



**The Origin and History
of the
Court of Common Pleas
in
Lake County, Ohio**

**Compiled by Judge Eugene A. Lucci
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The Origin of the Court of Common Pleas in England

The origin of the court of common pleas is traceable to English antiquity. In England, the court of common pleas was the second oldest common law court (after exchequer). It was established during the late 12th century and dealt with civil cases between party and party. It was an offshoot of the ancient “great universal” court known as the Aula Regis (King’s Hall), otherwise called Curia Regis (the King’s Court), that was established by William the Conqueror.

The court originated from Henry II’s assignment in 1178 of five members of his council to hear pleas (civil disputes between individuals), as distinguished from litigation to which the crown was a party. This group of councilors did not immediately emerge as a body distinct and separate from the Curia Regis. It remained a part of that court and decided civil actions at law brought by one subject against another – not by the crown against a subject. The court of common pleas heard civil cases, and not capital offences.

The King’s great officers – who resided in the palace and attended his person – comprised the court. These officers included the Lord High Constable, the Lord High Steward, the Lord Chamberlain, and the Lord High Treasurer. To these were added certain justices, learned in the law, and the greater barons of Parliament. A Chief Justiciar, who was the Prime Minister, presided. This court attended the person of the King wherever he might be.

During the latter years of the 12th century, the common pleas court consisted of one chief justice and four puisne¹ (associate) justices, its jurisdiction being confined altogether to civil matters (common pleas), and having no cognizance of criminal matters (pleas of the crown).

In 1215, one of the concessions made by the King and recorded in Magna Carta was that the common pleas court would no longer follow the King, but rather would be permanently established in a certain place. The place was later agreed upon as

¹ “Puisne” means “subordinate,” and derives its meaning from the French words for “born after.” It carries the idea of the lower familial rank of those who were born after the firstborn.

Westminster Hall, where it was referred to as the court of common pleas or the common bench.

By 1234, two distinct series of plea rolls existed, *de banco* — those from the common bench — and *coram rege* (Latin ‘in the presence of the King’) — those from the King’s bench.

By the 15th century, the common pleas court was the busiest court in the kingdom. Seated at Westminster Hall, it had a near monopoly on hearing cases involving pleas over account, covenant, debt, detinue, and land. This court was also the most expensive and therefore the most profitable for judges, clerks, and practitioners. The crown also profited from the court, because the court was ordered to fine every debt and seize the chattels and goods of all outlaws.

Prior to 1880, the chief justice of the court of common pleas was one of the highest judicial officials in England, behind only the Lord High Chancellor and the Lord Chief Justice of the King’s (or Queen’s) Bench. In 1875, the court of common pleas was abolished, and in 1880 it became the common pleas division of the King’s (or Queen’s) Bench. Similar courts, based on the English model, were established in Ireland and several British colonies, and courts named “common pleas” remain in existence today in several U.S. states.

The Origin of the Court of Common Pleas in the United States

In United States jurisprudence, the court of common pleas is a court of certain jurisdiction. It stems from the court of common pleas in the English legal system and was brought to the United States by the colonial settlers together with the rest of the English common law tradition.

In the United States legal system, there are at least four states which currently have courts of common pleas:

Delaware: A statewide trial court of limited jurisdiction sitting in all three counties, handling misdemeanor criminal cases, preliminary hearings for felony criminal cases, and civil cases with a stated value up to \$50,000.00. Judges are appointed by the Governor to 12-year terms.

Pennsylvania: The trial court of general criminal and civil jurisdiction, sitting in all of the state’s counties and organized by judicial district. Most judicial districts are coterminous with the county in which the district is located, but some counties with a smaller population share a judicial district (and therefore a court) with one or more other adjacent counties. Judges are elected at large to 10-year terms.

South Carolina: The trial court of general civil jurisdiction, sitting in all counties in the state and organized by judicial circuits. By contrast, the

trial court of general criminal jurisdiction is referred to as the Court of General Sessions.

Ohio: The trial court of general criminal and civil jurisdiction, located in each of Ohio's counties. Judges are elected at large to six-year terms.

The Origin of Lake County

In Ohio, the organization of territorial and county government preceded the organization of the state. Prior to statehood in 1803, the boundaries of present-day Ohio were included in the huge tract of land known as the Northwest Territory, and that territory was governed, such as it could be governed, by the Congressional Ordinance of 1787.

The history of the Northwest Ordinance begins in 1776, when Congress appropriated various lands to officers and soldiers of the Continental Army as a way of compensating them for their services without depleting the fledgling nation's reserves of gold and silver specie. In 1783, the Newburgh Petition of 288 Continental Army officers was presented to Congress, asking for a grant of additional western lands to be located in the country which is now approximately the eastern one-half of the State of Ohio. The petition was denied. Following this denial, General Rufus Putnam and Gen. Benjamin Tupper founded the Ohio Company, which met in Boston on March 1, 1786. The company decided to raise funds in continental certificates for buying lands in the Western Territory and making a settlement there. Rev. Dr. Manasseh Cutler, one of the directors of the company, was employed to purchase land from Congress for the Company, and in July 1787, he went to the Continental Congress for that purpose. Once there, he helped to frame the Ordinance of 1787, which allowed for the sale and purchase of 1,500,000 acres located on the Ohio and Muskingum Rivers. The first county established in the territory that would later become the State of Ohio was Washington County. Marietta, the county seat of Washington County, was settled on April 7, 1788.² Washington County was then established by the proclamation of Gov. Arthur St. Clair, Governor of the Northwest Territory, on July 26, 1788.

In 1790, the territory now comprising Lake County was a part of Washington County, which then consisted roughly of the eastern half of the territory now included in the State of Ohio. As further subdivisions were made to create new counties, the territory comprising Lake County became part of Jefferson County (1797), then Trumbull County (1800), then mostly in Geauga County (1806). In March 1840, Lake County was organized as a separate county, taking seven of its townships from Geauga County, and Willoughby Township from Cuyahoga County. As the combined eight townships did not

² Interestingly, in the late 1780s, Marietta was one of seven possible locations under consideration for the location of the nation's capital. The other six possible locations were located along the eastern seaboard. Of course, Washington, D.C. ultimately was chosen, but there was substantial support for locating the nation's capital away from the already-populated, and more-vulnerable coastal areas of the nation, and placing it instead on the cusp of the westward expansion of the nation. See, <http://www.mariettatimes.com/communities/capital.asp>

embrace sufficient square miles of territory to meet the constitutional requirements for the creation of a county,³ the deficiency was supplied by including the submerged land beneath the waters of Lake Erie, and making the northern border of Lake County co-terminous with the Canadian border in the middle of Lake Erie.

