

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Judges Project

Personal Experience

O.H. 1439

PATRICK V. KERRIGAN

Interviewed

by

Michael Graham

on

October 24, 1991

## PATRICK VINCENT KERRIGAN

Patrick Vincent Kerrigan of Youngstown, Ohio was born on July 1, 1950 to Thomas and Lenore McLaughlin Kerrigan. Judge Kerrigan's father died at an early age, leaving Lenore to care for the family.

Kerrigan attended school in Youngstown, and graduated from Cardinal Mooney High School. The Judge attended Notre Dame College, and graduated with a bachelor's degree in government. Judge Kerrigan received his Juris Doctor degree from Akron University.

In 1980, Judge Kerrigan married the former Jane Hill. Judge Kerrigan has three children: Brigid, age 21; Meg, age 19; and Kevin, age 10.

Upon passing the Ohio Bar Exam in 1974, Judge Kerrigan joined the Ohio Attorney General's office where he stayed until 1979. In 1979, Judge Kerrigan joined the McLaughlin Law firm until 1983 when he went into practice for himself. In 1988, Kerrigan was elected to the Youngstown Municipal Court, where he still sits.

Judge Kerrigan belongs to numerous organizations including the American Cancer Society, the Mahoning Valley Gaelic Society and A.O.H., the Mahoning County Bar Association. Judge Kerrigan is also on the Board of Directors for the Youngstown Urban League and is president of St. Edward's Home and School. Judge Kerrigan is also a member of St. Edward's Church. The judge's hobbies include golf and volleyball. Judge Kerrigan is also interested

in politics having worked on numerous presidential and congressional campaigns in the area.

-- Michael Graham

YOUNGSTOWN STATE UNIVERSITY  
ORAL HISTORY PROGRAM

Judges Project

INTERVIEWEE: PATRICK V. KERRIGAN  
INTERVIEWER: Michael Graham  
SUBJECT: Family, lawyer, politics, judgeship, probation  
DATE: October 24, 1991

G: This is an interview with Judge Patrick V. Kerrigan, for the Youngstown State University Oral History Program, on the Judges Project, by Michael Graham, on October 24, 1991, in Youngstown, Ohio, at 12:00 p.m.

We'll start out with something relatively simple. If you would, please tell me about your childhood, your background growing up.

K: I am the oldest of six children, born to Thomas Tammy Kerrigan and Lenore Mclaughlin Kerrigan. I was born in 1950. [I] lived on the North Side for a very few years, and then, [I lived] on the East Side with my grandparents. Then, [we lived] on the West Side, and then, we moved to the South Side of Youngstown when I was about to start first grade. I went to Saint Dominic's grade school. I skipped a grade. I went from fourth to sixth grade. I was a very bright student. I had a very high IQ. I got B's without ever looking at a book and doing any homework. I had a bit of a discipline problem, as well.

[Then], when I was twelve, I graduated from eighth grade and went on to Cardinal Mooney High School. I graduated there when I was sixteen. From there, I went to the University of Notre Dame and graduated in 1971

at the age of twenty. I got a full scholarship to Akron Law School. I graduated in 1974. I went from there to the Attorney General's Office, in Columbus, where I began my legal career. I was an assistant Attorney General.

My father died when I was fourteen. I was a sophomore in high school. As a matter of fact, twenty-seven years ago, the day before yesterday, October 22, 1964. That obviously was a very big influence in my life. Again, being the oldest of six kids, I was expected to do an awful lot, in terms of leadership for the family and in terms of paying my own way. I started my first job--I was a janitor at Cardinal Mooney when I was a freshman. I had just turned thirteen. I worked there. I really worked off and on since then. I worked in the summer time or during school as a janitor. When I was at Notre Dame, I worked in the bookstore. I always seemed to have one job or another, someplace.

I come from a very large, Irish-Catholic family on both sides, really. On my mothers side of the family, I'm one of forty-four grandchildren. That's just one side. My mother was one of ten. They are a very large, I believe, intelligent and articulate, very aggressive. . . . We've got doctors, probably a dozen lawyers in the group; a great family. The type of family that everybody had something to say and was always encouraged to say it. We have a lot of family reunions. If you ever went there, it would be hard to get a word in edge-wise unless you were articulate and aggressive. I used to always marvel at them, because the great aunts, the uncles, and the little kids would all converse with each other as they were equals. We always prided ourselves on the fact that you better be able to give and take, and converse with everybody. And, we always did.

So, I think that's one of the reasons that we have people who are . . . a very highly educated group. In my own immediate family, I have one brother and four sisters. All of them graduated from college. Five out of the six have post-graduate degrees. There is another lawyer in the group. One has an MBA, one has a Master's in Education. They are just a pretty well-educated group. [Education was] something my mom felt very strongly about.

My mother remarried when I was a senior in high school, to a guy who, interestingly enough, she had dated in high school and who had never been married. He was a very quiet guy. He didn't really have very much of an influence in my life, except to the extent that he was a stabilizing influence for my younger siblings and was a financial support to me and my mom. Obviously, with

my father dying, it was very difficult for me to go to Notre Dame. But with the insurance proceeds from my dad, loans, the jobs that I had, and my step-father's life savings, we were able to do it. My father had graduated from Notre Dame back in 1944. Especially being in an Irish-Catholic family, but also being the son of a Notre Dame graduate, that was a very important thing that I'd be able to go to Notre Dame. I was able to do so. Again, I graduated in 1975 with a degree in government.

G: You mentioned you were with the attorney general. What were your duties? What was a typical day like?

