57,500. The primary election campaign limits for party organizations are only in effect if there is a contested primary. Campaign finance for Ohio judicial elections are governed by the Ohio Secretary of State. The Ohio Secretary of State is

responsible for all handling of administrative and reporting functions of Ohio's campaign finance laws.

When voters understand what judges do and how the courts are supposed to work, they are more likely to vote for judges possessing character, integrity, impartiality and a willingness to decide cases on the evidence presented and the law, not on political or special-interest agendas or out of a fear of unpopularity. If we support or oppose judges based on the popularity of their decisions, the threat of political retribution will undermine fairness, equality and impartiality in our courts.

These study pages were compiled using the following publication sources:

- "Electing Judges: Why Judicial Candidates can be hard to hear and How to find their voices" -- Ohio Judicial Conference, Columbus, Ohio;
- "What Voters Need to Know" and "Questions for Judicial Candidates" -- League of Women Voters of Ohio;
- "Informed Voters, Fair Judges" -- National Association of Women Judges;
- en.wikipedia.org/wiki/Ohio_Courts_of_Common_Pleas; Judgepedia.org/Campaign_finance_requirements_for_Ohio-Judicial;
- co.warren.oh.us/countycourt/GenInfo/history.aspx;
- sconet.state.oh.us/SCO/jurisdiction/default.asp;
- sconet.state.oh.us/JudSystem/districtCourts/default.asp

The Courts in Ohio



SUPREME COURT CHIEF JUSTICE AND SIX JUSTICES

Original jurisdiction in select cases; court of last resort on state constitutional questions and questions of public or great general interest; appeals from Board of Tax Appeals, Public Utilities Commission and death penalty 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 DIVISION
Civil and criminal cases;
appeals from most
administrative agencies

**DOMESTIC
RELATIONS DIVISION**
Divorce and dissolutions;
support and custody of
children

JUVENILE DIVISION
Offenses involving
minors; most paternity
actions

PROBATE DIVISION
Decedents' estates;
mental illness; adoptions;
marriage licenses

MUNICIPAL AND COUNTY COURTS

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

MAYOR'S COURTS

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

COURT OF CLAIMS

JUDGES ASSIGNED BY THE CHIEF JUSTICE

All suits against the state for personal injury, property damage, contract and wrongful death; compensation for victims of crime.
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