The Judicial System Organized by the Northwest Ordinance

Sixteen years before the admission of Ohio into the Union, the foundations of law and order throughout the Northwest Territory, of which Ohio was a part, were laid in the Ordinance of 1787, the primary author of which was the Rev. Manasseh Cutler. As mentioned above, Rev. Cutler was a leading director of the Ohio Company, which had been formed earlier for the development of lands and planting of settlements along the Ohio, Muskingum and Scioto Rivers. This endeavor has often been called the “cornerstone of the great northwest.” This first “constitution” of the Ohio territory set forth the boundaries of the territory, which extended from Detroit to Marietta. The Ordinance provided for the appointment of a Governor by the Congress, a resident of the district who was required to own at least 1000 acres of land within the territory. It ordained the appointment by Congress of a court, to consist of three judges, all residents of the district, who were each required to own at least 500 acres of land within the territory.⁴ The powers and jurisdiction of these original judges might be compared to those of today’s Ohio Supreme Court, but important differences may likewise be noted. For one thing, the early court did not sit in one place, but traveled throughout the territory. One judge could act for the whole court. While one judge would sit in Marietta, another could be in Cincinnati hearing cases from that area. Without the printed decisions from past cases to guide them, different judges of the court, sitting at different places, occasionally issued judgments which were rather contradictory with those reached by their colleagues.

The judicial system of the Northwest Territory, like the other branches of its government, was not a complex affair. At the top of the system was the general court, comprised of three judges. This court was concerned at first largely with non-judicial matters. When its legislative functions were detached, however, it worked hard, traveling from place to place on its judicial business. Below this court in the judicial hierarchy was the county court of common pleas and the general court of quarter sessions of the peace. These courts, together with the probate courts and orphan’s courts and the justices of the peace constituted the simple court system of the Territory.

The Northwest Ordinance stated: “A number of suitable persons, not exceeding five, or less than three shall be appointed in each county, and commissioned by the

³ The 1802 Ohio Constitution provided, in Article VII, sec. 3, that, “No new county shall be established by the General Assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off, of less contents.” Lake County’s land area, without the submerged lands under Lake Erie, is only 228.21 miles.

⁴ By October 1883, the Ohio Constitution had been amended to remove the requirement that a judge own 500 acres of land.

Governor under the seal of the Territory to hold and keep a court of record, to be styled the County Court of Common Pleas.” The jurisdiction covered “all manner of pleas, actions, suits and causes of a civil nature, real, personal and mixed according to the constitution and laws of the territory.” Further, it provided that the judges might determine demands upon bond, bill, note, book account, or assumpsit where the amount did not exceed five dollars.

Thus, from the very beginning, the English system was broadened in the Ohio territory so that there was no matter too trivial, nor was there any controversy so important, that it was exempt from the court’s power. Though there were different courts for civil and criminal suits, one judge was the head of each of the courts in Washington County.

The most interesting and distinctive feature of the judges of this early stage of our history was the fact that they had the power to legislate. Section five of the 1787 Ordinance required that the governor and judges, or a majority of them, adopt and publish in the district such laws, criminal and civil, as necessary and best suited to the circumstances in the territory. A report of such actions was to be provided to the Congress from time to time. In theory, the judges were only to adopt statutes from the original states as needed, but in actual practice, they exceeded this limitation. They enacted new laws, formulated by themselves, in response to the peculiar problems of the territory. This assumption of legislative power by the judges precipitated a bitter controversy between themselves and the governor. Congress finally resolved the conflict with a pronouncement, making it clear that judges did not have the power to create original legislation without the consent of the governor.

In 1798, the first territorial legislature was organized and elected, pursuant to the directives for its organization contained in the Ordinance. Its establishment put an end to the power of the judges to legislate. One of the first acts of the new assembly regulated admission to the practice of law. It did not, of course, require of prospective attorneys that they be able to certify themselves to be graduates of approved law schools, but it did entail the requirement of a bar examination. Not only did the applicant have to study law under the tutelage of a territory lawyer for a period of at least four years, but one had to present the court with a certificate showing as much before becoming eligible to take the examination. The assembly even went so far as to suggest ethical standards for the practitioners of law, and it also retained the traditional classifications of “counselors” and “attorneys” as separate groups.

The first court to take shape was the court of common pleas, established by the Governor and Judges at Marietta, on August 23, 1788. When the Governor and judges of the Northwest Territory in 1788 were confronted with the task of establishing civil courts in Washington County, Ohio, they looked to the established pattern of the court system of England and to its prototypes in the states of the new Union. This court was composed of not less than three nor more than five Justices, appointed in each county and commissioned by the Governor, “to be styled the County Court of Common Pleas,” whose sessions were held twice a year in each county. On August 30, 1788, the General

Court of the Territory was organized for the trial of "civil and criminal cases." Its sessions were held once a year in each county, and on November 4, 1790, the time and place for holding said courts was defined. By an act passed at Cincinnati, on November 6, 1790, the common pleas court was authorized to hold four sessions per year for greater facility in the transaction of business, and the number of judges was increased to not less than three nor more than seven in each county. Besides the regular sessions, these courts were empowered to hold special terms, as often as necessary, while their powers and duties were fully defined and regulated by law. An act was adopted from the Virginia statutes on July 16, 1795, giving the judges power to continue suits in necessary cases.

Probate courts were created by an act passed at Marietta on August 30, 1788, establishing a judge of probate in each county. He was authorized to hold four sessions annually, and special sessions whenever necessary. Probate judges were appointed by the Governor and had charge of all probate and testamentary business. Their decisions were not final, but they could call in two justices of the court of common pleas, who, with the probate judge constituted the court of probate, which had power to render final decisions and decrees in all matters cognizable in said court, subject, however, to appeal in all cases to the general court of the territory.

The act establishing orphans' courts was adopted from the statutes of Pennsylvania on June 16, 1795. The orphans' courts consisted of the justices of the general quarter sessions of the peace, and they were created in each county. These courts were domestic, possessing peculiar facilities for acquiring correct information of the condition of intestate estates within their jurisdiction, and much was intended to be confided to their discretion because their proceedings were ex parte, and in most cases operated upon and affected the rights of minors. They worked in harmony with the probate judge, and their duties and powers were defined in conjunction with his. Upon the organization of the state judiciary on April 15, 1803, all business of a probate or testamentary nature, pending in the orphans' courts, or courts of probate, was transferred to the courts of common pleas. And the law of 1795, defining the limits of judicial power in relation to intestate estates, remained in force. Thus, the court of common pleas was endowed with all the former duties and power of the probate and orphans' courts, and so it remained until the adoption of the new constitution in 1851, when the office of probate judge was created as it exists today.

The general quarter sessions of the peace were established on August 23, 1788, to be held four times a year in each county. This court consisted of not less than three nor more than five justices, who were appointed by the Governor. It was created for the trial of small causes, and its jurisdiction was defined by law.