K: It was very much like a large law firm. The [function of the] attorney general, among other things, is to be the lawyer for all the agencies and departments of state government. Now, some of those departments are so large that they require their whole section of lawyers and team of lawyers. So, [take for example], the Environmental Protection Agency. There might be a section there with five to ten lawyers and secretaries. All they do is represent the Environmental Protection Agency. Consumer Fraud represents a Consumer Fraud Division of the Department of Commerce, and also does their own prosecutorial type of work. [It's] very similar to things a lawyer might do in practice. I was in a section.

At first, it was called the Administrative Agency section. We changed the name, and I moved around from department to department as we reorganized. I was there for five years. My function remained, essentially, the same. I represented a wide variety of administrative agencies in the state of Ohio. [I] was their lawyer, and provided them legal advice on a day to day basis. I provided written legal advice as to the interpretation of state laws and administrative regulations, which were either adopted by them or by their predecessors. I represented them anytime they were sued.

In prosecuting cases, administrative agencies are, for the most part, regulatory agencies who issue licenses. So, anytime they prosecuted somebody for violation of the laws or the regulations to either suspend them or to revoke their licenses, I would prosecute. Once we took such action on the administrative agency level, there were often appeals. So, I did an awful lot of appellate work. Even if you went to the common pleas court, which is normally a trial court, it was on an appeal from administrative agencies.

So, it was mainly brief work, rather than trial work. We often went to the court of appeals and even to the

Ohio Supreme Court. So, in five years, I was in every court of appeals district in the State. I was in the Ohio Supreme Court half a dozen or, maybe, ten times--actually arguing cases--where many lawyers will practice an entire career without ever having been in the Supreme Court. I actually got to the point where I was very comfortable with that. It was very much a standard procedure for me to either go to the court of appeals or go to the Ohio Supreme Court.

A typical day would be [that I would] go into the office and work nine o'clock to five o'clock, answering a multitude of phone calls, writing written opinions, either informal or formal that would be published, relating to the matters representing my agencies. During the course of the period that I was there, I represented such diverse groups as the Board of Embalmers and Funeral Directors of Ohio, and the Division of Licensing of the Department of Commerce, which licenses auctioneers and private investigators. A big client was the Ohio Real Estate Commission, which licenses all brokers and real estate sales people in the state of Ohio. [A client was] the Board of Psychology. I did a little bit for the Hearing Aid Dealers and Fitters, and the Ohio State Medical Board.

[The] Ohio State Racing Commission was a fascinating client. They would meet monthly all over the state at various racetracks. We'd get to go to the racetrack, and we'd have the meetings right there. You go to meet all the jockeys and the representatives of the jockeys' unions and the stewards. You got passes where I could go back to any place in a racetrack, except where they had the money. My pass entitled me to go anywhere, regardless of normal restrictions.

By the time I got done with my career, I had accumulated, from one prior lawyer of another, the Auditor of State, the Treasurer of State, and the Secretary of State. I was their counsel. So, anytime any of them got sued, I represented the case. I handled cases that were multi-million dollar cases. If you had a severe accident and you got a \$50 million judgment, the lawyer made a few million and everybody made a few million. But, there would be a \$150 million case [that would be] merely transferring money from the Wild Life Fund to the General Fund, or from the Highway Repair Fund to some other fund. There was a lot of fighting going on about the procedures, maybe, that the Auditor used . . . which account to credit. There was often legislation that went on a regular basis.

One of the things that I learned early on that I was involved with and stood me in good standing, at least politically in administration of justice, is the abili-

ty to deal with the media. My cases, in those days--especially the State Capitol--a newspaper that was geared toward State government. . . . My cases were in the newspaper on a regular basis. I was constantly being interviewed. I made as much air time on TV as the case did. It was always a source of comment. There was always reading about my cases in the paper, and I was able to deal with that and present the best foot forward. I always believed very strongly about being very open and honest about government. That's why I'm known in town, hopefully, not for being loud mouth, but for being open and honest with the media. If they ever have a question, I'm always the one that they come to, it seems, because I'm much more accessible than other people.

G: How did you get interested in getting into politics?

K: I like to maintain the position of not being too much of a political hack. I was a good lawyer. I think that we need good lawyers to be judges. That's how you get good judges. So, I've always tried to maintain a little bit of a distinction. I don't merge my avocation with my vocation. Pure politics is not my game. Let's put it this way; pure politics is not my business.

However, it is my game in the sense that I've been fascinated with politics all my life. Again, being from a large Irish-Catholic family, they kind of have a tradition of being interested in public affairs and community issues. Politics naturally flows from that. My own father, before he passed away, was very active as a precinct committeeman. [My father] ran for county auditor in 1962, was offered the finance director for the city of Youngstown by newly elected Mayor Flask in 1963 and died in 1964 at the age of forty-two. Many people very strongly suggest that he would have been the county auditor, the mayor, or something else because of his success. He hadn't won an election, but he did very well in his first time out.

I got exposed to politics at an early age. In 1968 was my first non-family and non-school political situation. Even in high school, I was campaign chairman for student body president races, and I was on the student council, and this and that. When I was a freshman at Notre Dame, I was on national staff for Eugene McCarthy in his race for president. It was a big anti-war thing, and I was kind of an activist. As a matter of fact, I had an offer to go to California to work for McCarthy, but I was only seventeen years old. I had to be eighteen to sign the right waivers. In those days, I was still a juvenile, and I wouldn't be eighteen until July 1. They couldn't get me out there, even



though I was already kind of a political pro.

In 1970, my uncle, Attorney Dick McLaughlin, ran for Congress here in Youngstown. Incidentally, he is a very successful attorney, locally. He is a member of the Board of Trustees at Y.S.U. In 1970 and 1972, he had just come back from Washington. He had spent many years there as a lawyer, working for the government, and going to law school as well. He came back here and set up a private practice and ran for Congress. So, in 1970 and 1972, I almost dropped out of school and worked very, very hard for his campaigns. I was assistant campaign manager, and drove him around. I just did an awful lot of work. I had gotten married when I was a junior at Notre Dame, and left Notre Dame for a semester. Well, that coincided right in 1970 when he was running the first time.

