

FAQ: Supreme Court of Ohio

Justices and the Governing Body



ACLU
Ohio

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What is the Supreme Court of Ohio (SCO)?

The SCO is the highest state court in Ohio. It is comprised of seven justices who hear cases and prescribe the rules governing the practice and procedures for all state courts in Ohio. Most of the cases heard by the SCO are appeals from one of the 12 district courts of appeal in Ohio.

What else does the SCO do? What kinds of cases does it hear?

The SCO has jurisdiction over cases involving questions arising under the Ohio Constitution or the United States Constitution, cases originating in the courts of appeals, and cases in which there have been conflicting decisions between courts of appeals. The SCO also hears death penalty cases, reviews actions of certain administrative agencies, and has original jurisdiction to issue extraordinary writs.

Basically, any issue area you may care about — redistricting, bail reform, the death penalty, reproductive justice, state qualified immunity for police officers, etc. — may come before the SCO in a case.

How are justices selected?

In Ohio, justices are elected to six-year terms via a partisan ballot, meaning that the party affiliation of the justice candidates is listed on the ballot. Two justices are chosen during every general election in even years. The year the Chief Justice position is up for election, voters elect three total justices, including the Chief Justice. Because Ohioans directly elect justices to the SCO, it is imperative that voters take this role seriously, given the level of power these stakeholders have over influential decisions in our state.

What if there is a justice vacancy between elections?

If a vacancy occurs between elections, the governor appoints a justice.

How is the Chief Justice selected?

The Chief Justice is also chosen via an election every six years. Candidates interested in becoming Chief Justice run specifically for this position.

How many terms can justices serve?

While there is no set limitation on the number of terms justices can serve, the Ohio Constitution does have an age limit. An individual is not able to be elected or appointed to any judicial office in Ohio, including the SCO, if they will reach 70 years of age on or before the day they would take office.

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What qualifications are required to become a justice?

In order to be elected or appointed to the position of a justice, a person must be an attorney in Ohio and have either practiced law in Ohio for six years or have served as a judge in any jurisdiction in the United States.

Why do justice elections matter?

Pretty much any issue you may care about is one that could potentially come before the SCO in a case that would then be decided by the seven justices. Before casting a vote, you should make sure you know which candidates interpret the law in the same way you do, and how they feel about issues you care passionately about.

What role does the SCO play in redistricting?

For both general assembly redistricting and congressional redistricting, the SCO has exclusive, original jurisdiction over any legal challenge. This means that if there is a legal challenge related to redistricting, the case could be decided by the seven justices on the SCO.

How is the SCO a backstop for the Ohio General Assembly?

The SCO hears cases on appeal that challenge the constitutionality of laws. In Ohio, there is currently a Republican supermajority in both chambers of the Ohio General Assembly. Regardless of what party is in power, supermajorities are dangerous because they ensure that one party will be able to get laws passed without any check or support from the other party. This can lead, and has led, to the passage of dangerous laws. The SCO provides a backstop to potentially dangerous laws because it has the jurisdiction to hear cases involving questions that arise under the Ohio and United States Constitutions.

What are some unique powers of Ohio Supreme Court Chief Justices?

- The Court has authority to prescribe rules governing practice and procedure in all courts of the state and to exercise general superintendence over all state courts (rules shall not abridge, enlarge, or modify any substantive right).
- General superintending power shall be exercised by the Chief in accordance with rules promulgated by the Supreme Court.
- Chief may convene task forces and review committees.
- Chief may declare judicial emergency pursuant to Sup.R. 14.
 - *In the event of a natural or man-made disaster, civil disorder, or any extraordinary circumstance that interrupts or threatens to interrupt the orderly operation of a court or a division of a court, the Chief Justice of the Supreme Court may issue an order declaring a judicial emergency for the affected court or division.*
- Chief assigns judges to courts for temporary duty.

Sources:

<https://www.supremecourt.ohio.gov>

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<https://www.legislature.ohio.gov/Assets/Laws/Constitution.pdf>

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