Circuit courts were created by an act approved on December 9, 1800. They were held annually in the several districts into which the territory was divided, by one or more judges of the territory, to which cases from the court of common pleas were taken, removed or appealed. These several courts comprised the territorial judiciary until the admission of Ohio into the Union as a State.

Statehood

The first two counties established in the pre-statehood territory were those of Washington (1788) and Hamilton (1790). Washington County consisted of about half the territory of Ohio and about half of the Connecticut Western Reserve. For some time, however, this immense tract was served by a mere paper government; actual jurisdiction being exercised only in the more settled areas. On September 23, 1799, the first legislature met. On November 23, 1801, the second and last territorial legislature met at Chillicothe. Shortly afterwards, the demands for statehood made by the inhabitants of the Eastern Division of the Northwest Territory (Ohio) proved successful. A convention was soon held, a constitution adopted, and on March 1, 1803,⁵ Ohio was officially admitted into the Union as a state.

Constitution of 1802

Under Article III of Ohio's Constitution of 1802, the judicial power of the state was vested in the supreme court, the courts of common pleas in each county, and the courts of the justices of the peace.

The Constitution of 1802 provided for a supreme court of three members, which number could be increased to four after 1807. The judges had original and appellate jurisdiction in common law and chancery, conserved the peace throughout the state, and held court once a year in each county.

In Article III, section 3, provision was also made in the state constitution for courts of common pleas. The state was divided into three circuits, with a president-judge in each. Not more than three nor less than two associate judges were chosen for each county. A president and not less than two associate judges constituted a quorum for the transaction of business in the common pleas court. Justices of the peace were selected for the townships, and in the towns and cities the mayors were vested with the judicial functions of a justice of the peace.

All judges were chosen by the legislature, and the road to judicial preferment was not infrequently through that body. During this time, serious conflicts between the judiciary and the legislature terminated successfully for the judiciary, and its coordinate position in the government of Ohio was recognized from this time on.

At the outset, the structure of the common pleas courts was quite striking and, in some ways, very different from what one might expect. Each common pleas court consisted of one president judge and two or three other judges, all elected by the legislature. Only the president judge was a professional lawyer. The other judges were laymen. The theory behind this type of court is the assumption that it should represent a

⁵ On February 19, 1803, President Jefferson signed the Act that recognized Ohio as the 17th State; however, since the current custom of Congress declaring an official date of statehood did not begin until 1812, it was not until 1953 that the date of March 1, 1803, was declared by then President Eisenhower to be the official date of Ohio's admittance into the Union.

blend of technical proficiency and common sense through the diversity of its jurists, one of whom is a trained professional legal mind while the others are untrained, but wise, lay minds. An obvious disadvantage of such a system is that it is slower in operation than a court run by a single judge.

The duties of the common pleas court then (1802) were different than they are today. All probate work, including appointment of guardians, granting administration of estates, recording wills, taking bonds, etc. rested with the court. The court also granted all licenses. Every business – such as taverns, stores, ferries, bridges, and warehouses – was required to have a paid license.

The Ohio constitution became operative without the formality of submitting it to the vote of the people. In the main, it was a comparatively brief statement of basic principles. Some of its provisions, however, were altogether too specific. The evils of putting specific details in the fundamental law of a young and growing commonwealth soon became obvious. The provision establishing the judiciary was particularly ill-adapted to conditions, as events proved.

For instance, the supreme court was required by the constitution to hold a term once a year in each county. This requirement kept the judges on horseback half the year and compelled them to give opinions in frontier towns where few, if any, law books were available. As the same judges were not always present, a given point of law was sometimes settled differently in different counties. To remedy this inconsistency, the legislature passed a law directing that a special meeting of all the judges of the Ohio Supreme Court be held at the seat of government once a year to consider and decide questions reserved in the counties, and sent up by order of the court.

Under the state constitution, the common pleas court had common law and chancery jurisdiction jointly with the Ohio Supreme Court, and both had complete criminal jurisdiction, as the law from time to time should define. The associate judges were also empowered to hold special sessions to transact county business whenever such was necessary.

The jurisdiction of the common pleas courts was also modified legislatively over the years. By an act passed on February 22, 1805, the court of common pleas was given jurisdiction over cases involving all crimes and other offenses where the punishment was not capital. And on January 27, 1806, an act was passed allowing capital punishment offenses to be tried before this tribunal, at the option of the prisoner, but the decision was final.

On February 16, 1810, the several acts organizing the judicial courts, defining their powers, and regulating their practice, were reduced into one. By this unifying enactment, the decisions of the common pleas court in all criminal cases might be taken to the Ohio Supreme Court on error. The court of common pleas was to consist of a president and three associate judges, and it was to have original jurisdiction in all civil cases of law and equity where the sum or matter in dispute did not exceed \$1,000, and

did exceed the jurisdiction of a justice of the peace. It also had appellate jurisdiction from the decisions of justices of the peace in all cases in their respective counties. It had exclusive power to hear and determine all causes of a probate and testamentary nature, to take the proof of wills, grant letters of administration, appoint guardians, etc.; also exclusive cognizance of all crimes, offenses, etc., the punishment of which was not capital, and then if the defendant so desired.

In 1816, the power of trying the latter (non-capital criminal) class of cases was taken from the courts of common pleas, and by many subsequent acts their powers were defined and regulated. In 1831, the common pleas courts were once again given exclusive cognizance of all crimes, offenses, etc., the punishment whereof was not capital; they were also given original and concurrent jurisdiction with the supreme court of all crimes, offenses, etc., the punishment of which was capital. Thus, the judiciary remained with immaterial changes until the adoption of the new constitution, at which time the courts were again reorganized.

Justices of the Peace

When the State of Ohio was organized, a law was passed (April 16, 1803) providing for the election in every township of a justice of the peace, the number to be determined by the court of common pleas. The official term was three years, and many subsequent acts were passed defining and regulating the duties and powers of this court. Under the Ohio Constitution of 1851, a competent number of justices of the peace was authorized to be elected in each township, the term of service being the same as under the old constitution. Although the office of justice of the peace is generally looked upon as an insignificant one, yet it has done its share in molding the law-abiding sentiment of every community, and causing evildoers to respect the power and majesty of the law.

Circuits

Under the old constitution, the state, as already mentioned, was divided into judicial circuits, which were increased and changed from time to time, as necessity and the growing population demanded. On the 24th of January 1834, the state was divided into twelve circuits.

Constitution of 1851

The Ohio Constitution of 1851 provided for some changes to the state's judicial system. The state was divided into nine multi-county districts, with each district being subdivided into three parts. One common pleas judge was to be elected in each part. Lake County became a part of judicial district number nine, together with eight other counties.

Under the Constitution of 1851, the judicial power of the state was vested in a supreme court, in district courts, courts of common pleas, courts of probate, and in such

other courts as the legislature specially provided for from time to time, such as superior courts, insolvency courts, and juvenile courts.