So, I was able to work very extensively on that campaign. In 1972, by that time, I had graduated, and I was in law school. I was as able to take some time off from law school, to work on his campaign. So, in 1962, 1968, 1970, and 1972 . . . I was only twenty-one years old, but I had worked on four campaigns very extensively already. Again, I think I had the possibilities of being a pro at it. But, I tried to keep that away from my work and my job.

When I was interviewed by the attorney general's office, I didn't use any political connections, I didn't talk about that. I wanted to be recruited to be a lawyer, and I wanted to work as a lawyer, and was, in fact, recruited as such. Once I got there, then, on the side, I started getting involved in campaigns there, as well. I worked for Stanton for Senate, Brown for Attorney General. He was the boss then. I worked on his campaigns for governor. I got to know all the state-wide politicians, and just stayed very, very active.

In 1976, I was a delegate to the Democratic National Convention. I was approached because I was in Columbus, was very active in politics, and knew a lot of the legislators. I was approached by people working for a variety of candidates for president, asking if I would be on their steering committee, and work on their campaign. It was funny. I kind of had a choice between Vance Hartke and Jimmy Carter, and nobody heard of either one of them. If anything, Vance Hartke was a little more well-known. A friend of mine was approached also by the same two, and he said, "Well, I'm going to go with Hartke." I said, "Well, you go with Hartke. . . ."

As a matter of fact, the person who said this is the

county commissioner now, Tom Carney. He was a state representative at the time and a very good friend. He and I talked about it. He said, "Well, I'm gong with Hartke." I said, "Well, you go with Hartke, and I'll go with Carter." Within a month, Hartke had dropped like a rock into a deep pool of water. He didn't even get reelected as a senator, let alone have any serious consideration as president. Of course, with Carter, he came from nowhere and became president.

Well, in 1976, I ran his campaign in Mahoning County in the primary. I was delegate and went to the national convention as an elected delegate for Carter. I was at the age of twenty-five. I was chairman of the youth caucus for Carter in Ohio. I made a lot of contacts that way. Then, [I] ran the campaign in the fall--the successful election campaign. In 1980, again, I worked on his campaign. I wasn't as involved. I let somebody else run as a delegate. He was a sitting president. I already had my chance, my fun, when I was a delegate.

But, in between, I loved campaigns. I was always interested in it. Really, not as a way to make money or as a way to get a job. I never really worked other than the attorney general's office. That wasn't really a patronage situation. You were hired to be a lawyer. I never had a job working for government. When I came back, I did a little bit of work for the Mahoning County Bureau of Support for a couple months.

But, I wasn't interested in those type of positions. I wanted to be a lawyer, and I wanted to do my politics on the side. I'm one of the few people . . . lawyers don't often get involved in the nuts and bolts aspects of politics. You talk to a lawyer in Youngstown today. They think they are very politically astute. Their idea of being involved is to give \$100 check to somebody running for office, and to talk about it over lunch. Whereas, I put up signs. I put the signs together. I write my own copy for my ads. I devise my own campaign strategy. I just have done it all. I knew when I ran what I wanted to do. I was a little surprised, myself, when I ran. I didn't know that I would be running as a candidate so soon. It really wasn't something that I had planned. I knew I would be running sometime, but I didn't think at the age of thirty-six that I would go for it quite so soon.

G: Let's get into being a judge. What would you say are your typical duties. . . . Again, a typical day as. . . .

K: Well, the Youngstown Municipal Court is the court where I am working now. I was elected to that position in 1987. I had a six year term. I succeeded Judge Kry-

zan, who had been a judge somewhere between fifteen and twenty years, I believe. He had to retire because he was over the age of seventy when his term came up. For a young person to be elected to that position. . . . It's a full-time job. We are not allowed to practice on the side.

As you are interviewing me, you can see that I have four feet of paperwork that I'm trying to sign while we're talking here. These are all civil cases. There is a great volume of civil work here that people don't appreciate: attachments, law suits, default judgments, motions. I can't say that we have any major automobile accident cases, personal injury law suits, big corporation battles, or anything like that. Our jurisdiction limit is \$10,000. We don't handle any cases over that. But, we certainly have a great volume--small claims and cases all the way up to \$10,000. So, there is a lot of paperwork involved with that.

A typical day always seems to involve, at one point or another, some sort of criminal cases. There are three kinds of cases you can do. You can do traffic, which has some criminal penalties, such as DUI's [driving under the influence] driving under suspension, and things like that, criminal and civil. The way it's set up in a court . . . there are three judges here. Everyday, we have some involvement with criminal cases. If there is one thing that you say, what do you do most often, what do you do everyday, what do you spend most of your time or attention on--it would be criminal. That's certainly what the public perceives. I'm on the television or in the newspaper constantly. Nobody really cares about the civil case. They're there because a murderer was arraigned in front of me, or somebody else had some charge here or there. Those are the cases that you do see.

On typical day, I get here about 9:00 a.m., and I'll spend one half hour getting prepared for the day, talking to lawyers who have cases coming up, and dealing with that. Then, from 9:30 until noon, I'm on the bench, most days. I have cases that are contested. There are a lot of pleas. We have a great volume.

On a slow day, we have five or ten cases. [On] a busy day, we'll have fifty cases. We have two kinds. One is the kind [where] people will come in for their very first appearance. If they plead not guilty, that's pretty much it. We set it for trial. We have some discussion of the facts, set bond, appoint lawyers, this and that. Those usually don't take too long. If they plead no contest, we get into a little more discussion of the facts. [We discuss] the prior criminal record, what the police officers say, what the prosecu-

tor recommends, and maybe make sentencing right then. Those are called arraignments.

