



A BRIEF HISTORY OF THE ELEVENTH DISTRICT COURT OF APPEALS

Prologue

Judge Donald Ford first wrote this “A Brief History of Appellate Review in Ohio and the Eleventh District Court of Appeals” in 2006. Since then, the story of the Eleventh District Court of Appeals has continued to evolve. Today, it is in no sense “brief”. We commend to you Judge Ford’s original, excellent treatment of the historical origins and evolution of the appellate courts in Ohio and the 11th District’s place in that story. This version is available on the court’s website.

Judge Ford was a fine jurist, an engaged citizen and for all his virtues, a humble man. Not surprisingly, when we first published his version of our “Brief History”, he was quick to acknowledge the contributions of others:

“I wish to thank George Baker, Director of the Trumbull County Law Library and Coordinator of the Legal Assistance Technology Program, Kent State University, Trumbull Campus, and Ms. Patricia A. Sontag, Deputy Administrator of the Eleventh District Court of Appeals, for their significant assistance in contributing to this publication.”

In that spirit, we acknowledge that Judge Ford’s “Brief History” has been refined, edited and augmented by many court staff, Judges, their staffs and judicial attorneys over the years. That will continue as the story of this court unfolds. We are grateful not only for their past efforts documenting our history, but especially for the role they have played, and will continue to play in that evolution.

Herewith is a condensed version of our story.

FORMATION OF THE DISTRICT COURTS OF APPEALS

What we now know as the Ohio Courts of Appeals have their origins in the creation of District Courts by the 1851 Amendments to the Ohio Constitution. Over time, the District Court System had been abandoned and replaced with what were

called Circuit Courts and appellate jurisdiction was conferred upon them. However, they were found to be wanting in their ability to bring finality to legal controversies and had the effect of compounding the ever-growing backlog of cases in the Ohio Supreme Court awaiting decisions. And so, a new proposal was brought forth at Ohio's 1912 Constitutional Convention.

There the eight Circuit Courts were reconstituted as District Courts of Appeals, each having three judges, and its judgments in ordinary cases were final. This prevented an appeal in such cases to the Supreme Court. Obviously, the result with respect to the Supreme Court was to significantly decrease the time in which appeals would reach that Court and had the effect of relieving its overcrowded docket which existed at that time and consequent delays in rendering its opinions.

The major impact of the 1912 Constitutional Amendment was the Court of Appeals essentially became the court of last resort in all cases, except those rising under the Constitution of the United States, felony cases, cases in which it has original jurisdiction, and cases of great general public interest in which the Supreme Court could direct the Court to certify its record to the Supreme Court for decision.

The eight Circuit Courts of Appeals' geographic boundaries became the District Courts of Appeals' boundaries in 1912. Thus, the Counties and their citizens who currently constitute the Eleventh District Court of Appeals remained under the jurisdiction of the Seventh District Court of Appeals, as they would until 1969. We all owe a debt of gratitude to those who served the District during those

years and beyond, as we strive to continue their fine legacy and commitment to the fair and efficient administration of justice for all.

THE ELEVENTH DISTRICT COURT OF APPEALS

Since 1912, the General Assembly has created four additional Appellate Districts and periodically revised their boundaries and added judges to many of them.

The Eleventh District Court of Appeals was created in 1968 by Am. House Bill 105.¹ All District Courts had three judges, except the Eighth which had six and the Tenth which had four.

By that time, the Seventh District's population was increasing substantially with a concomitant increase in caseload. So, the Judges of the Seventh District (Judge George M. Jones, Judge Joseph E. O'Neill, and Judge John J. Lynch) proposed to the General Assembly the creation of an Eleventh District Court of Appeals to include the counties of Ashtabula, Geauga, Lake, Portage, and Trumbull. Judge Lynch acted as the primary liaison with the General Assembly for the creation of our present district. The enabling legislation that created the Eleventh District Court of Appeals called for the initial elected judicial positions to be implemented on a staggered basis. Thus, the elections held in 1968 to fill the three judicial posts from our court called for one seat with an initial term of two years; a second seat with a term of four years; and a third seat calling for a full six-year term, all three of which were to commence on February 9, 1968.

¹ 132 Laws of Ohio (1968), 2507.

The 1968 election resulted in Judge Robert E. Cook being elected to the two-year term; Judge Edwin T. Hofstetter to the four-year term; and Judge George M. Jones earning the six-year term. Judge Cook served as a Congressman from the Eleventh District, which included most of our appellate district. Judge Jones, who had served on the Seventh District Court of Appeals, ran for office in our district because he was a resident of Liberty Township in Trumbull County, Ohio, at the time. During its early years, following 1969, Judge Cook maintained an office in the Portage County Courthouse in Ravenna, and Judge Hofstetter in the Geauga County Courthouse in Chardon. Judge Jones officed in Warren. All three judges were allocated minimum space. They retained Deirdre Becker as their Official Shorthand Reporter at that time. She also was provided minimum space with Judge Jones here in Trumbull County. In 1979, she became the Official Court Reporter/Court Administrator.

In 1974, Judge Jones was defeated in his effort for re-election by Judge Alfred E. Dahling, who was then serving as a municipal judge in Mentor Municipal Court in Lake County.

In 1982, Judge Donald R. Ford was successful in his efforts to be elected to the Court for the seat then held by Judge Hofstetter.