Popular election of supreme court justices supplanted election of the justices by the legislature. The number of justices was fixed at five, a majority of whom constituted a quorum. The term was fixed at no less than five years. The entire supreme court was required to hold a term beginning each year in January at the state capital. In each county, each year, one judge of the supreme court, together with the common pleas judges of the district, held one term of a "district court," which took the place of the old "supreme court on the circuit."

The common pleas court remained the central agency in performing the judicial business of the state. By the terms of the new Constitution of 1851, the state was divided into nine common pleas districts, and each district was divided into three judicial subdivisions. The voters in each subdivision elected for five years a common pleas judge. The judges of each district fixed the annual calendar for three terms of court for each county in their district, and held court separately in the counties of their respective subdivisions. The jurisdiction of the court was limited to the county in which it was in session, had original jurisdiction in civil cases involving a sum of more than \$100, and also had jurisdiction in criminal cases. Its appellate jurisdiction extended to all cases carried up from the probate or other lower courts. The legislature was authorized to increase, diminish, or change the number of common pleas districts, or its subdivisions, or the number of judges in a district, or to establish other courts. A two-thirds vote of each house was required for activity of this kind.

Under the Constitution of 1802, probate matters had been disposed of by the judges of the common pleas courts. Under the new Constitution, provision was made for a separate probate court. This court had jurisdiction over the estates of deceased persons; it probated wills, appointed administrators, executors and guardians, and examined their accounts. It also settled the accounts of insolvent debtors and authorized the commitment of insane persons to places of safe-keeping.

The justices of the peace continued to function under the new constitution as before. In the towns and cities they were supplemented by the mayor's courts and police courts. As time passed, further changes in the judicial system became necessary. Two branches of the system in particular, as provided for by the Constitution of 1851, proved unsatisfactory. The two branches in question were the district courts and the supreme court. The district courts, as noted, were comprised of the common pleas judges of the respective districts and one of the supreme court justices, any three of whom formed a quorum. They were required to hold at least one term in each county of the district annually. They were given original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo cases, the same as the supreme court, and such appellate jurisdiction as the legislature might provide. The district courts in their respective counties were the successors of the "supreme court on circuit," and they took over all the cases pending in that court.

The Constitution of 1851 provided that the state be divided into nine common pleas districts of compact territory and bounded by county lines. Each of the districts consisted of three or more counties and was to be subdivided into three parts as nearly equal in population as practicable. This constitution did away with the “president judge” – “associate judge” complexion of the common pleas court, establishing in its place a system wherein only one trained lawyer-turned-jurist sat on the bench, having been elected by the electors of the subdivision.

There was no separate probate court in the county until the Constitution of 1851 created one. Until this time, probate jurisdiction was exclusively attached to the common pleas court.

Judiciary Since 1851

The Constitution of 1851 provided for the re-organization of the judiciary, to consist of the supreme court, district courts, courts of common pleas, probate courts, justices of the peace, and such other courts inferior to the supreme court as the legislature may from time to time establish.

Supreme Court

Under the Constitution of 1851, the Ohio Supreme Court consisted of five justices, to be chosen by the electors of the state at large, whose official term was five years. Its sessions were held in Columbus, and its original jurisdiction was limited to quo warrants, mandamus, habeas corpus, procedendo, and such appellate jurisdiction as was provided by law, extending only to the judgments and decrees of courts created and organized in pursuance of the constitutional provisions. It had power when in session to issue writs of error and certiorari in criminal cases, and supersedeas in any case, and all other writs which may have been necessary to enforce the due administration of justice throughout the state. It also had power to review its own decisions.

Court of Common Pleas

The new constitution provided for the division of the state into judicial districts, and each district into subdivisions. In each subdivision one common pleas judge, who was to be chosen by the qualified electors therein, must be a resident of said subdivision, but the legislature could increase the number of judges whenever such course was necessary.

The new constitution did not expressly confer any jurisdiction whatever upon the court of common pleas, in either civil or criminal cases, but the court was made capable of receiving jurisdiction in all cases as may be provided by law.⁶ But until jurisdictional laws were enacted, the common pleas court could not exercise jurisdiction over anything. As a result of legislation, the common pleas court has original jurisdiction in all civil cases, both at law and in equity, where the sum or matter in dispute exceeds the

⁶ Ohio Constitution, Article 4, Section 4(B) (1851).

jurisdiction of justices of the peace. It also has appellate jurisdiction from the decisions of the county commissioners, justices of the peace, and other inferior courts in the proper county in all civil cases. The common pleas court also has jurisdiction in cases involving all crimes and offenses, except in cases of minor offenses, the exclusive jurisdiction of which is invested in justices of the peace. It also has jurisdiction in cases of divorce and alimony. Three terms of the court of common pleas are usually held in each county annually.

Justices of the Peace

The jurisdiction of justices of the peace in civil cases, with a few exceptions, is limited to the townships in which they reside. They have authority, however, that is co-extensive with their respective counties to administer oaths, to take acknowledgments of instruments of writing, to solemnize marriages, to issue subpoenas for witnesses in matters pending before them, to try actions for forcible entry and detention of real property, to issue attachments, and proceed against the effects and goods of debtors in certain cases, and to act in the absence of the probate judge in the trial of contested elections of justice of the peace. Under certain restrictions, “Justices of the Peace shall have exclusive original jurisdiction of any sum not exceeding \$100, and concurrent jurisdiction with the Court of Common Pleas in any sum over \$100 and not exceeding \$300.” Justices are conservators of the peace, and may issue warrants for the apprehension of any person accused of crime, and require the accused to enter into a recognizance with security, or, in default of bail, commit him to jail to answer before the proper court for the offense. Persons accused of offenses punishable by fine or imprisonment in the jail, brought before the magistrate on complaint of the injured party, and who plead guilty, may be sentenced by the magistrate or be required to appear before the proper court for trial.

In 1957, the General Assembly created the county courts to replace the justices of the peace. It was intended that the county courts would have the same jurisdiction as the justices of the peace had under prior law.⁷

Constitutional Amendment of 1912

The 1912 amendment to the Ohio Constitution abolished the divisions and subdivisions provided by the Constitution of 1851, and authorized the election of one or more common pleas judges in each county for six-year terms. The judges were required to be residents of the county of their election. By 1917, all common pleas judges were required to be admitted to the practice of law.

Under the constitution as amended in 1912, the judicial power of the state was vested in a supreme court, a court of appeals, a common pleas court, a probate court and such inferior courts as might be established by the legislature. The justice of the peace was abolished as a constitutional officer by this instrument, but it continued to flourish as

⁷ *Williams v. Haines*, No. 97-A-0013 (11th Dist Ct. App, Ashtabula, 12-5-1997); see also, *Roach v. Laux Motor Sales, Inc.* (Lucas 1960), 111 Ohio App. 383, 172 N.E.2d 475.

the chief judicial officer of the township. In the cities, he was supplemented by the mayor's court, police court, and municipal court. The jurisdiction of the supreme court and the court of appeals was affected by the 1912 amendment to the Ohio Constitution.