Then, we get into the cases that are scheduled for trial that day. People that have already been to court on an arraignment, whether it be my court or another court, had been told to come back to have their trial. Now we've got a courtroom full of witnesses for these cases, as well. We try to settle those or plead them, have trials, whatever the case may be, and work out some sort of arrangement. Those usually take longer, but again, most of those end up in people pleading to the charges.

We pretty much do that all morning, trying to resolve those cases. Many people will go to jail. Many people will have fines, a lot of probation. The jails are overcrowded, and we have no way to deal with that. Those are high emotions. We are talking about people who could go to jail for six months or a year, or they could be fined a lot of money. Their lives could be ruined. It's very tense and very emotionally draining. That day may be one of the most important moments of the lives of the people in front of me.

So, again, you have to be very careful, very diligent, and very conscientious of their rights. There are a lot of lawyers, a lot of pressures, a lot of competing interests. You are trying to balance them. You have to be fair. Some people. . . . Maybe some of them do things a lot differently than you were ever brought up to do. [Maybe] the culture within which they live accepts things a lot differently than what you would expect. You can't impose your morality on them. You have to try to take yourself out of your . . . in my case, White, middle-class background, and realize that maybe these people are uneducated. Maybe they're poor. Maybe they're not from around here. Maybe they're from the South. Maybe they live in the ghetto, or maybe this, or maybe that. [You have to just try to] see who is really evil, and who just may be a victim of circumstances. Most of the morning is dealt with those cases; sending people to jail, or not sending them to jail.

Myself, I often work through lunch time. Sometimes we often go out to lunch. [In] afternoon, I generally try to do as much civil work as I can. We have trials set everyday. They often will get continued, but you have to show up and let them work it out . . . settle the case before you go. There is an awful lot of paperwork. Again, as you can see, I've got yards of material here to review, and I've got to do that during the day. [I've got to] sign all these things. Some, I don't even have to read. I just have to sign my name.

Some of them, I have to read and approve referees reports, and things like that. Then, there is just the general housekeeping details that are involved. The civil has a great amount of work to do. Even the criminal, there is a lot of follow up.

A lot of people say, "Well, you go to court for three hours. Then, what do you do for the rest of the day?" Well, you would be amazed. Especially, I take great pride in the creative sentencing and the aggressive probation department that I have helped create. That, I maintain and try to utilize, especially in view of the overcrowded jail situation that we have.

So, I'm always releasing people, really, to go to drug rehab, and violating people's probation for not doing what they are supposed to do. [I] send them to counseling of all sorts for. . . . There's a place that's actually a school that teaches people not to shoplift. It's called Stoplift. I refer an awful lot of shoplifters there. I get drug and alcohol rehabilitation. I have Battered Person's Crisis Center, mental health counseling, and all sorts of things like that. Our probation department is always in and out saying, "Well, you sent this guy here, and here's their evaluation; and here's what I recommend."

Then, I bring them down and talk to them, let them out on probation, community service, or work release from jail. . . . all those details. Nothing happens in a court unless the judge signs his name to it. Nothing that we can do. . . . I can order you to do anything. [But], unless I put it down in writing, put it on a case, and what we call--"journalize" it--put it in a journal. . . . Maybe I get respect because I said it and I'm a judge. But, technically it has no force of law unless I write it down.

So, they're constantly coming in, "Okay, well you said this. Send him here. We found the right place, so, now you got to write it down." So, I have to pull up the file, write it down, and journalize all the things that I do. We just have a great deal of office work to do in the afternoons.

G: Two questions. The first one: how does aggressive probation work? And, the second one: you are talking about the emotions that people go through. How do you deal with that? Now, that's got to put a lot of stress on you as being responsible for a person's life like that.

K: First of all, aggressive probation. . . . I'll answer that question first. What I mean by that is one of the things I do. . . . Let's say that you are charged with

some charge. [Say] you're charged with beating up your wife. You could get six months in jail for that or \$1,000 fine. Some judges give you the full six months and \$1,000 fine. Then, they will suspend it. I never do that. I give you what I expect you to do if you violate probation. They'll give you six months. Then, if you violate it, they won't send you to jail or anything. They don't think six months is appropriate. But, I'll give you sixty days. Maybe, that's a little more than you would get normally if you would plead.

But [what] I'm saying to you [is], you're going to do sixty days if you violate the probation terms. So, you know now. . . . Don't worry about the six months, which is the maximum. You know you got sixty days to do. I'll give you a \$500 fine, because I expect you to pay every penny of that." Maybe, I can't expect you to pay that \$1,000 fine, so, I won't give you that. But, I'll give you \$500, then I'll suspend most of it. Even if I suspend all the jail time. . . . So, then, I got a period of probation for a period of six months or a year. I don't believe in anything longer than that. I can't expect these people to remain good for three years. Some judges do that. I want to watch them for six months or a year, and if they do make a violation, I'm going to take away their probation and send them to jail.

Again, some judges will give you six months in jail, suspend it all, put you on three years probation, and you go back a half a dozen times. They won't ever violate you. That's not very good probation to me. I'll give you six months probation, and if you make one mistake, boom, you're going to jail. As part of the probation, I'll do some sort of creative group of alternative sentences. Instead of sending you to jail and you're able-bodied, maybe I'll make you do fifty hours of community service.

