

YOUNGSTOWN STATE UNIVERSITY  
ORAL HISTORY PROGRAM

Judges

Personal Experience

O. H. 1440

R. SCOTT KRITCHBAUM

Interviewed

by

Michael Graham

on

December 10, 1991

ROBERT SCOTT KRICHBAUM

R. Scott Krichbaum of Poland, Ohio, was born on January 27, 1952. He is the son of Earl F. and Magdalene Krichbaum. Judge Krichbaum grew up in Youngstown, Ohio where he attended Cardinal Mooney High School, graduating in 1970. Judge Krichbaum attended Youngstown State University until his graduation in 1975. He received a B.S. in Business Administration from Youngstown State. In 1975, Judge Krichbaum enrolled in Akron University's Law School, where he attended night classes. While attending night school, Judge Krichbaum worked as a bailiff for Judge Clyde Osborne in the Common Pleas Court of Mahoning County. Upon receiving his Juris Doctor degree from Akron, in 1980, Judge Krichbaum opened a private practice, where he was employed in numerous cases. The Judge specialized in criminal defense. In 1972, Judge Krichbaum married Sharon Gettemy, and the couple has two children; Zachary, age 12, and Briau, age 9. Judge Krichbaum was a private attorney from 1980 through 1991, when he ran for the Mahoning County Common Pleas Court. After a very close race, the judge was sworn in on February 1, 1991. Judge Krichbaum has received numerous awards which include being named in The Best Lawyers in America for criminal defense. The Judge has also served the community as a five year board member of the Mahoning County Board of Mental Retardation and Developmental Disabilities; ten year board member and former President of the Community Corrections Agency; Seminar lecturer for the Mahoning County Bar and Ohio Municipal Judges Association; and a Trustee for the Mahoning County Bar Association.

Judge Krichbaum is a member of Holy Family Church and a

member of other organizations such as: the Mahoning County and the Ohio State Bar Associations, The Crime Clinic, the Knights of Columbus, and the National and Ohio Association of Criminal Defense Lawyers. Judge Krichbaum enjoys golf, basketball, his wife, and his children.

-Michael Graham

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INTERVIEWEE: R. SCOTT KRICHBAUM

INTERVIEWER: Michael Graham

SUBJECT: childhood, education, career, politics,  
Judgeship duties, criminals, sentencings

DATE: December 10, 1991

G: This is an interview with Judge R. Scott Krichbaum, for the Youngstown State University Oral History Program, on Judges, by Michael Graham, at Youngstown, Ohio, on December 10, 1991, at 1:00 p.m.

Why don't we start off by having you describe your childhood, where you were born and growing up?

K: I was born in Youngstown at Northside Hospital, on January 27, 1952. My parents lived in Brownlee Woods at the time on Neilson Avenue. They moved from there to Dewey Avenue when I was a year old. I lived on Dewey until I was eight years old--on the corner of Dewey and Glenwood. We moved to Mineral Springs Avenue at that time. I went to Cleveland Elementary School; and then, Princeton Junior High School, and then Cardinal Mooney High School. I graduated in 1970 without any particular distinction. I went to night school at Youngstown State. I worked during the day as a Roto-Rooter man. It took me five years to complete an undergraduate degree in Marketing, Industrial Marketing. While I was there, I received a Purchasing Manager's Scholarship award of \$250, which was a lot of help at the time. Then, I went on to the University of Akron School of Law, and again, I went to school at night for four years, all year round, three nights a

week. I worked during the day as a common pleas court bailiff for Judge Clyde W. Osborne. I was married in 1972 to my high school sweetheart, Sharon. We had our first son seven years after we were married. Because I was in school the whole time, we just decided to wait.

