

How Do The Ohio Courts Work?



Judge John J. Russo
Administrative and Presiding Judge

Cuyahoga County Common Pleas Court Judges

John J. Russo, Presiding and Administrative Judge

Dick Ambrose
Pamela A. Barker
Janet R. Burnside
Deena R. Calabrese
Maureen E. Clancy
Cassandra Collier-Williams
Brian J. Corrigan
Peter J. Corrigan
Michael P. Donnelly
Carolyn B. Friedland
Stuart A. Friedman
Nancy A. Fuerst
Steven E. Gall
Hollie L. Gallagher
Kelly Ann Gallagher
Shannon M. Gallagher
Daniel Gaul
Michael E. Jackson
David T. Matia
Robert C. McClelland
Timothy McCormick
Nancy R. McDonnell
Sherrie Miday
John P. O'Donnell
Joseph D. Russo
Michael J. Russo
Nancy Margaret Russo
Shirley Strickland Saffold
Michael Shaughnessy
Brendan J. Sheehan
John D. Sutula
Kathleen Ann Sutula
Joan Synenberg



Structure of The Ohio Judicial System

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 the Board of Tax Appeals, Public Utilities Commission and death penalty cases.

Court of Appeals

12 Courts, 69 Judges
Three Judge Panels

Original jurisdiction in select cases, appellate review of judgments of Common Pleas, Municipal and County Courts; appeals from Board of Tax Appeals.

Court of Common Pleas

88 Courts (one per each Ohio county), 244 Judges

General Division

Civil & criminal cases; appeals from most administrative agencies.

Domestic Relations Division

Divorces and dissolutions; support and custody of children.

Probate Division

Probate, adoption, and mental illness cases.

Juvenile Division

Offenses involving minors; most paternity actions.

Municipal Courts

130 Courts, 217 Judges

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

County Courts

35 Courts, 37 Judges

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

Court Of Claims

Judges Assigned by Supreme Court

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

Mayor's Courts

Approximately 318 Mayors
Misdemeanor offenses; traffic cases.

The Supreme Court of Ohio

Article IV, Section 2 of the Ohio Constitution sets the size of the Court at seven -- a Chief Justice and six Justices, who 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 runs, voters pick three members of the Court.

A person must be an attorney with at least six-years-experience in the practice of law to be elected or appointed to the Supreme Court. Appointments are made by the Governor for vacancies that may occur between elections.

The Supreme Court is the court of last resort in Ohio. Most of its cases are appeals from the 12 district courts of appeals. The Court may grant leave to appeal felony cases from the courts of appeals and may direct a court of appeals to certify its record in any civil or misdemeanor case that the Court finds to be "of public or great general interest."

The Supreme Court also has appellate jurisdiction in cases involving questions arising under the Ohio or United States Constitutions, cases originating in the courts of appeals, and cases in which there have been conflicting opinions on the same question from two or more courts of appeals. The Supreme Court hears all cases in which the death penalty has been imposed. These cases currently include both appeals from courts of appeals affirming imposition of the death penalty by a trial court and, for capital crimes committed on or after Jan. 1, 1995, appeals taken directly from the trial courts. Finally, the Supreme Court's appellate jurisdiction extends to review of the actions of certain administrative agencies, including the Public Utilities Commission and the Board of Tax Appeals.

The Supreme Court has original jurisdiction to issue extraordinary writs. These include writs of habeas corpus (inquiring into the cause of an allegedly unlawful imprisonment or deprivation of custody), writs of mandamus (ordering a public official to perform a required act), writs of procedendo (compelling a lower court to proceed to judgment in a case), writs of prohibition (ordering a lower court to stop abusing or usurping judicial functions), and writs of quo warranto (issued against a person or corporation for usurpation, misuse, or abuse of public office or corporate office or franchise).

The Constitution grants the Supreme Court exclusive authority to regulate admission to the practice of law, the discipline of attorneys admitted to practice, and all other matters relating to the practice of law. In connection with this grant of authority, the Supreme Court has promulgated the Supreme Court Rules for the Government of the Bar of Ohio. Among other things, these rules address admission to practice, attorney discipline, attorney registration, continuing legal education, and unauthorized practice of law.

The Constitution also gives the Supreme Court authority to prescribe rules governing practice and procedure in all courts of the state and to exercise general superintendence over all state courts.