This amendment provided for one resident judge of the court of common pleas and such additional resident judge or judges, as may be provided by law, to be elected in each county of the state by the electors of such county. The amendment allowed that as many courts or sessions of the court of common pleas as are necessary, may be held at the same time in any county. It also specified that, if it was approved by the electorate, "the judges of the courts of common pleas, elected thereto prior to January 1, 1913, shall hold their offices for the term for which they were elected, and additional judges provided for herein shall be elected at the general election in the year 1914; each county to continue as a part of its existing common pleas district, or subdivision thereof, until one resident judge of the court of common pleas is elected and qualified."

The circuit court was made a court of appeals of three judges and its judgment in ordinary cases was made final. This prevented an appeal in such cases to the Ohio Supreme Court. This change shortened the chain of litigation and relieved the court of last resort of an overcrowded docket and consequent delay. Where constitutional questions were involved, it was provided that cases might be carried directly from the court of appeals to the supreme court; the latter, however, could not reverse the finding of the former and hold a statute unconstitutional if more than one of its judges objected. A judgment of the court below, holding a statute unconstitutional might be affirmed, however, by a mere majority of the supreme court. In other cases, judgments were by a majority of the judges of the supreme court. The general effect of this provision was to strengthen the presumption that an act of the Ohio General Assembly is constitutional. Provision was also made for a chief justice of the supreme court which was formerly provided for by statute. There are now seven supreme court justices, one of whom is elected chief justice.

The amended constitution provided for the election of one resident common pleas judge for each county and such additional judge or judges as might be provided by law. It further provided that any common pleas judge might temporarily preside and hold court in any county; and until legislative action was taken, the Chief Justice of the Ohio Supreme Court could pass upon the qualification or disability of any common pleas judge and assign any judge to any county to hold court. The term of office for the common pleas judge was changed from five to six years at this same time. The provisions of the Constitution of 1851 concerning the probate court were also modified somewhat in 1912. The 1851 instrument provided for the establishment of a probate court in each county, held by one judge elected by the voters of the county. This officer held office for a three-year term. His compensation was by payment from the county treasury, or by fees, or both. The 1912 provision changed the term to four years and omitted the provision for fees. It simply provided for compensation out of the county treasury. It further provided that any county having a population of less than 60,000 might abolish the probate court, and confer its duties on the court of common pleas.

Constitutional Amendment of 1968

In 1968, another amendment, the “Modern Courts Amendment,” to the Ohio Constitution was passed and amended effective November 6, 1973. This amendment provided for common pleas courts, and such divisions thereof, if any, to be established by law, serving each county of the state. It further provided that there shall be two common pleas judges, one presiding over the probate division and such other divisions of the court of common pleas, as provided by law, and one presiding over the general division of the court of common pleas.

The Modern Courts Amendment included a provision that no person shall hold judicial office if they turn age 70 on or before taking office. In 1989, the constitutionality of age restrictions for judges was challenged in federal court. The U.S. Court of Appeals for the Sixth Circuit upheld the restriction in *Zielasko v. Ohio* (1989), 873 F.2d 957.

With population and caseload increases over the years, the Ohio General Assembly has added common pleas judgeships to Lake County’s bench until they now total seven as of August 2007: Domestic+Juvenile was added on January 2, 1961, General Division (a 2nd) was added on January 3, 1965, Juvenile Division was added on January 4, 1979, General Division (a 3rd) was added on January 5, 1979, and General Division (the 4th) was added on January 6, 2001.

Probate Court

The term “probate” comes from the Latin word *probatio*, meaning, “to prove,” wherein matters in early English religious courts were proven before an ecclesiastical judge. Early American probate courts may be traced back to English courts of chancery and ecclesiastical, or religious, courts, which had jurisdiction over the probate of wills, administration of estates, and guardianships.

The first probate court in the United States was established in Massachusetts in 1784. Similar courts were subsequently established in other states under the name of surrogate, orphan courts, or courts of the ordinary. The Northwest Ordinance of 1787 provided for the first probate judge and court in the Ohio territory. Under the first Ohio Constitution written in 1802, the court of common pleas had exclusive jurisdiction of probate matters. The constitution of 1851 removed probate matters from the jurisdiction of common pleas courts and created in each county a separate probate court.

The probate judges held three-year terms until the 1912 constitutional amendment, when the terms became four years. In 1931, the new probate code required probate judges to be admitted to the practice of law. From 1904 through 1961, juvenile jurisdiction was vested in the probate judge. With the creation of a second Lake County common pleas judgeship in 1961 for domestic relations and juvenile matters, juvenile jurisdiction was removed from the probate court. Under the 1970 constitutional amendment, the probate court became a division of the common pleas court, with probate

judges enjoying six-year terms beginning on the ninth day of February. Each of Ohio's 88 counties now has a probate division of its court of common pleas.

Clerk of Court

The office of the Clerk of Courts of Common Pleas traces its beginnings to the medieval cleric. They maintained the records, were responsible for correspondence and had various powers to issue writs or other processes ordered by the court. The cleric was generally one of the few educated persons in the community.

Thus established before the time of Edward II, this office was brought to this continent, and adopted as an office of government during the colonial period. The American Revolution made no radical changes in the political heritage derived from England, and the office was continued by the states because of the separation of the administrative and judicial functions of government.

In Ohio, the first known clerk of courts was Return Johnathan Meigs, who later became Governor of the State of Ohio.

Article III of the Constitution of 1802 provided that the judicial power of the State should be vested in the supreme court, courts of common pleas, justices of the peace, and such other courts as the legislature might establish. At this time, it was vested with common law and criminal jurisdiction, because the court of general quarter sessions was abolished. Judges were appointed by the legislature, and they in turn appointed their clerks of courts, usually for seven years. Under the Constitution of 1851 the office of clerk became an elective office with a term of three years. In the year 1936, the term of the clerk was extended to four years.

The Lake County clerk of courts is elected to four-year terms, and serves both the general and domestic relations divisions of the common pleas court. The juvenile and probate divisions act as their own clerks of court.

The current Lake County Clerk of Courts is Lynne L. Mazeika.

Judges Served

The following individuals have served Lake County in a judicial capacity from the organization of the county, effective March 1840.