I started practice in 1980 and began an active criminal defense practice. I specialized in criminal defense. I did a lot of divorce work and personal injury work, but I did primarily criminal defense work. A lot of it was court appointed work, a lot of it was retained work. In 1990, I filed for the position of common pleas judge. Judge Jenkins, who held this position, had retired or was going to retire and the seat was vacant. So, I filed for it and ran a campaign against Beth Smith. Initially, she ran against Fred Bailey in the primary, defeated him; and then, she and I squared off in the general election. I was elected after a very close race and a close vote and a recount, finally elected and sworn in on January 10, 1991, by the Chief Justice of the Supreme Court of the State of Ohio, the Honorable Thomas Moyer. I was appointed by Governor Voinovich to serve the first week of February, from February 1st to the 8th, because Judge Jenkins' term began on February 9th and he quit early. So, rather than allow the seat to remain vacant, the newly-elected governor appointed me for that interim period. I have two certificates, one from the former Governor Celeste and one from the present Governor Voinovich, verifying my election and appointment.

G: Let's go back a little bit. Tell me a little bit about your parents.

K: My dad was a mechanical engineer at the Youngstown Sheet & Tube. His father was the same. They were both Youngstown products. My dad had a fairly big family, but they all moved away from here. My mom was a traditional housewife. She didn't really have employment outside of the home. My dad wasn't much for sports or messing around with the kids, but he was a good father, a good teacher, and a good Catholic. He died in 1989, December 15, 1989. My mom is still living. In fact, we just moved her from the Mineral Springs residence, where I grew up, out to Poland by us. We did that just the summer of this year.

G: How did you get interested in politics?

K: I'm not interested in politics.

G: No?

K: No. Of course, anyone that is on the outside would assume that I am. I went to work for Judge Osborne. I didn't know him before he hired me. He interviewed me, and we hit it off pretty well. He offered me the job if I was in law school. I was not in law school at the time, and he wouldn't hire anyone unless he was a law student. So, I went back home from that interview and was able to secure a position in law school, having already gone through the test and the admissions procedure. He was apolitical. He was kind of unique. He was well-liked and well-respected in the community and didn't have to politicize anything. I never really got good political training from him because he was somewhat of an institution rather than a political hack.

During the course of my career, as a lawyer of course, I was in courts everyday with different judges and around every different type of politician and person that could be involved. I don't have a very good taste for politics. Unfortunately, it's part of what this position is and part of what this system is. I agree with Judge Economus' assessment that judges should not be involved in the political process, whatsoever. It's abhorrent for me to think that a person is elected to a position in the judiciary based upon political viewpoints. A judge is someone who interprets and enforces the law. He is not someone who should be swayed by political pressures or political beliefs; legal beliefs and moral beliefs are what should govern that. So, I have tried not to let politics get involved. To be perfectly honest, of course, you have to be involved politically to run for office. I have a lot of friends from both parties. I am a registered Republican, but that's more of a tribute to Judge Osborne than any particular persuasion in my own life. I've always believed that the best person should be elected. I pay very little regard to politics. But, to get involved as a lawyer, you have to support people that you want for office. Lawyers end up paying a great deal of money to buy tickets to support candidates. They are fertile ground for political candidates. I spent a lot of money as a lawyer contributing to candidates.

G: Tell me a little bit about the Akron Law School. As a matter of fact, I interviewed Judge Osborne yesterday. He described to me Youngstown College of Law. I'd like to know a little bit about the Akron School. Tell me about some of the instructors, the layout of the school, the classes.

K: Well, the School of Law at Akron is really. . . . The physical plant is well-designed. Classrooms are on the first floor. They are all rather large classrooms, stadium-like seating. Probably too many students in each class, honestly. But, I only went at night. I

wouldn't know what that place is like in the day time. We went from 6:30 to 9:30, Mondays, Wednesdays, and Fridays, all year round. It took four years rather than three years. That was their night program. Some of the instructors were practitioners, and I think I learned more from a practitioner than from strictly a professor because there is a practicality to the practice of law that is not taught in school. Someone with practical insight is very important. They employed a lot of people who were practitioners--so I think you got pretty good nuts-and-bolts from them--and you got pretty good philosophy and ideals from the professors; so there was a nice blend in that regard. The school was well-run, well-administered, had a very good passing rate for the bar examination, which is one standard you measure the teaching ability by. In fact, they always said when we were there, they were like first or second in the state in the pass rate, which is a nice endorsement. It was a nice place to go to school. It was a nice city. I enjoyed it quite a great deal. There is an active alumni association that gets together a couple of times a year, and there are some impressive people that have been there. There are two Supreme Court justices that have taught there. There is a sitting Federal District judge that's a good friend of mine, Judge Sam Bell who graduated from there and went through the Akron system. A lot of practicing lawyers in town here are from there, Gary Van Broklyn, Jim Philomena. It's a great place.