In addition to that, I'll make you attend sessions at the Battered Person's Crisis Center for counseling on abuse. More often than not, there is an alcohol or a drug component to the crime. They are not actually charged with that, but they were drunk or high at the time. So, I will send them up for . . . if not rehabilitation, at least for an evaluation. So, they know those services are available to them. Maybe, I might have an AIDS or an HIV test or something like that. So, I'll get more than one thing. I'll get a couple things going there. Maybe they're not doing any jail time, but you got a suspended sentence hanging over your head. You are being monitored by the probation department. You got to do some counseling. You do the community service, you do a couple things. You know

that you committed a crime, and that you are making restitution to society, if you will, one way or another, by the things that I'm requiring you to do. I might make you take alcohol tests or drug tests on a regular basis or on an unannounced basis. Maybe it's house arrest. To me, that's probation. You're not being required to go to jail, but you can't leave your house. [Maybe] have to stay away from the complaining witness, or you have to stay away from bars, or this, or that. So, when I say active probation or aggressive probation, I mean there are a lot of conditions imposed upon your probation, and if you violate them, you are going back to jail.

Your other question about dealing with people's emotions. . . . If you ever had a chance . . . I teach at YSU. I teach American Criminal Courts. I make my students come down to class, because even if you are involved in the process somewhat, either as a student or even working in the criminal justice system. . . . Unless you see a Muni [municipal] court of a . . . not a big city, but a municipal environment like this, you just can't believe it. It is absolutely crazy. I had a guy in court today, for example, who was screaming, swearing, and crying. He was nuts. I ended up sending him up to Woodside. He was starting to plead with me, and then, he was actually yelling at me for this charge. I had nothing to do with the charge, but you have to maintain your cool. [You] don't get mad and don't take it out on him. He didn't know any better. [You] send him up to Woodside, and try to keep control because you are in a courtroom full of people. I think I did that successfully.

I find that that's a very difficult thing to do, but I guess I have been fortunate to get this job. This takes advantage of the talents that I have. God gives all of us certain abilities and certain talents. The one thing that I pride myself on, [and] I think I do the best at is I am a very tolerant, laid back person. I don't get too excited. I try to keep control. I don't make judgmental decisions over people. That just because people are different than I am. . . . I am very tolerant of the differences in people. I love people. I find good in a lot of people that maybe somebody else doesn't see. If you look hard enough, you can find it.

I really honestly feel a religious feeling about this job. I look at it as my ministry. Without being corny, the religious component helps me do my job, and do God's will. I really feel that this is a way I can help people, help society, and make a contribution to my community. If you look at it that way, then you become more of a social worker rather than a hanging judge. You can be tolerant, you can understand peo-

ple's weaknesses and try to deal with them and help them. If they don't want to be helped, I can be as tough as anybody.

But, I'm also trying to be compassionate whenever I can. So many of these people are poor souls that need some compassion and need somebody to try to give them a little bit of dignity and respect somehow. That's all they are asking for. If you can do that, you've made their day, even if you are sending them to jail. I got so many people that say, "Judge, that was the best thing that ever happened to me," or, "Judge, I didn't even do it, but boy, you sure treated me with respect and dignity, and I appreciate that. You're okay." I'm considered to be quite righteous by a lot of the people that I send to jail. They mean that, I think, in a positive way . . . that I didn't lose my temper. I didn't lose my cool. I didn't impose my values on them. Those are the talents I have as a person, and they are quite well suited, I think, for this environment.

G: What are some of the more memorable cases you've decided; cases that have stuck out in your mind as being, shall we say, very important to you?

K: Well, one of the things that my job involves, is that on misdemeanor charges, you get a maximum of six months in jail and \$1,000 fine. We try those cases. We actually handle them all the way through. We also have a large number of cases that . . . Any felony committed in the city of Youngstown has to come to our court system and has to be sent over to the common pleas court, actually, to be tried. But, we see them. Maybe the more dramatic and the more memorable cases, in terms of either the publicity that gets out to the community or the impact that it makes on you, even though you didn't try the case. . . . You get a lot of big cases like that, such as murders, rapes, kidnapings and things like that.

To be very honest with you, it's hard to say any particular cases, because the cases. The most impression on you, within your soul, so to speak, are the small cases, like the poor soul today that is not all there, mentally. He's pleading with somebody to reach out and help him; or the prostitute that has a drug problem that has been there many, many times, and needs help. The guy that came in front of me yesterday--he actually came in front of me three days ago. He's got a record a mile long for thefts. He told me that the reason he went out and stole these things was because his ten-year-old son had been taken away from him. His six-year-old daughter had been taken away from him, their mother was a junkie, and he wasn't able to take care of



them. His cousin or his aunt was taking care of them, and she turned them back over to him. She dumped them on him. [He said] that he had no money, no food, no way to take care of them. He went out and stole some cigarettes to sell them to raise a little bit of cash and to put food on the table. That brought a tear to my eye. I felt very sorry for the guy. I let him out of jail. He comes back two days later charged with theft again. So, now I had to slam dunk him. But, that really touched me when he first came in. I felt very bad for the guy.

There are a lot of cases like that: where their lives are poor and miserable, and they are living in abject poverty and abusive situations. You see so many of those, it's really hard to point out one as opposed to another. Some of the more interesting cases, in terms of media attention and things like that, was this Flip Williams case. Willie Williams was charged with murder. I arraigned him a few weeks ago. Now, I won't try that case, but he was in my court on several occasions relating to that. Again, that's a very notorious case. He is a very notorious individual. I was struck with how cold he seemed to be, and how calculating. He showed no remorse about anything.

A few years ago, we had a defendant by the name of Spivy. He was a defendant that had raped and killed an older real estate woman over on the South Side. He was a young black man of huge size and strength who also seemed to be very cold. It was very frightening to think about someone like that being loose. He wasn't very bright, and he proved to be a killer. That is a very frightening proposition to think that there is a kind of an animal like that out there on the loose. He was very frightening. That stuck in my mind.