Judges That Served Lake County

President Common Pleas Judges under the Constitution of 1802 in the Districts which included Lake County

Hon. John W. Willey	1840-1841
Hon. Reuben Hitchcock	1841

Hon. Benjamin Bissel	1842-1849
Hon. Philemo Bliss	1849-1851

**Associate Common Pleas Judges under the Constitution of 1802
in the Districts which included Lake County**

Hon. Zenas Blish	1840-1846
Hon. William C. Matthews	1840-1846
Hon. David R. Paige	1840-1846
Hon. Warren A. Cowdery	1846-1847
Hon. William W. Branch	1847-1851
Hon. Jonathan Lapham	1847-1848
Hon. Aaron Wilcox	1847
Hon. Milo Harris	1848-1851
Hon. Henry Munson	1849-1850
Hon. John P. Markell	1850-1851

**Common Pleas Judges under the Constitution of 1851
in the Districts which included Lake County**

Hon. Reuben Hitchcock	1852-1855
Hon. Eli T. Wilder	1855
Hon. Horace Wilder	1856-1861
Hon. Norman L. Chaffee	1862-1871
Hon. C. E. Glidden	1872
Hon. Milton C. Canfield	1872-1875
Hon. H. B. Woodbury	1875-1884
Hon. Delos W. Canfield	1875-1900
Hon. Laban S. Sherman	1881-1891
Hon. William P. Howland	1891-1899
Hon. J. P. Cadwell	1900-1902
Hon. W. S. Metcalfe	1901-1909
Hon. Theodore Hall	1903-1904
Hon. J. W. Roberts	1905-1910
Hon. Arlington G. Reynolds	1909-1912

**Probate Judges of Lake County under
the Constitution of 1851**

Hon. Jerome Parmer	1852-1855
Hon. Lord Sterling	1855-1861
Hon. Charles S. Waring	1861-1862
Hon. Perry Bosworth	1863-1864
Hon. Moses S. Harvey	1864-1870
Hon. Grandison N. Tuttle	1870-1879
Hon. George H. Shepherd	1879-1891

Hon. Arlington G. Reynolds	1891-1897
Hon. Clinton D. Clark	1897-1902
Hon. Clark H. Nye	1903-1920
Hon. Addie Nye Norton	1921-1932
Hon. Ross G. Sweet	1933-1940
Hon. Elton L. Behm	1941-1942
Hon. J. Frank Pollock	1942-1973

**Common Pleas Judges (Residents) of Lake County under
the Constitutional Amendments of 1912 and 1970**

Hon. Arlington G. Reynolds	1912-1928	
Hon. Winfield Scott Slocum	1929-1942	
Hon. William M. Hubbard	1942	
Hon. Charles P. Baker, Jr.	1942-1946	
Hon. Winfield Scott Slocum	1946-1964	
Hon. John F. Clair, Jr.	1961-1964	Domestic Relations+Juvenile Div. (Jan. 2)
Hon. Robert L. Simmons	1965-1970	General Div. (Jan. 3)
Hon. John M. Parks, Jr.	1965-1970	Domestic Relations+Juvenile Div. (Jan. 2)
Hon. John F. Clair, Jr.	1965-1980	General Div. (Jan. 1)
Hon. Ross D. Avellone	1971-1979	Domestic Relations+Juvenile Div. (Jan. 2)
Hon. John M. Parks, Jr.	1971-1986	General Div. (Jan. 3)
Hon. Fred V. Skok	1973-2003	Probate Div.
Hon. Paul H. Mitrovich	1979-	General Div. (Jan. 5)
Hon. Richard A. Hoose	1979-1990	Juvenile Div. (Jan. 4)
Hon. Ross D. Avellone	1980-1990	Domestic Relations Div. (Jan. 2)
Hon. James W. Jackson	1980-2001	General Div. (Jan. 1)
Hon. Carol A. Mosher	1986	General Div. (Jan. 3)
Hon. Martin O. Parks	1986-2004	General Div. (Jan. 3)
Hon. Francine M. Bruening	1991-2002	Domestic Relations Div. (Jan. 2)
Hon. William W. Weaver	1991-2002, 2003-	Juvenile Div. (Jan. 4)
Hon. Eugene A. Lucci	2001-	General Div. (Jan. 6)
Hon. Richard L. Collins, Jr.	2002-	General Div. (Jan. 1)
Hon. Colleen A. Falkowski	2003-	Domestic Relations Div. (Jan. 2)
Hon. Ted Klammer	2003-	Probate Div.
Hon. Vincent A. Culotta	2004-	General Div. (Jan. 3)

Judge Arlington G. Reynolds served Lake County under the Constitution of 1851, from 1909-1912, and as Lake County's first resident judge under the Constitution of 1912, from 1912-1928, and is the only judge to have also served as probate judge, from 1891-97.

Judge Winfield Scott Slocum's judicial service was interrupted by four years of military service in World War II, with Judge Charles P. Baker, Jr. "filling in" for him during Judge Slocum's absence from Lake County. Judge Baker voluntarily relinquished the bench to allow Judge Slocum to resume the bench after the war. Judge Winfield Scott Slocum has been the longest serving jurist in Lake County history to date.

Judges J. Frank Pollock and Fred V. Skok are tied with service of 30 years each on the probate bench.

Judge Paul H. Mitrovich will have served 30 years with the completion of his current term in 2008 (an age-mandated retirement).

Judges John M. Parks, Jr. (in the third year of his fourth term), James W. Jackson (in the first year of his fourth full term), and Fred V. Skok (one month before the completion of his fifth term) all died in office.

Judge William W. Weaver retired in 2002, and left office for 90 days, being re-elected for his last (age-mandated) term beginning January 4, 2003.⁸

Judge Carol A. Mosher served as Lake County's first female common pleas judge in 1986, having been appointed by the Ohio Governor Richard F. Celeste to fill the seat of Judge John M. Parks Jr., who died that year in office, until the November election. In November 1986, incumbent Judge Mosher was defeated by Martin O. Parks, the son of the late Judge Parks. Judge Francine M. Bruening was elected the first female common pleas judge (in the Domestic Relations Division in 1991).

As of August 10, 2007, at 4:00 p.m., the 100th year anniversary of the laying of the cornerstone (and the insertion of the time capsule) of the Lake County Court House (which was retrieved and opened on June 13, 2007 at 1:30 p.m.), and the interment of a new time capsule (intended to be opened in August 2107), the judges serving Lake County are:

Common Pleas Judges

Hon. Paul H. Mitrovich	General Division (Jan. 5)
Hon. Eugene A. Lucci	General Division (Jan. 6)
Hon. Richard L. Collins, Jr.	General Division (Jan. 1)
Hon. Colleen A. Falkowski	Domestic Relations Division (Jan. 2)
Hon. William W. Weaver	Juvenile Division (Jan. 4)
Hon. Ted Klammer	Probate Division
Hon. Vincent A. Culotta	General Division (Jan. 3)

Eleventh District Court of Appeals Judges (serving Lake, Trumbull, Geauga, Portage, and Ashtabula counties)

Judge Diane V. Grendell

⁸ The Ohio Revised Code prescribes certain periods of service that make judges eligible for retirement. Upon retiring, a judge may begin to receive the pension benefits that he or she has accrued over the years of service. However, the mere fact that a judge decides to begin receiving pension benefits does not preclude the judge from running for office and simultaneously drawing a salary again while still receiving the retirement benefits he or she has earned.