- G: Let's talk about your career before you got here. Tell me a little bit about what your daily routine was, what you liked about being a criminal attorney, what you disliked.
- K: Because I had been a bailiff, I knew all the other bailiffs. The bailiffs did the appointing on court-appointed criminal cases. So, I got court-appointed criminal cases. Everybody else did too, but I wouldn't have known them otherwise. I knew them and got appointments that way. The first case that I tried was an aggravated murder case. I won it. So, it was an awfully good start. Of course, after you win one, then you got to go back and see if it was blind luck or if there is something to it. I went back and won again. In fact, I tried some very big cases when I was a criminal defense lawyer. I had forty-eight murder cases in the time that I practiced, which is an extraordinary amount especially in eleven years of practice. Most of them, of course, were plead or dismissed, or worked out somehow; but I probably tried a dozen or so of them. When you try a murder case, it's a very involved, very difficult task because another human being's life is in your hands. You have to take it seriously. I took it very seriously. It was a

great burden upon me because I looked at it as me being the difference between life and death for these people that I represented. So, I ignored everything else in my life, but my client.

I think to be a successful criminal defense lawyer, you have to do that. There is a great demand placed upon you. There is a great deal of honor and dignity and necessity for criminal defense lawyers. Criminal defense lawyers are as the National Association calls them, "liberty's last champion". There is no one in society that stands up for individual rights like a criminal defense lawyer. I've always believed that and always thought that that's a very high calling. There was a lot of cases that you get involved in where you know your client is guilty. You know that he probably should suffer dire consequences, but that's not your responsibility. You are not the jury. You're his [the defendant's] representative. You have to test the system and see whether or not he really is legally guilty. Moral guilt is not the question in the court of law. Legal guilt is. If you look at it that way, then you are able to defend people that you know are guilty, and you are able to do a good job.

Usually, you have some son of a gun prosecutor on the other side, that is trying to cut your client's heart out. Your competitive juices start to flow, and you try and cut the prosecutor's heart out. The judge, of course, is trying to control the whole situation, but the benefit of it is that the jury gets to know the truth because you've got two warriors in there standing up and fighting to the limit. Somehow, the truth does come out in that type of a situation; and as a consequence; juries usually do decide the right thing.

I've tried a great number of cases that were highly publicized, very controversial, and was successful in most of those. Of course, when you do that, then that promotes you as a lawyer and causes other people to come to you. I've built a pretty doggone good practice that way. In fact, I made a heck of a lot more money as a lawyer than I do as a judge.

G: Let's go back again. What were your duties as a bailiff?

K: Well, bailiff is and was at the time, someone who was the right hand man for the court. He did whatever the court needed done. He was, in effect, a personal "servant." Judge Osborne never looked at a bailiff that way. But, a bailiff would do anything for a judge. He would accompany him wherever he would go. He would serve whatever needs the judge would have. The old guard bailiffs were not necessarily well edu-



cated. They were just friends of the judge and would, often times, drive them to work, get them coffee, that type of thing. Judge Osborne liked to employ law students because not only could they take care of him personally, but they could educate him. They could offer something over and above what an ordinary bailiff could offer, because the more you learn in law school, the better you were able to assist the judge in other matters. He never looked at us as people who would just run and get him coffee. We were people who would sit down and discuss cases with him, and help him to make a decision, offer another viewpoint. So, that was a great experience. I had charge of the courtroom and a jury. I had to see to the privacy and the comfort of a jury. Make sure that improper communication was not made to them. Accompany them when they were sequestered at lunch or to a hotel for overnight keeping. I was the security in the courtroom. If anyone was out of line, I was authorized to do something about it. I also had general overall bookkeeping duties. Anything that occurred in court had to be recorded, and that was my job, too. It was pretty much anything that needed done. We now have a bailiff and a secretary, so that a lot of that work is split up. The work is probably multiplied now a great deal. When I was there, I did everything. It was a very demanding job, but it was a very worthwhile job, very educational.