I had the Zuppos. [They are] the people that a few years ago, kidnaped somebody on the North Side. They never did find his body. I had set the bond very high on them. There was a lot of attention about that case. Then, they went over to common pleas court. The judge lowered the bond, and they fled town. A lot of people suggested that if there was any question about finding the evidence that, once they fled, they made sure that there was no evidence to be found. That was a big case because [there is] a very large black constituency in the city, and so many of the people coming from a court are black. The black seem to take it on the chin, very often, in terms of penalties and punishment. Here was a case where there were white defendants as doing something to a young black man, and they didn't perceive the defendants being treated the same way, than as if the case had been reversed. I thought they had a point. I tried very hard and very carefully to treat

him exactly as I would have any other defendant. I try to do that in all cases, but in that case in particular, to treat people, regardless of their skin color, the same as I would treat any other defendant.

That was a pretty interesting and fascinating case. Again, I didn't try it, but I was there while they were doing the searches. I signed search warrants. I set bond. Bond turned out to be a critical factor in the case. I was able to hear a lot of the evidence, deal with the FBI, talk to the detectives, have some of that stuff come through the court.

We're in a city where there have been fifty-one murders, and there have probably been thirty-five people, or thirty people arraigned on those charges. So, I don't know how many I've had, but I've probably had fifteen of them come through my court. There are a lot of people there. You see those kinds of cases. Even after a while, those tend to. . . . You don't treat them like numbers, but after you are dealing with a case. Once it's over, they tend to merge with one another. There have just been an awful lot of them.

Some of the cases of child abuse or sexual imposition on minors are some of the cases that strike me very strongly. I had a case, just the other day, of the couple that threw their three-day-old baby down the sewer. They came in front of me. Talk about a sad case there. The parents don't seem to be very bright. They certainly don't have any regard for the life of their child. All they seem to be concerned about, is whether or not they were going to get out on bond. Things like that strike you, but it's hard to make a value judgment, because I'm not actually going to try to case. They are charged with attempted murder, which is a felony case. It's pending, so I don't want to say anything more about it than that.

You get those cases, literally, every day, every week. They go on and on. So it almost has a numbing effect. It's unbelievable. You have to have a sense of humor and a belief in God, I say all the time, to get through this job, because if you don't, you start to get a little crazy.

G: Two more questions. Okay. The second to the last question is, throughout your career, who are some of the more notable people that you've run into? People that really struck your fancy?

K: One of which that immediately comes to mind, is Attorney Richard McLaughlin, who is my uncle. He is going to get mad at me if I get the year wrong, but I'm going to say he is in his early fifties; fifty-five, maybe.

He is a very intelligent, honest, articulate, well-intentioned, successful person. [He is] someone that I admire very much. [He is] very much in control. He does things for the right reasons. He doesn't let himself be intimidated, brow-beaten, or compromised. He has just been a strong influence on my life. When my father died, he was a young man, and was enough older than me, that he was my hero. He always has been my hero. His interest in law and politics was a very strong influence on me.

Another person that I see. . . . He's not a hero, although he is an acquaintance. Maybe you can even call him a friend. I'll call him an anti-hero. [He] is Don Hanni. He is an attorney in town. When I left the attorney general's office. . . . I worked for the attorney general's office from 1974 to 1979. I came back and went into practice work for my uncle's law firm for three years. Then, for five years, before I became elected judge, I went into private practice, and was a solo practitioner. I rented space in a building that Attorney Hanni was in, and it wasn't working for him. I really didn't have too many cases with him. But, it's often the case that when people work together, you get to talk a lot, observe each other, have a drink after work with him, or maybe do the occasional case together. I was able to see him operate.

I'll tell this to his face--I saw how not to do lots of things. I saw how the old system operated, and how I was not going to operate under that old system. He is just an unbelievably dynamic person, though. Whether you like him or hate him, if you can get over your hate of him . . . because many people just have this loathing hatred for him. . . . If you can get over that, the guy is very entertaining. There is no question that he is a brilliant man. He is a master in the courtroom. He has more--I can't think of quite the word that would be acceptable in a class, but maybe Chutzpah, [which] is the Jewish expression for it--that he just has the temerity to do anything. He'll say the most outrageous things, sometimes. That's just him. That's Don Hanni. From attempting to intimidate, brow-beat, or physically attack somebody, to being the best cross examiner that I've ever heard, to do all sorts of things of questionable ethics. . . . You just almost have to laugh. On one end, you are appalled. When you hear about it, you say, "Oh my God. Only Hanni would do something like that." He is certainly a memorable character. There have been a few others.

There are a few good friends [such as] a friend of mine who is a police detective by the name of Harry Wollet. He is a memorable character in my mind. He's a little bit younger than me, but he acts like he's a

sixty-year-old guy. He's got one story after another that are, literally, hysterical. He's a good-hearted person that is very willing to make himself the butt of a joke, if necessary. He is certainly a character that influenced me to a great extent. I've been fortunate.

When you are a judge, especially, you end up meeting an awful lot of powerful people. The title of judge, opens an awful lot of doors for you. You just meet people that you wouldn't otherwise meet. The DeBartolos, I've met. I met Mr. DeBartolo, actually, when I represented the racing commission, because he owned Thistledown Racetrack. I met and have known him, and just his money and power made an impression on me. Bill Cafaro, likewise, the same thing. I look back on some of the teachers I've had at Notre Dame. [They] were quite memorable.

One guy who made a strong impression on me was Joe Theisman. Joe Theisman was a good friend of mine who was a quarterback from Notre Dame and for the Washington Redskins. There was a guy where the most memorable thing about him was. . . . I never met anybody in my life that had such a confidence about himself. It wasn't arrogance. It really wasn't. It was just a total confidence that if he got in his head that he could walk through that wall, he would walk right towards it like he was going to walk right through it. When he didn't, he would wonder, "Now, why didn't that work?" He was just totally convinced that he could do it.