The Court of Claims

The Court of Claims is given 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 that typically involve 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 will hear 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 \$10,000 or less are decided on the contents of the case file or "administratively" by the clerk of the court or a deputy clerk. Appeals from those decisions ("administrative determinations") may be taken to a judge of the court upon motion for court review. The court's judgment cannot be the subject of further appeal.

Crime victims' appeals are heard and determined by a panel of three commissioners who are appointed by the Supreme Court for a six-year term. A further and final appeal from the panel's decisions may be taken to a judge of the court. As in the case of administrative determinations, the judge's decision is final.

The Court of Claims was created in 1975 with the enactment of the Court of Claims Act by the Ohio General Assembly. Passage of the law permits actions to be brought against the state which were previously barred by the doctrine of sovereign immunity. The state's limited waiver of sovereign immunity permits any liability of the state to be determined in accordance with the rules of law that apply to private parties. Any action must be predicated upon previously recognized claims for relief for which the state would have been liable except for sovereign immunity.

The law was later amended to provide civil immunity to officers and employees of the state, except:

- For activities arising from the operation of a motor vehicle
- For actions in which the state is a plaintiff, and
- For actions where an officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner or whose conduct was manifestly outside the scope of employment.

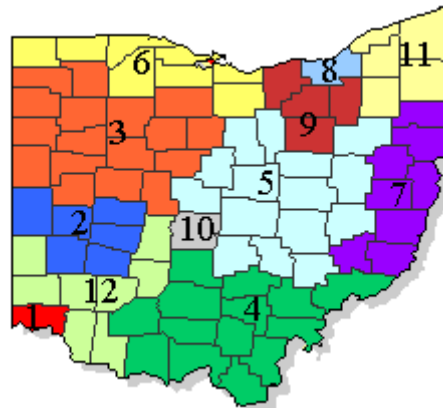
Courts of Appeals

The courts of appeals are established by Article IV, Section 1 of the Ohio Constitution, and their jurisdiction is outlined in Article IV, Section 3. 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 appellate districts by Article IV, section 3 of the Ohio Constitution and section 2501.01 of the Revised Code. Each district is served by a court of appeals that sits in each of the counties in that district. The number of judges in each district depends on a variety of factors, including the court's caseload and the size of the district. The number of judges in each district varies from four to twelve.

In addition to their appellate jurisdiction, the courts of appeals have 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.

As of 2002, there are 68 court of appeals judges. Court of appeals judges are elected in even-numbered years to six-year terms on a nonpartisan ballot. Appellate judges must be attorneys with at least six years of experience in the practice of law. The Governor makes appointments to fill vacancies in courts of appeals that occur between elections.



Note that the 8th District Court of Appeals handles cases only from Cuyahoga County. Their Courtroom is across the street from the Justice Center in the old County Court House.