G: Your first day as a criminal attorney, you said you had a murder case?

K: No, that was the first case I tried.

G: Okay, [it was] the first case you tried. How did you feel walking in?

K: Well, I had practiced for one year and Judge Osborne had appointed me to the case but said, "Don't take it if you don't feel you can do it." I respected that opinion, and in fact, I told him, "well let me go talk to the client." So, I went over and talked to this fellow and explained to him that I'd never done this before, but I'd seen a lot of it done." I know what I'm doing, and nobody--you may get lawyers that are better talented--but you won't find [anyone] to work harder for you than I will. If you are willing to give it a go, I'll give you the best I got. He was happy with that and agreed to have me represent him. Of course, when I went in there, there was some security or comfort because I was in Judge Osborne's court. I was not uncomfortable or afraid of him. I revered him, but I wasn't afraid of him; yet, I was scared to death. I've never liked talking in front of people. I was able to convince myself to do that because I wasn't representing me. I was representing someone else, and

it was my job. But, standing up in front of twelve people I didn't know and trying to convince them of my client's innocence, when I probably knew better, was a demanding task, and one that took every moment of my waking hours, which is how I always worked on a case that I tried. I probably was up twenty hours a day working on the case. I didn't eat lunch, didn't eat dinner, got up at four or five in the morning, went to bed at one or two at night. Just everything I could possibly do for this guy. It was a very interesting experience. I had cleats on my shoes, and I was walking across the courtroom floor with cleats on. I thought it sounded kind of neat, but the bailiff there caught me after the first recess and told me, "You better do something about those cleats." So I got a pair of pliers and took them right off. But, you can't learn unless you do things, and going in there and learning was a very great experience.

G: Let's move up a little bit to becoming a judge. What was the recount for you?

K: That was probably the most difficult time in my life. I had gotten into the race with somewhat mixed feelings, because as far as the decision to run, the decision to run was a bad decision, financially. It was a good decision from the point of view of principle. It was a good decision in the point of view of how we always say, "Why doesn't someone do something about this?" If you look in the mirror, there's your answer. I did that one day and just decided that I should do it. I was able to sell myself on the process of running for office by saying, "Someday, it will be over. . . . On November 8th, it will be over." Well, came November 8th or November 6th, or whatever it was--of course, we had a victory party. We were gathered around the TV, and the reports would come in. I was way behind, and I was forty points down when the election started, which everyone thought was insurmountable. As good as support as I had, everyone thought I would lose. I never really thought that I'd ever gotten into anything I didn't think I could win. I never shied away from getting into anything. Once you are in, you've got to do what you've got to do to win. When they announced that I had won--I think I had won by 147 votes--but there were still five hundred-some votes to count, and they couldn't count them for ten days. It was a good feeling, only because it was better than being in my opponent's position. It wasn't victory. It was a difficult campaign because I was accused of negative campaigning, and I never campaigned negatively. I tried to tell the public that you deserve qualified candidates, and if you look at my qualifications and compare them to hers, then the choice is clear. Evidently, the public agreed

with that. There were nay-sayers who thought it was negative. I was very sensitive to that. I was very careful not to be negative. It was just a tough time to go through. And then, knowing that it wasn't over and that I had to go through it some more, and then, still that. . . ."Is this the right decision financially?", in your mind. That period of time was very difficult, and it didn't last for ten days. It lasted for about eight more weeks. I had good friends and lawyers up at the board everyday. We were up at the board everyday. We were researching the law. We were doing everything we could to make sure that whatever the voters wanted, they were going to get, rather than something else happening. I wouldn't go through it again. I wouldn't wish that on my worst enemy. It was a very difficult time.

G: When it comes time, do you think you'll run again?

K: Oh, yes.

G: You like the job?