Judge Cynthia W. Rice
Judge Colleen M. O'Toole
Judge Mary Jane Trapp
Judge Timothy P. Cannon⁹

Supreme Court of Ohio

Chief Justice Thomas J. Moyer
Justice Paul E. Pfeifer
Justice Evelyn Lundberg Stratton
Justice Maureen O'Connor
Justice Terrence O'Donnell
Justice Judith Ann Lanzinger
Justice Robert R. Cupp

Municipal Courts

Judge Michael A. Cicconetti	Painesville
Judge Larry Allen	Willoughby
Judge John Trebets	Mentor

Some Issues of the Day Concerning the Court in 2007

Merit Selection

In 1987, Issue 3, a ballot initiative to adopt merit selection for appellate judges, was defeated by voters by a 2-to-1 margin, losing in 80 of Ohio's 88 counties. Major proponents of Issue 3 were the Ohio State Bar Association and the League of Women Voters of Ohio, who co-authored the proposal, and the insurance and business communities. The most active opponents were the Ohio Academy of Trial Lawyers, Ohio AFL-CIO, and the state Democrat and Republican parties.

Increased Terms and Qualifications

Measures were introduced to increase the terms of common pleas judges to eight years, court of appeals judges to ten years, and supreme court justices to 12 years; and to increase qualifications to ten years of practice for common pleas judges, 12 years for appeals court judges, and 15 years for supreme court justices, with a qualifying examination being required for those not already holding judicial office. Another measure also required candidates for appellate level courts to have served as trial court judges. As of August 10, 2007, some of these provisions exist in bills introduced before the General Assembly, but none have been approved as law.

⁹ Governor Ted Strickland appointed Timothy P. Cannon to the Eleventh District Court of Appeals, effective August 15, 2007, to serve out the unexpired term of Judge William M. O'Neill on his early retirement to run for Congress. Judge Cannon will take his oath of office on August 15, 2007.

Increased Compensation

In 2007, common pleas judges are paid \$118,050. Common pleas judges (numbering 386 in 2006) are state employees and their salaries are paid by the state. Beginning July 1, 1997, all common pleas judges are paid the same salary consisting of a local and state share. The local share is based on the population of the county and cannot be less than \$3,500 or more than \$14,000. The local share is deducted from the total salary to determine the state share.

Dates	Chief Justice	Justice	Courts of Appeals	Common Pleas
10/53-10/55	\$16,500	\$16,000	\$13,500	\$13,000
10/55-10/59	\$20,000	\$18,000	\$16,000	\$15,000
10/59-12/64	\$22,000	\$20,000	\$18,000	\$9,000-\$17,000
12/64-6/68	\$24,500	\$24,000	\$21,000	\$11,000-\$19,000
6/68-11/73	\$32,000	\$30,000	\$28,000	\$14,500-\$26,000
11/73-4/78	\$43,500	\$40,000	\$37,000	\$23,500-\$34,000
4/78-1981	\$55,000	\$51,000	\$47,000	\$33,000-\$43,500
1982	\$62,000	\$58,000	\$54,000	\$40,000-\$50,500
1983	\$67,000	\$63,000	\$59,000	\$45,000-\$55,500
1984	\$72,000	\$68,000	\$64,000	\$50,000-\$60,500
1985	\$75,000	\$70,500	\$66,000	\$52,000-\$62,500
1986	\$78,000	\$73,000	\$68,000	\$54,000-\$64,500
1987	\$81,000	\$75,500	\$70,000	\$56,000-\$66,500
7/1987	\$86,000	\$80,750	\$75,000	\$60,750-\$71,250
1988	\$88,500	\$83,250	\$77,500	\$63,250-\$73,750
1989	\$92,950	\$87,400	\$81,400	\$66,250-\$76,750
1990	\$97,600	\$91,750	\$85,450	\$69,400-\$79,900
1991	\$102,500	\$96,350	\$89,700	\$72,700-\$83,200
1992-2/96	\$107,650	\$101,150	\$94,200	\$76,150-\$86,650
3/1996	\$110,900	\$104,200	\$97,050	\$78,750-\$89,250
1997	\$114,250	\$107,350	\$99,950	\$80,800-\$91,950
7/1997	*	*	*	\$91,950
1998	\$117,700	\$110,550	\$102,950	\$94,700
1999	\$121,250	\$113,850	\$106,050	\$97,550
2000	\$124,900	\$117,250	\$109,250	\$100,500
2001	\$128,650	\$120,750	\$112,550	\$103,500
2002	\$132,000	\$123,900	\$115,500	\$106,200
2003	\$133,700	\$125,500	\$117,000	\$107,600
2004	\$136,800	\$128,400	\$119,700	\$110,050
2005	\$140,100	\$131,500	\$122,550	\$112,700
2006	\$144,300	\$135,450	\$126,250	\$116,100
2007	\$146,750	\$137,750	\$128,400	\$118,050

Measures were introduced to increase the salaries to a percentage of their federal judicial counterparts (70%, 75%, or 80%), to obviate periodic review and readjustment

by the General Assembly.¹⁰ Although Ohio in 2007 is the 7th most populous state in the United States, its common pleas judges rank 31st in compensation. Discussions were had to create a judicial compensation commission to take the issue of compensation from the General Assembly. As of August 10, 2007, members of the General Assembly have opined that judicial compensation will not be addressed before the end of 2008.

Judicial Personnel and Caseload

In 2007, each of the four General Division judges have five employees, consisting generally of an administrator, scheduler, reporter, bailiff, and judicial staff attorney. Their budgets are each in the range of \$400,000 to \$440,000, including the \$14,000 local share paid toward compensation of the judges. Each judge, on average in 2006, received 1,016 new cases, and terminated 1,022 cases. The division held, in 2006, 87 jury trials (47 criminal, 40 civil), and 16 bench trials (all civil). Criminal cases comprised 16% of the docket; foreclosure cases comprised 27% of the docket. As of July 2007, the judges of the division each carried a case inventory in the range of 424 to 463 cases.

Court Technology

In recent years, in the context of a docket that continues to grow rapidly as a result, in part, of population increases¹¹ and an expanding economy, one of the most challenging and the most promising developments in the Lake County Common Pleas Court has been the development and implementation of new technologies to assist the court in the administration of cases, juries, and trials. These technological innovations have included: (1) digital video and/or audio recording systems to record and preserve court proceedings; (2) the use of “Smart Boards” in the courtrooms as an interactive, touch-sensitive display screen, enabling attorneys to present evidence to juries, and enabling the court to make other presentations to various groups from the community; (3) the implementation of “CourtView” case management software; (4) scanners allowing the Clerk of Courts to create electronic images of documents that are submitted to the clerk on paper, and the importation of those images into the CourtView case management software; (4) jury management software that allows all of the courts in Lake County, including the municipal courts, to work from the same system, and which allows jurors to log onto the system via Internet or telephone for information and instructions; and (5) Internet-based legal research services such as Lexis-Nexis and Westlaw. In addition, efforts are currently underway to integrate all of the case management software in the state in such a way that each court will be able to access the docket of any other court.