When he came to Notre Dame, he was under-recruited. One other major school in the country recruited him, and Notre Dame had two quarterbacks that year that they recruited. One got hurt permanently, and he wasn't able to even come to Notre Dame. The other, at the last minute, switched to another school. So, they had no quarterback for the freshman class. So, they got him at the last minute from the bottom of the barrel just to run the Freshmen football team. They never expected him to play. Yet, he knew he was going to be playing in the NFL. You couldn't tell him, "Joe, you're lucky to be here." To start, he was skinny and small, and he just had that attitude, and it worked.

I remember the first game he started for Notre Dame was against Southern California. He used to live right next door to me, so, I got to know him pretty well. We were sophomores or juniors. Hanridi was the quarterback, and he got hurt. Southern California came up, a traditional rival, tough team. The first pass Joe throws from about the twenty-yard line, was intercepted and run back for a touchdown. It didn't bother him a bit. He didn't miss a beat. I talked to him after

this happened. "No, problem. I know that was just a lucky catch." I said, "Joe, this guy is an All-American. Now you are in the hole. You are going to lose this game. What's going through your head?" It didn't bother him a bit. He just said, "Well, the guy was lucky." We came back and we ended up tying that game. He was mad because people dropped passes that he just put on the money. He was right. He had that attitude, that winning way about him. There's a lesson there. If you feel strongly enough about something, and positively enough about it, you're going to win.

When I ran for office, I just felt that I was going to win. I felt I was the best candidate. I was putting my trust in God, really, and I wasn't worried about whether I was going to win or lose, because I felt that I should. If God wanted me to, I would. People just sensed that. They liked that. They feel that about you. That's why I won, I think, in large part. That's why Theisman was successful, because he was confident. So, he always made an impression on me, in that respect. I wish I had that confidence. I don't have quite that, all the time. But, he had to know something.

G: [This is the] last question. Do people's attitudes ever play a role in sentencing? Like, if somebody came in, and was just a complete. . . ?

K: Absolutely. That's part of the problem that you have sometimes. If you are not tolerant, and if you don't understand that if you are not sensitive to that issue or that question, you get people all the time. . . . A perfect example . . . and I'll do one based on race. I get two young men. One white, one black. [The] white kid comes to court. Both are charged with the same thing. The White kid, and this is a generalization, very often will come with a mother and a father. He'll come with a suit and a tie. He'll have graduated from high school and has a job. He's not on welfare. He's in tears. He doesn't want to go to jail. He's apologetic. He feels bad. He shows genuine remorse. His mother and father tell me that they're going to work with him, and they are very much concerned about the whole situation. That kid is a great candidate for probation.

There is no question that when the next kid comes up. Let's say he's Black. Let's say his father is nowhere to be found. That is, very often, the case. His mother doesn't come to court. I'm amazed at how many nineteen-year-old kids come to court without any parent or relative showing up for them. That's just the way it is. He comes in with a Raider's jacket on, in blue jeans, and slouches. Maybe that's just the way he grew

up. Maybe he doesn't have a tie and a suit. But, he will never come dressed up. [When] he comes in, he's got tennis shoes on, and his hat on sideways. I tell him to take his hat off. [He says], "Yeah," and "No," never answering any questions with "Yes, sir," or "No, your honor." [He's] shuffling his feet. Now, part of that is that I have to be sensitive. Maybe they didn't have the money for the clothes. Maybe he's afraid because it's an all-White system that seems to be oppressing him. [Maybe] he doesn't know what to say or how to say it. Maybe he doesn't have a father around to come in for him or a mother's working someplace.

But, yes, you get two people like that, and say, to make things worse, the kid doesn't do anything evil, but he's got a couple things on his record. There is no doubt that those two people are going to be treated dramatically different, even in the most tolerant of judges. Even a Black judge--if you want get race into it. [Take] Judge Haynes. He was the predecessor here. He was Black. He would treat people dramatically different based on that.

So yes, part of it is a con-job. We have such a high volume here, that we can't always know. We have to make decisions on somebody sometimes in fifteen or twenty seconds, as to whether they are going to jail, going on probation, or somewhere in between. So, how you look makes a big difference. [Sometimes], a kid comes in and seems sincerely apologetic, [whether he's] Black or White. But, often times, it's going to be that White kid that's got a little better family structure. Maybe, [he has] a little better environment. Maybe he knows somebody. Whatever the reason, that's the image he's going to present. Someone else comes in, who doesn't present that same image. . . . They are going to go to jail much more likely. That kind of continues the process.

So, now, he becomes a hardened criminal. The next time he comes back, his record is even longer. He's going to say, "Well, I'm not getting a fair shake anyway, so why should I bother?" So, he's going to go to jail the next time, too. That's the way it is. We are human beings and we have to. . . . One, we are going to make things based on the values that are important to us. Even if you try to be tolerant, fair, and open-minded, certain things are going to be more important to you. Not just the color of your skin. It's going to be the way they dress, and the way they act, the way you say things. Even if you are unconsciously doing it, or subconsciously doing it, it happens. So, yes, the presentation you make in terms of physical appearance and expressing yourself makes a huge difference in how

you're treated in court.

G: Have you gotten burned?

K: Oh, yes. No question about it. I've been burned numerous times just this past week. I got burned by a guy. He came in, he was in tears. [He said], "Judge, please don't send me to jail. I've got my kid at home, I just got him back from Children's Services. I'm trying to make a new life." I felt bad for the guy. It was a young black man. He wasn't very well dressed, but he just seemed like a nice guy. It seemed like he was trying to do something about it. I wanted to give him a break. It was the first time I had ever had him. So, I said, "Okay. I'm going to give you a break. I'm going to let you out of jail." I only had him in jail for twelve hours or something. I said, "Don't mess up." Two days later, he was back in, charged for theft again.