K: I like the job a lot. I think that what I've been able to do so far has been good. I think I've been able to offer the lawyers and the public something different from what they've had before. I'm not criticizing anyone in particular. I'm saying that there is a certain standard that should apply. There are only five common pleas judges in all of Mahoning County. It is a special position. It is something that should be revered and something that should be respected. That's the position; that's not the person. It is something that requires dedication to honesty and dedication to fair-mindedness uninfluenced by friendships or political beliefs, or any other of the many influences that there are out there. You have to make decisions it based on the law. I have done that unequivocally in every case and know that that's something that the public deserves, and I know that that's something that's good. It's been something that is good for me too, though. It has greatly reduced the number of hours that I have to be at work everyday. I still work on this job at home, at night, but the practice of law is an absolute rat race. This is probably busier by the number of cases that I have; but I'm in control here, not a client, not a court, not anybody else. I run this court. In that regard, it's good. The most important thing is to be able to serve the administration of justice--to see to that. I think I have made an impact on that, and I like what I've been able to do and hope I can continue to do it.

G: Again, your first day here. What were your feelings. Especially, I'm assuming you probably didn't have a case for at least a few days. . . .

K: I started with cases the first day.

G: How did you do it.

K: I didn't try a jury case the first day.

G: Your first jury case, what was going through your head as you sat down on the bench on your first day?

K: Well, of course, I was very proud to have been elected. The job means probably a lot more to me than the average person because I had worked for one of the best judges we ever had. I know what the job is. I know how important it is. I wasn't intimidated by it, but there was a certain awe about it. You have to understand; I was a Roto-Rooter man, and now I'm a common pleas court judge. I was very proud of the accomplishment and very grateful that the public had entrusted me this position. I had a great sense of duty and wanted to do things a certain way, and wanted to make sure that the people who were in front of me for trial were satisfied that they got a fair trial. The two lawyers that were involved are two of the best lawyers in town. The case was a five million dollar medical malpractice case which is something that I had never been involved in as a lawyer. I had had medical malpractice cases, but nothing like this. I had never tried a medical malpractice. I wanted to make sure it was right. So, I studied. I prepared just as if I was the trial lawyer in the case. Walking out there onto the bench through those doors was just kind of a fascinating thing. I'm not even sure I can relate to you the feeling because I was probably numb. I had a script that I had to read from because I was scared. But, once you get out there and get going, you get comfortable. I had been a bailiff in front of juries. I had been a lawyer in front of juries, so I became comfortable very quickly. The greatest of compliments was paid to me afterward. The lawyers told me that they were very satisfied with the job that I had done and that they both felt that they got a fair trial--of course, one of them lost. The case was not appealed, so obviously I felt good about that. The lawyers were a great deal of help to me, too.

G: What would you say are your duties as a judge?

K: Well, my duties are statutorily defined, but there are a lot of duties that people don't realize. There are administrative duties. We have personnel. We have dealings with other county offices all the time, the

prosecutor's office, primarily; the commissioner's office. Anything we want here, we have to ask for. We can order, of course. We are a separate branch of government, but we try to cooperate with the other branches of government. Our primary function is the administration of justice. That doesn't just apply to criminal cases; that applies to civil cases. We have to make sure that people of this community who file cases, get their cases heard in a timely fashion. We have to see to it that when they are heard, they are properly prepared, that they're properly presented, that juries make a legal decision on the case that they're called to hear. We also have to make our own decisions. A lot of cases are tried without a jury. A lot of motions, like what you see before me here, are tried in the back room here in my mind. I have to read and study and decide what is correct legally. Despite what popular opinion may be, my job is to do what is correct, not what is popular. Often times, the two directly conflict. A good judge doesn't worry about that. It is something that maybe somewhat of a luxury to me because I made it as a lawyer. I can go back to making it as a lawyer, so I'm not afraid to do what's right. I'm going to do what's right; and if the public likes that, good for them. If the public does not like that or does not understand that, that's too bad for them, because in the long run, everyone will know and should know that you've got to do the right thing.

G: What is a typical day for you? Starting from when the buzzer goes off in the morning, until your head hits the pillow at night. What is a typical day?

