

The 2016 Ohio Supreme Court Election
We Can't Afford to Stand Pat, But Vote for Pat

The November 8 election for Ohio Supreme Court justices is especially important because three seats are at stake. Chief Justice Maureen O'Connor is running unopposed but two seats are open because of the mandatory retirements (due to age) of Justice Judith Ann Lanziger of Toledo and Paul Pfeifer of Bucyrus.

As the Court of Last Resort, Ohio's Supreme Court has become known for its final rulings on everything from public school funding to workers' compensations and product liability. In all cases, what it mandates is the final word. This is why the Supreme Court is so important to each of us. The issues being decided at the Supreme Court can have a lasting effect on our personal lives, our jobs and our wallet.

In the 1990s the majority on Ohio's Supreme Court were referred to as "The Gang of Four" because at this time in Ohio history public policy was being driven by four liberal activist justices who were acting like legislators, NOT judges.

Fortunately, since 2002 the philosophical majority on the Ohio Supreme Court shifted and balance and fairness has been restored to the Supreme Court. However each election year that balance is in jeopardy and, we cannot stand pat. This is a year to vote **for** Pat -- Judge Pat Fischer who is running against John P. O'Donnell for Justice Lanziger's seat and Judge Pat DeWine who is running against Cynthia Rice for Justice Pfeifer's seat.

Patrick "Pat" Fischer is an Appellate Judge of the Ohio First District Court of Appeals, first elected in 2010 and re-elected in 2012. His legal career began as a clerk for U.S. District Court Judge William Bertelsman after which he joined the Cincinnati law firm of Keating Muething & Klekamp.

Fischer currently serves on the Ohio Constitutional Modernization Commission as vice-chair of the commission's committee on the judicial branch. His previous experience includes serving as president of the Ohio State Bar Association. Pat Fischer received his undergraduate and law degrees from Harvard University.

Fischer's opponent, John P. O'Donnell, was defeated by Justice Judith French in a 2014 campaign for the Ohio Supreme Court.

Pat DeWine also serves on the First District Court of Appeals, based in Cincinnati. Known for the quality and thoroughness of his written legal opinions, DeWine reflects his strong belief in judicial restraint and his respect for the constitutional roles of the other coequal branches of government.

Prior to his 2012 election to the Appellate Court, DeWine served as a Hamilton County Common Pleas Court judge. Previously he was in private practice with the firm of Keating Muething & Klekamp.

DeWine's undergraduate degree is from Miami (OH) University. His law degree is from the University of Michigan, where he graduated in the top ten percent of his class. After law school, he served a clerkship on the U.S. 6th Circuit Court of Appeals under Judge David Nelson. His current activities include teaching law and political science as an adjunct professor at the University of Cincinnati.

It's very important to support judges Fischer and DeWine because just one lost seat could significantly de-stabilize the judicial environment in Ohio.

Since 2002 the philosophical position of the Court has been relatively objective and reasoned. Ohio's judicial environment has been rated as stable and predictable, but this is not a guarantee going forward.

The 2015 Lawsuit Climate Survey conducted for the U.S. Chamber Institute for Legal Reform by the Harris Poll has Ohio ranked 27th among the states in measuring how fair and reasonable the states' tort liability systems are perceived by businesses. That's an improvement of three places since 2012, but there is still much room for improvement. This is another important reason we cannot stand pat, but stand **for** Pat -- Pat Fischer and Pat DeWine.

These are the candidates who are most likely to work towards the principles important to the Ohio Alliance for Civil Justice and for you and your business:

- Promote a healthy economic climate for Ohio
- Stop frivolous lawsuits against businesses & professionals
- Interpret the law, not make new laws

While we are fortunate to experience an economic recovery here in Ohio, it has been slow. But it has been steady. We must be careful not to jeopardize that progress. In 2014, Forbes ranked Ohio's business climate 26th among the states. A pro-business judicial environment is important in maintaining a positive economy for our state.

Just as important is maintaining a separation of powers in our state government—electing Supreme Court justices who recognize their role as interpreting laws only and leaving the creation of laws to the Ohio General Assembly. In other words, conservative justices who view their roles as evaluators of whether any law or lower court ruling is in line with the constitution; not liberal justices who look to change the meanings of existing laws, to be policy makers.

Since its founding in the 1980s, the Ohio Alliance for Civil Justice has carried on grassroots campaigns to promote a common sense civil justice system in Ohio. The Alliance is a non-profit 501(c)(6) corporation comprised of representatives of more than 200 trade and professional organizations, small and large businesses, medical groups, farmers, non-profit organizations and local government associations.

The Alliance, again in 2016, is conducting a grassroots program for the Ohio Supreme Court elections. This effort includes educating voters so they can make informed, knowledgeable choices rather than randomly picking a common name in the voting booth.

Because of the massive media attention that is being given to Ohio's U.S. Senate election and our role in the Presidential election, it is extremely important to emphasize the critical choices to be made in our Ohio Supreme Court election.

Members of the OACJ encourage our colleagues to help educate voters about the candidates. Read about them in news items, campaign literature and on campaign websites, including www.ohiociviljustice.org. Do your research by listening to what the candidates are saying, where they stand on issues, and what's being said about them. Listen by asking the opinions of your employer, co-workers and friends.

Between now and Election Day on November 8, you will be seeing more on these Supreme Court races from the Alliance. We cannot and must not stand pat—we need to do all we can to elect Pat Fischer and Pat DeWine.