In 1986, Judge Dahling was defeated in the primary election by Judge David McLain of the Trumbull County Common Pleas Court. Judge Judith A. Christley was elected to our court in the general election in 1986 and served until her retirement in 2005. She was the first woman elected to the Eleventh District Court of Appeals; also, the first woman to serve as Administrative Judge of this Court, as well as the first of her gender to be elected Chief Justice of the Ohio Appellate

Judges Association. In November 1988, Judge Robert E. Cook died during his term. In March 1989, Judge Joseph E. Mahoney, who had served for a number of years as a Common Pleas Judge in Ashtabula County, was appointed by Governor Celeste to fill the resulting vacancy.

Because of the increased docketing in our Court at that time, which had the highest per capita caseload of any of the judges in our twelve districts, our Court persuaded the legislature to add a fourth judge position in 1989.

The election in 1990 resulted in Judge Mahoney being successful for a full six-year term and Judge Robert A. Nader, who had served as a Common Pleas Judge in Trumbull County, filling the other position.

Judge Mahoney was ineligible to run in the 1996 election. Judge William M. O'Neill was elected to replace him.

Our Court experienced a continuing period of significant increase in caseload, which resulted in our docket approaching and exceeding the informal eight hundred case threshold that supported the addition of a fifth judge to the court, which was accomplished with legislative approval in 1999. Judge Diane V. Grendell was elected to that seat in the November 2000 general election.

Judge Nader reached retirement age prior to the 2002 general election. Judge Cynthia Westcott Rice was elected in November 2002 to fill that seat on our bench. It was a historic moment; for the first time in our Court's history a majority of our judges were women.

In November 2004, Judge Colleen Mary O'Toole was elected to fill the seat that was being vacated by Judge Christley's retirement. Upon her election in

November 2006, Judge Mary Jane Trapp succeeded to the seat vacated by Judge Ford's retirement.

Judge O'Neill retired in 2007, prior to his term ending, and Judge Timothy P. Cannon was appointed by Governor Strickland to fill Judge O'Neill's vacancy. Judge Cannon was subsequently elected to his first full term in 2008.

In December 1982, pursuant to entry by the Court, Trumbull County was designated as the official seat of the district. The Court adopted the statutory formula for the operating budget as set forth in R.C. 2501.181 for the proportionate participation of the counties of our district.

A Trumbull office of our Court was moved from the Trumbull County Courthouse to the old Carnegie Library on High Street in Warren in 1979. During the early years of the Court, the personnel design called for one secretary for each judge, with Deirdre Becker as the Administrator. Because of the adoption of the appellate rules of procedure in 1971 and the requirement that all cases be addressed by opinion, the Supreme Court authorized the addition of a law clerk for each judge which then increased the personnel level to a total of seven people. In 1983, the additional position of Court Assistant was created by the Court and was filled by Polly Richter, who had previously served as Judge Hofstetter's secretary. In 1989, Carol M. Sericola became the Assistant Court Administrator which increased the number of employees at that point.

As a result of increased docketing throughout the twelve appellate districts, the Supreme Court, in 1988, authorized the appointment of a second law clerk for each sitting judge. In the decade of the 1990's, the increased docketing and requirements placed on the appellate courts in Ohio caused the addition of a

number of other staff employees required to accomplish the work of the district, as well as the efforts in a number of the appellate districts to initiate mediation programs as part of the service offered to the practicing bar and litigants. This particular program was adopted and implemented in our district in 2005. Security concerns also increased during the 1990's leading to a number of policies that were required to be addressed, including retaining security guards. That trend has continued, and today our Court employs twenty-four people and five judges. Without their, and their predecessors', devotion to the People's interests in a fair, thorough and efficient judicial branch of government Ohio surely would be a lesser place.

The Court continued to remain in a cooperative situation in the Law Library building, along with the staff from the Juvenile Detention Center. Hence, the physical facilities there were wholly inadequate for an appellate court such as ours. We agreed with the Trumbull County Commissioners to move to the third and fourth floors of the Stone Building on the corner of North Park and High Street near the Courthouse Square in March 1993. Our Court in Trumbull County remained there until January 2000 when the Trumbull County Commissioners finally provided the present building in which we are located at 111 High Street, N.E., Warren. The realization of our present facility was the result of seventeen years of advocacy and discussions with Trumbull County, led by Judge Donald R. Ford, to bring us into the twenty-first century.

With that we end with a list of the Judges who have served on our Court since it was constituted in 1968:

Judge George M. Jones - 6-year term 1969-1975

Judge Edwin T. Hofstetter	-	4-year term	1969-1983
Judge Robert E. Cook	-	2-year term	1969-1988
Judge Alfred E. Dahling	-		1975 - 1987
Judge Donald R. Ford	-		1983 – 2007
Judge Joseph E. Mahoney	-		1989 - 1997
Judge Judith A. Christley	-		1987 - 2005
Judge Robert E. Nader	-		1991 - 2003
Judge William M. O'Neill	-		1997 - 2007
Judge Diane V. Grendell	-		2001 - 2019
Judge Cynthia Westcott Rice	-		2003 - 2022
Judge Colleen Mary O'Toole	-		2005 - 2011 2013 - 2019
Judge Mary Jane Trapp	-		2007 - 2013 2019 - 2025
Judge Timothy P. Cannon	-		2007 - 2021
Judge Thomas R. Wright	-		2011 - 2023
Judge Matt Lynch	-		2019 -
Judge John J. Eklund	-		2021 -
Judge Eugene A. Lucci	-		2023 -
Judge Robert J. Patton	-		2023 -