K: I get up about six o'clock and do a little workout, either that or play some basketball. Get downtown about 7:30 or 8:00. Often times, I have breakfast with a group of lawyers who have been eating breakfast together for years. I get here about 8:30. Usually, there is a hearing between 8:30 and 9:00 that will not take too long. Then, into other hearings starting at nine o'clock. Mondays, we have judges meetings until about 10:00, from 8:30 until 10:00. Then, trials start. On Mondays, we have approximately eight cases set at 10:00, and on Wednesdays, we have approximately eight cases set at 1:30. On Tuesdays, Thursdays, and Fridays, we have hearings set sporadically throughout the day. We have motions hearings all the time. We have motions that do not need to be heard, but need to be decided by the judge all the time. We carry about seven hundred cases each. An average number of motions filed in a case is probably five--in each of those seven hundred cases. The number of hearings in each of those cases is probably three, without the trial. The trial takes, on the average, three to five days depending on the case. Some of them take two or three

months, but the average is four or five days. You have little things come up all day, everyday. If you start a trial, you have to do this other work in addition to the trial. We get an hour and a half for lunch. I don't think any of us take an hour and a half. You can leave at four o'clock. I don't think any of us leave at four. In the summer, I probably leave between four and five. In the winter, I'm often here until seven or eight. Then, when we are done here, I may stop at some political gathering to keep myself visible to the public. Then, I go home and spend some time with my kids and do a little reading, watch a little TV, do whatever chores my wife has lined up for me; and then, I usually go to bed about eleven or so. And, I start again.

G: Where do you play basketball?

K: At the YMCA. Four days a week they play. I don't play that often anymore because I have a bad knee.

G: What is a typical hearing like? Go through a hearing for me.

K: Yesterday, I had a hearing on a criminal case that involved a young fellow that was arrested for loitering for purposes of drug activity. He was charged with that because his conduct was . . . he was hanging out on the street corner that is known for drug trafficking and was going through the motions that would cause someone to believe he was involved in it. He was arrested and searched, and there were drugs found on him, supposedly. He was also charged, then, with possession of cocaine. He plead guilty to the loitering charge which is a misdemeanor and handled in the municipal court. The felony charge cannot be decided by the municipal court. It has to be sent to a bigger court. [It has to be sent to] the Common Pleas Court. His lawyer filed a motion based upon the double jeopardy clause of the Fifth Amendment and says he was charged twice with the same offense; these charges define the same conduct. So we went into the court for a hearing and his lawyer. . . . Whoever is the proponent of the motion argues first. They have an opportunity to argue, present evidence, bring witnesses in, present documents, whatever they like, according to the rules of evidence. The lawyer on the other side has an opportunity to rebut that. He has an opportunity to speak, and then, the proponent of the motion will speak again--they did that yesterday. Then, it is my decision. So then, I will usually . . . if I am able to decide it at that time, go through what I think the reasons are for or against my decision and pronounce for the record what the ruling is. In that particular case, the double jeopardy clause is something that is

quite familiar to me from my background. The issue that was made is something that is not difficult for me to decide, because loitering or exhibiting yourself as someone who may be involved in drug trafficking is different from possessing drugs. You could be convicted of loitering without being convicted of possession and vice versa. That's one of the tests for jeopardy. I was able to rule from the bench that it should be overruled. If I wasn't able to do that, I would instruct them to submit briefs to research it and to give me case law to support their respective positions. [I would] give them a time limitation for that; and then later on, that stuff would come in here, and I'd have to read it and do whatever other research there was, and then, write a written opinion on it. Normally, a hearing can last anywhere from ten minutes, fifteen minutes on a sentencing or a plea in a criminal case, to maybe a couple of days for a hearing on a preliminary injunction in a civil case, where evidence has to be brought in to support different positions.

G: It's got to be difficult with some of the cases you get. There has got to be instances where just sad occurrences are in your court. How do you deal with that?