¹⁰ As of January 1, 2006, federal district judges are paid \$165,200, court of appeals judges \$175,100, supreme court associate justices \$203,000, and the chief justice of the U.S. Supreme Court \$212,100.

¹¹ The U.S. Census in 2006 recorded a population in Lake County of 232,892, which represents a growth rate of 2.4% from 2000 to 2006. As an aside, although the 2000 census placed Lake County as the most populous county in the five-county area served by the Eleventh District Court of Appeals, construction had already begun on the new court of appeals courthouse located in Warren in Trumbull County. The Eleventh District Court of Appeals is the only appellate court in Ohio not located in the most populous county of the district.

Ultimately, the courts in Lake County will soon be functioning primarily through electronic filings, and paper filings are likely to become a thing of the past. Although these systems and tools all currently have the feel of being “new” to the Lake County courts, we are well aware that, 100 years from now, all of this will no doubt seem antiquated and unwieldy. From the vantage point of the present year of 2007, the technological tools that judges used in 1907 certainly have that antiquated appearance to us.

Similarly, we cannot imagine the technological innovations that may be in place in 2107. Perhaps the very concept of a “courtroom” – as a single geographical location where people gather to resolve legal disputes and where justice is administered – will be a thing of the past.

At the state level, the Supreme Court is moving forward with implementing the “Ohio Courts Network,” which will provide a duplicate database of all the courts in the state, searchable in one location.

Judicial Education

Judicial education is another area where innovations and investments of time, effort, and funding have been focused in recent years. Lake County’s judges have begun to participate in the graduate programs (Master’s and Ph.D. in Judicial Studies) offered through the University of Nevada, Reno and the National Judicial College in Reno, Nevada¹², and potentially, the Ohio Judicial College in Columbus. In addition, Lake County’s judges have begun participating in the ASTAR¹³ program, which is designed to make judges more competent and confident in the inquiry of complicated science and technological evidence in the discharge of their gatekeeper function to determine the difference between: (1) genuine and reliable science on which expert testimony can be based; and (2) “junk science” on which it cannot. Also, Ohio has begun the process of becoming one of the ASTAR national training centers for judges, along with Baltimore (Maryland), Seattle (Washington), and Salt Lake City (Utah).

¹² Currently, Judge Paul H. Mitrovich is a candidate for the Doctor’s Degree in Judicial Studies, having earned his Master’s Degree in Judicial Studies in 1992, and Judge Eugene A. Lucci is a candidate for the Master’s Degree in Judicial Studies.

¹³ ASTAR, standing for “Advanced Science and Technology Adjudication Resource,” was conceived by the state judiciaries of Ohio and Maryland and launched in 2005, and is now funded by Congress to include all states, territories, and federal circuits. Judge Eugene A. Lucci is an Inaugural Science and Technology Fellow, having earned that certification in 2006 along with 40 other judges in the U.S.

Specialty Dockets

Many courts have recently established or are contemplating establishing specialty dockets, where a judge concentrates in one particular area of law or on one type of issue. Specialty dockets include mental health and drugs.¹⁴

Mayor's Courts

The chief justice is a proponent of eliminating the 329 mayor's courts in the state. The municipalities oppose the measure, as the fines levied by the mayor's court serve as a significant source of revenue to those jurisdictions.

Leadership Within the Judiciary

In addition to achievements in the areas of court technology, judicial education, and specialty dockets, and operating very efficient courts and managing very busy dockets, Lake County judges have demonstrated leadership within the judicial branch of government in other areas.

Domestic Relations Division Judge Colleen A. Falkowski served as president of the Ohio Association of Domestic Relations Judges in 2006 (her fourth year on the bench).

Probate Division Judge Ted Klammer received the American Bar Association General Practice Solo-Small Firm Division Project Award for his 3rd Annual Mental Health Conference.

General Division Judge Paul H. Mitrovich, while serving as Lake County Prosecuting Attorney in 1973-1976, conceived and implemented the Lake County Regional Forensic Laboratory, which is funded by a special tax levy and operated as an arm of the prosecutor's office; it is probably the only such laboratory of its type in Ohio, and possibly the United States; he also helped develop the Lake County Narcotics Agency.

General Division Judge Richard L. Collins Jr. serves or has served on the Ohio Judicial Conference's committees on Civil Law and Procedure, Criminal Law and Procedure, and Public Confidence and Community Outreach.

General Division Judge Eugene A. Lucci is chair of the Public Confidence and Community Outreach Committee of the Ohio Judicial Conference, and serves on the OJC's governing Executive Committee, and has served as an editor of *Ohio Jury Instructions*, Ohio's authoritative source of pattern jury instructions utilized by all of the

¹⁴ Mentor Municipal Court Judge John Trebets, with the assistance of Lake County Sheriff Daniel A. Dunlap, started the fourth mental health court in the State of Ohio in April 2004. The court manages mentally ill offenders charged with misdemeanors throughout Lake County under the auspices of a mutual aid agreement with the Painesville and Willoughby municipal courts (sanctioned by the Ohio Supreme Court.).

courts of Ohio. Judge Lucci also served as president of the Lake County Bar Association in 1989-1990.¹⁵

General Division Judge Vincent A. Culotta serves on the Ohio Judicial Conference's committee on Criminal Law and Procedure.

Painesville Municipal Court Judge Michael A. Cicconetti served as president of the American Judges Association in 2005-06, and is world-renowned for his innovative method of misdemeanor sentencing, having appeared on many televised talk-show and other news-related programs and in the printed news media throughout the world.

Willoughby Municipal Judge Larry Allen serves as a representative of District 9 of the Board of Governors of the American Judges Association.

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¹⁵ Also having served as president of the Lake County Bar Association, founded in 1902, are: Judge Ted Klammer (2002-03), Judge William W. Weaver (1990-91), Judge Francine M. Bruening (1987-88), Judge Martin O. Parks (1977-78), Judge James W. Jackson (1978-79), Judge Fred V. Skok (1974-75), Judge John F. Clair Jr. (1962), Judge John M. Park Jr. (1960), Judge Charles P. Baker Jr. (1946), Judge Winfield Scott Slocum (1941-42), Judge J. Frank Pollock (1937), Judge William M. Hubbard (1933), Judge Ross G. Sweet (1940), and Judge Arlington G. Reynolds (1927-28).