Ohio Courts of Common Pleas

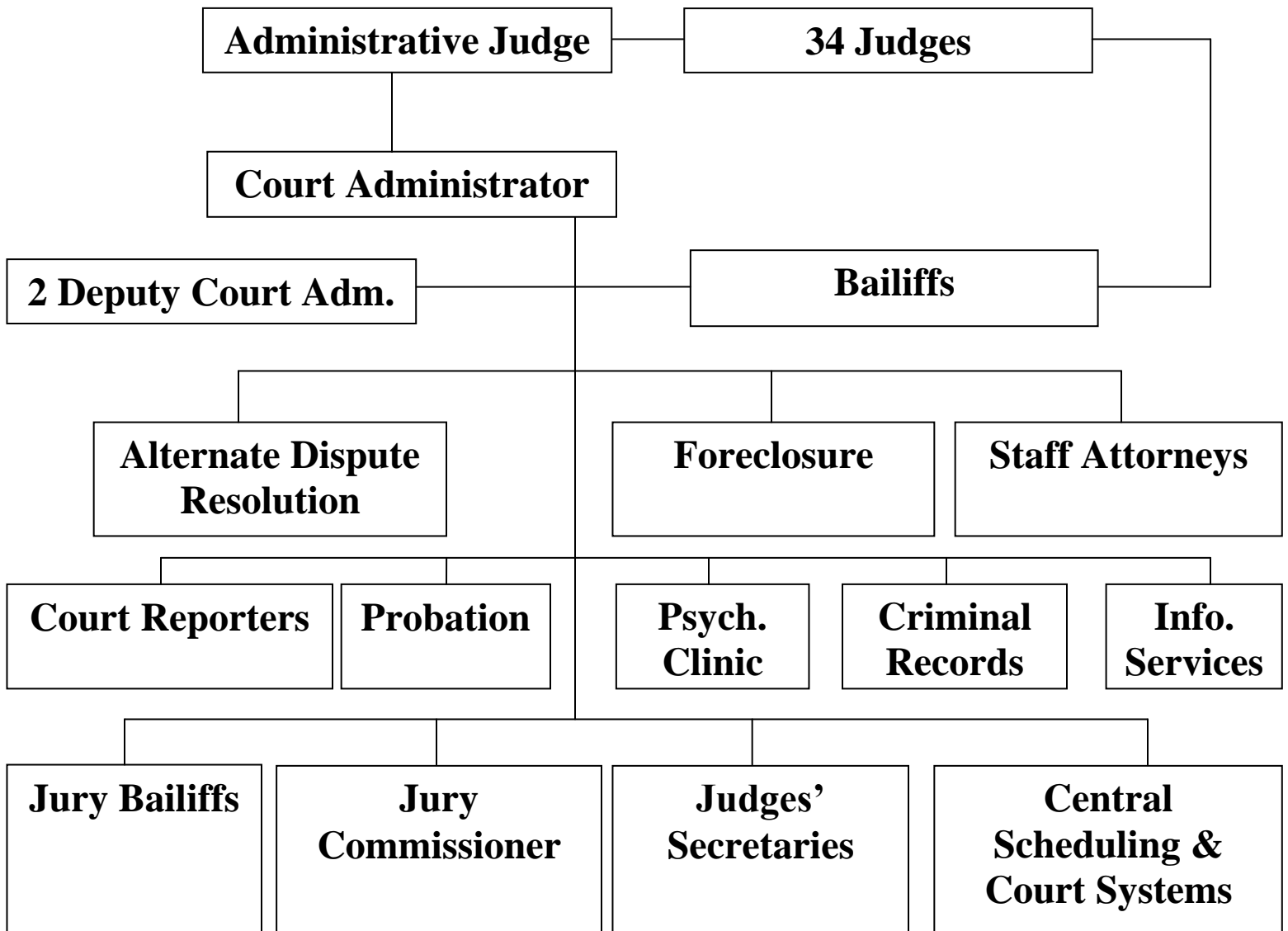
The **Ohio Courts of Common Pleas** are the trial courts of the state court system of Ohio.

The courts of common pleas are the trial courts of general jurisdiction in the state. They are the only trial courts created by the Ohio Constitution (in Article IV, Section 1). The duties of the courts are outlined in Article IV, Section 4. Each of Ohio's 88 counties has a court of common pleas. The Ohio General Assembly (the state legislature) has the power to divide courts of common pleas into divisions, and has done so, establishing general, domestic relations, juvenile, and probate divisions:

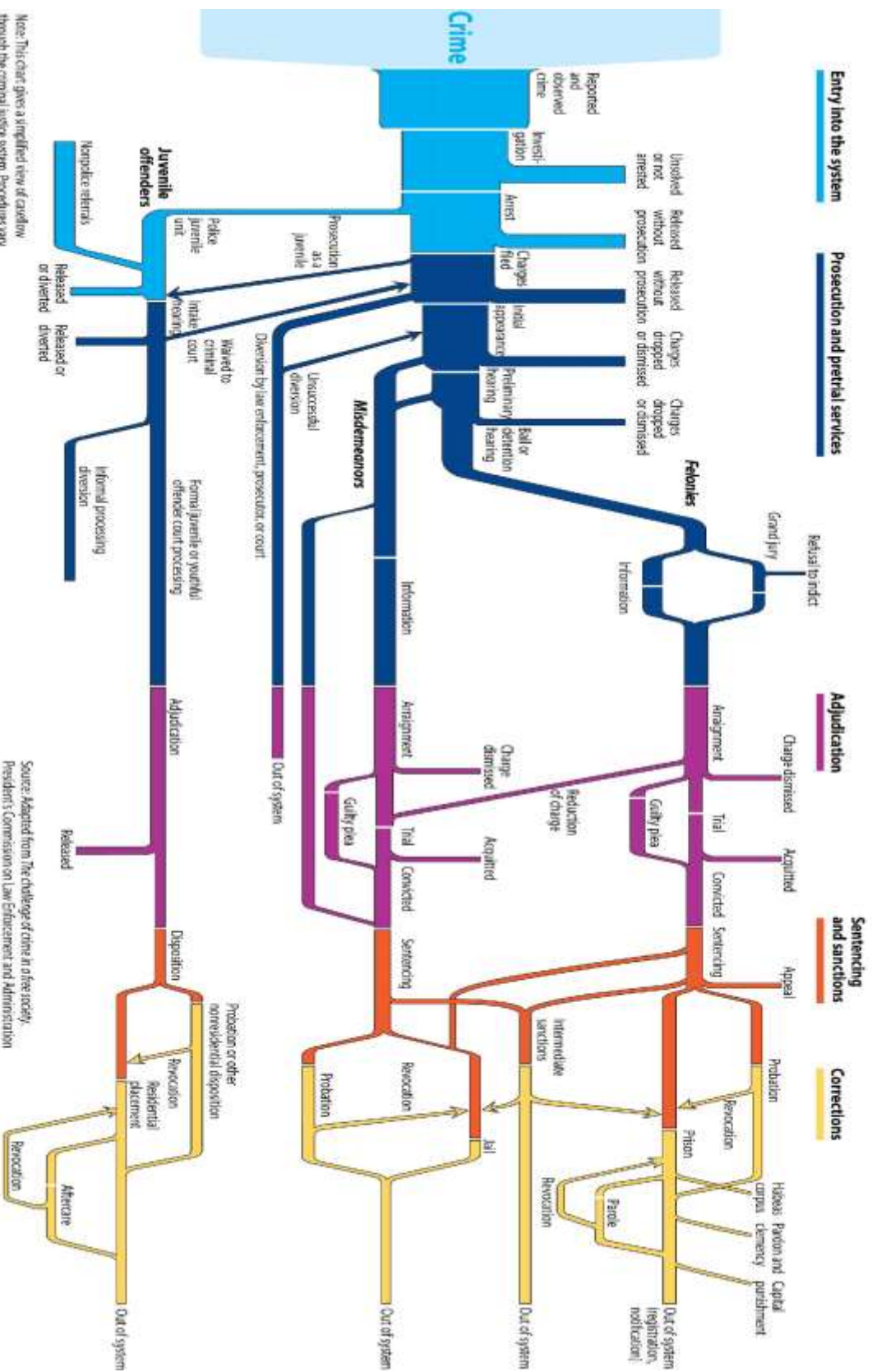
- General divisions have original jurisdiction in all criminal felony cases, all civil cases in which the amount in controversy is more than \$15,000, and all cases involving title to real estate, excepting eviction matters. General divisions also have appellate jurisdiction over the decisions of some state administrative agencies and of city agencies.
- Domestic relations divisions have jurisdiction over proceedings involving divorce (dissolution of marriage), annulment, legal separation, spousal support, parental rights, children, etc.
- Juvenile divisions hear cases involving juvenile delinquency (minors under 18 years of age charged with acts that would be crimes if committed by an adult) as well as cases involving unruly, dependent and neglected children. Juvenile courts have jurisdiction in adult cases involving paternity, child abuse, non-payment of child support, contributing to the delinquency of minors, and the failure to send children to school (truancy).
- Probate divisions – Formerly probate was handled by separate probate courts under Ohio Constitution of 1851, which had original jurisdiction over the probate of wills, supervision of the administration of estates, and guardianship. In 1968, the Modern Courts Amendment to the Ohio Constitution was adopted, establishing probate divisions of the courts of common pleas instead. Probate courts additionally have jurisdiction over the issuance of marriage licenses, adoption proceedings, determination of sanity or mental competency and certain eminent domain proceedings. Probate judges may also act as marriage officiants and charge a fee for the service.

Judges of the court of common pleas are elected to six-year terms on a nonpartisan ballot, although candidates may choose to run in partisan primary elections. 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. The Governor makes appointments to fill vacancies in Courts of Common Pleas that occur between elections.

Cuyahoga County Common Pleas Court- General Division



What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*, President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.