K: Well, the way you deal with that is that the court is not a court of sympathy. It's a court of law. A natural human emotion, of course, is sympathy, and I have to see to it that a jury doesn't decide a case based upon emotion, prejudice, sympathy, but makes a decision based upon legalities. I have to properly instruct a jury to avoid their emotions and to evaluate the facts objectively without sympathy, and I think I'm able to guide a jury away from that. Jurors have a very high sense of duty. If you remind them of that duty, they are pretty well able to control their emotions.

G: Are criminals getting worse?

K: I think that the crimes that are being committed are more vicious, are more intense, are more random than they've been before. I think that all relates to drugs. I think most crime is influenced by drugs, now. The stakes are higher, the profits are greater, the necessity, whether real or imagined, is greater. It used to be people would go out and burglarize homes or steal cars or do that type of thing to make money to live, to buy bread. Anymore, they do it to buy drugs. They don't necessarily need the money to survive. They need the money to conduct further criminal activity. The human motive of greed is there because there is a great deal of profit in drugs, and there is a tremendous attraction. So you've got more and more people in-

volved in it. You've got a lot of competition, and you've got the things that go with those things, enforcement. Enforcement, of course, involves weapons, and gangs and all the other bad things. So, there is a great problem that exists now.

G: Do you see any chance of improvement?

K: Well, I'm always optimistic. I certainly believe that hope and faith always triumph over experience. I think that's a good philosophy, but realistically speaking, there is a grave problem in this country, a very difficult problem that will not be handled by the present methods. Something more drastic has to be done. Everyone talks about legalization of drugs. I have been steadfastly against that, but I'm rethinking that. I don't know. The problem is so wide-spread, and there is so much crime that involves drugs that any option, any improvement is worth looking at.

G: One last question. Would you say that your attitude towards the criminal and the way he reacts in your courtroom, does that influence the type of sentence that he gets?

K: I'm not sure I know what you mean. I think I do. Do you want to say that again?

G: Okay. You have somebody who comes into your courtroom and is disrespectful and just is completely crude and ignorant in his mannerisms. Or conversely, you get someone who walks into the courtroom and is polite, or appears to be. . . .

K: Says all the right things?

G: Yes. Now does that affect his or her sentence?

K: Well, it's a difficult question to answer because, as a human being, of course, we would much rather have people act the way we want them to act, treat us with respect, be friendly and kind, rather than be some kind of a creep. I like nice people better than I like creeps. The decision of whether or not to send someone to the penitentiary or how long you send them to the penitentiary does not rely upon whether they are polite or impolite. That may be a factor that you consider consciously or subconsciously, but it should in no way control. There are a lot of people, lawyers included, that have no idea how they should act in a courtroom. I don't like, especially lawyers, who don't know how to act in a courtroom. I think that is inexcusable, but they don't suffer, nor does their client suffer in my court because I feel that way. Now, I'll call a lawyer in here in chambers, in private, and read them the riot



act about how he acts in court. But, I won't punish him or embarrass him publicly for that type of thing, and I won't hold that against his client, ever.

G: Do you want to go on? Do you have any further aspirations of possibly State Supreme Court?

K: Oh, bigger and better things?

G: Yes.

K: Well, as I told you before, I don't look at myself as a politician. I did not aspire to this position particularly, although there was always some draw to the system, probably because I came into it through a job with a judge. I think in anyone's life you have to have goals though. I think that you can only improve if you have goals. My goal right now is to be a good common pleas judge. Of course, the next immediate goal then, would be to be the best common pleas judge. The public elected me to this job. This is the job I want. If I'm someday satisfied that I have done a good job and that I have fulfilled myself as a common pleas judge, I may want to become a different type judge at a different level, but I don't have any particular immediate plans for that. I am not politically ambitious, as I referred to several of my colleagues. I think this job requires a devotion and right now, I feel a great devotion to the job.

G: Are you learning as you go?

K: Everyday. Every minute. That's one of the great benefits of the job. You go from a multi-million dollar medical malpractice case, to somebody sticking a gun in somebody's face at a Lawson's store. There are ups and downs and ins and outs and a mile a minute everyday.

G: Thank you.

K: Sure. Thank you.

END OF INTERVIEW