Also, take prostitutes. I get a lot of them. They're junkies. They want help, and they don't want to be there. They are crying. I'm a softy when somebody cries. So, I give them a break, but they're back a week later with three tickets. That just happens all the time.

Yes, you get burned. What you have to do, though, is you have to be careful not to overreact to that, either . . . either to that particular defendant, or to anybody else. You can't say, "Well, boy, you really made me look bad, and I'm going to give you six months," for some charge that really doesn't merit six months. You can't get mad at them. You also can't say, "Well, every time I get a prostitute in here, I'm going to throw her in jail and not listen to her sob story," or "anytime I have a shoplifter. . . ." You can't do that. People are different. People are desperate. They don't want to be in jail. I don't blame them for that.

I'm an old defense lawyer, and I think it's important for people that become judges to have seen all sides. Often times, we get the guy who is a prosecutor, has never had a private practice, moves right to the bench, and still has that prosecutorial mentality. I'm a defense lawyer. I know what these people are saying. I know that they're lying. It doesn't bother me so much. I can generally find it out. Yes, it will affect me if I think they are lying to me, but we used to say in the defense bar--the lawyers that represented criminal defendants--that you have a constitutional right to lie. Nobody wants to admit that they're not going to tell you the truth. I have to expect that. If I were in the same situation, charged with a crime

that I could go to jail with, and I came to court, took and oath. . . . [If] I thought I could get away with lying about it, I would be lying too. That's just human nature. That doesn't bother me.

But, there are some judges that go crazy when that happens. I think they get a little too personal with the respect to which they are entitled, and the stature of their position. They may be a little idealistic, or I don't know what the problem is, but they can't believe that somebody would actually lie to them. I do. I expect everybody to be lying. Police officers are lying, or exaggerating, if not lying. Witnesses exaggerate.

Sometimes it's even just their perception. They don't even realize that their perception influences them . . . if this is a friend or an enemy. Whether it's White or Black, whether it's rich versus poor, or where they're coming from, it's going to affect their perception of the situation. A white middle-class or upper middle-class person who is middle aged and driving through on Hillman Street gets stopped by a car, approached by a few young black men that are going to talk and jive, listen to music, and goof around, is going to feel extremely intimidated. [He'll say], "These people were threatening my life," when in actuality, they weren't. That's the way they operate. So, a person that's in that class may come and say, "No, that didn't happen at all. As a matter of fact, they were trying to be friendly. [They were] trying to give her directions." It just depends on what your point of view is. You have to always remember that people, even if they are not intentionally telling a lie or a fabrication, their own perception of reality changes their testimony, and how they are relating it to you.

G: Real quick. Do you want to go higher?

K: Absolutely. If only for ego gratification. I love this job. I want to stay here for a while. I've only been here for three and a half years, and I've had several opportunities that I've turned down. The governor's office wanted me to take Judge Joyce's place in the juvenile court. There is a new job open up here for the 5th Common Pleas Court Judgeship. Mike Gerchack ended up winning it. Mike, himself, came to me several times and begged me to run for that job. Everybody that he ran against in that race, the top three finishers, all said that if I were running, they wouldn't even be in it. I've had other situations. On one hand, when I talk to people in a political sense about what I can win, and what I can do. . . . Yes, you get excited about a campaign. Then, someone else might



come up to me and say, "How do you like your job?" I almost have tears in my eyes, sometimes. I love my job. This is my ministry. I go on like that, and I say, "What am I talking about? Why would I want to leave this?" It gets hard. One of the things is financial. I'm having some problems. I have a son I want educated at a private school. I just don't ever seem to have enough money. I see my contemporaries out there making a six-figure income in a private practice law, and I'm limited in what I can make. I'm also taxed on every penny I receive, which is a downer. I don't have any deductions, or exemptions, or anything like that. So, financially, I actually think about leaving the bench, completely, because of the money, or moving up, where you get more pay as you move up the ladder. I know that I will.

I'm only forty-one years old. Right now, I'm the most well-known, most highly visible judge in the county. I can probably run for anything that's out there and win it, if I wanted to, but I'm not quite ready to give up this. Again, if I run for something, I'm afraid that it's just a gratification of my own ego and not doing what is God's will. I think that I'm here for a purpose, and that I have to spend some time here and do a good job. "My people need me," I'd like to say, I don't mean to be arrogant or anything. I say that in a truly humble way. There are poor souls out there that need somebody to listen to them and to watch out for them, and I think I can do that.

But yes, in some point in time, I know that I will move on. It's hard to say where you will go. One of the problems with being a judge is that our canons of ethics don't let us run for a non-judicial position. I would have to resign. I mentioned before, my uncle ran for Congress. It was always in the back of my head that I would like to vindicate the family name and win that job. I think I'd be a good congressman. But, I'd have to resign my job. And, as long as we have a family to support. . . . I don't have any great amounts of money set aside, and I don't have any independent wealth. I have to look at my position as my paycheck, as well. I have to be conservative in what I do. But, certainly a Common Pleas Court bench is a possibility, if one opened up. I'm looking very seriously into going to the Court of Appeals either next year or in 1996, when there is a judge that will be retiring due to age. I'd like to succeed him, if I can wait that long. At my age, and I think, my track record, so far, and with the image that I present to the public as a campaigner and as a public official, I think that I could go all the way to the Ohio Supreme Court. That's not out of the picture.

G: Thank you, sir.

K: You're welcome.

END OF INTERVIEW