

THE OHIO SUPREME COURT "HOOKER" PROGRAM FOR PURCHASING JUDICIAL OPINIONS

By Evan Gutman CPA, JD (2013)

In the first part of this book published in 2002, I criticized Bar admission opinions of the Ohio Supreme Court quite harshly. The Ohio Justices simply fail to engage their limited cognitive faculties properly. As a result, they are unable to attain a rational conception or understanding of what "Good Moral Character" really is. Instead, Ohio Justices are the epitome of a State Supreme Court, which renders rulings founded upon vicious bias and anger by emotionally troubled Justices. So I thought it might be a wondrously nice idea to take an even-handed look at the moral character of Ohio State Supreme Court Justices, outside of the context of their State Bar admission opinions. They did not fare particularly well.

One thing that is "good" (I'm being sarcastic) about the Justices of the Ohio State Supreme Court is that you really know where you stand with them. If you want them to rule in your favor they've established a solid, historical record that demonstrates exactly what you need to do. It's actually a whole lot easier than worrying about learning statutes, cases and court rules. All you have to do is contribute to their judicial election campaign. Roughly speaking, as will be demonstrated below, it has been statistically proven that a campaign contribution of \$1,000 or more favoring reelection of certain Ohio State Supreme Court Justices provides you with about a 70% chance they will rule in your favor. In the case of Justice Terrence O'Donnell you get an even bigger return for your money at about 91%.

I do not believe a Justice should recuse themselves from a case simply because a litigant contributes to their election campaign, so long as the amount is moderate. To hold otherwise, would make it too simple for a litigant to secure removal of a Justice who they knew was going to vote against them. All the litigant would have to do is contribute to their campaign. Stated simply, requiring recusal can have precisely the same effect as not requiring recusal.

However, when the contribution amounts are \$1,000 or more the picture changes. More importantly, if a disturbing pattern develops over a course of years showing that Judicial opinions are regularly being rendered in favor of campaign contributors that is troublesome. Such a pattern is precisely what the New York Times found regarding the Ohio State Supreme Court. On

September 30, 2006 the Associated Press published an article that read in part as follows (emphasis added):

"REPORT: OHIO SUPREME COURT often sides with campaign contributors" by Associated Press, Published 9/30/06

Justices on the Ohio Supreme Court rarely removed themselves from cases involving their campaign contributors and on average decided in their favor 70 percent of the time, according to an examination by The New York Times.

In the 215 cases with the most direct potential conflicts of interest over 12 years, justices took themselves off a case nine times. . . .

The Times said Justice Terrence O'Donnell voted for his contributors 91 percent of the time, the highest rate of any of the justices.

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. . . Few Judges in states that elect the members of their highest court view contributions as a reason for disqualification when those contributors appear before them, the newspaper reported.

"I never felt so much like a **hooker** down by the bus station in any race I've ever been in as I did in a judicial race," said Justice Paul Pfeifer, a Republican member of the Ohio Supreme Court." Everyone interested in contributing has very specific interests."

"They mean to be buying a vote," he added. "Whether they succeed or not," it's hard to say."

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The study looked at contributors who gave \$1,000 or more. . . .

O'Donnell, a Republican, won his seat with the help of big contributions from the insurance, finance and medical industries, the newspaper reported. He is running for re-election this year, and his opponent, Judge William O'Neill, is making contributions an issue.

"We have to stop selling seats on the Ohio Supreme Court like we sell seats on the New York Stock Exchange," said O'Neill, a Democrat. . . . He says he will not accept contributions.

O'Donnell, who has raised more than \$3 million since 2000, has helped consolidate the court's transformation from one that routinely ruled against corporations and insurance companies to one quite friendly to business interests, The Times reported.

Several justices told The Times they found Ohio's money-fueled judicial elections distasteful and troubling. . . .

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Duane Adams, who had sued Daimler Chrysler, charging that his car was defective, said he became angry when he learned that the company's political action committee had given money to justices in the majority.

"At the very least, it's a conflict of interest," Adams said. "These gentlemen, they should be prosecuted for what I consider is taking a bribe." . . . " ¹⁹³

Man, I would love to be on a Committee assessing the Moral Character of Ohio State Supreme Court Justices. On the other hand, I guess I am. It's my own one-man Committee, of which I'm the only member. And I've determined that numerous Justices on the Ohio State Supreme Court lack the requisite good moral character to possess a law license. Upon a showing of proper remorse and rehabilitation, and after a lapse of five years from the date of this essay, the Justices of the Ohio Supreme Court may request reconsideration of this opinion.