

YOUNGSTOWN STATE UNIVERSITY
ORAL HISTORY PROGRAM

Judges

Personal Experience

O. H. 1436

PETER C. ECONOMUS

Interviewed

by

Michael Graham

on

December 10, 1991

PETER C. ECONOMUS

Judge Peter C. Economus of Youngstown, Ohio, was born on June 10, 1943 to Constantine G. and Pipitsa Economus. Both of his parents were immigrants to this country and Constantine went on to become an important lawyer in the Greek community.

Judge Economus graduated from Boardman High School in June 1961. Judge Economus received his Bachelor's degree from Youngstown State University in June 1967 and received his Juris Doctor degree from the University of Akron in December 1970.

Judge Economus passed the Ohio Bar Examination in May 1971 and had a private practice in criminal and civil defense for eleven years.

Judge Economus married the former Marie Misko, and the two have three children. [They are] Paula, age 22, Kristine, age 20, and Jennifer, age 17.

Judge Economus came to the bench of the Mahoning County Common Pleas Court in November 1982 to fill an unexpired term and was re-elected in 1984 and 1990.

Judge Economus belongs to numerous organizations including: the Mahoning County Bar Association, the Ohio State Bar Association, the American Judges Association, Chairman; Community Corrections Planning Board, member and former trustee of the Ohio Common Pleas Judges Association and member of its Legislative Committee; Board Member, State Victims Advisory Board, member of the Board of Trustees University of Akron Law School of Law Alumni Association, member of the Youngstown State University Committee to Celebrate Bicentennial of the U.S. Constitution,

Recipient of the Buckeye Elks Lodge #721 Outstanding Citizens Award, a Recipient of the Community Corrections Association 1989 Public Service Award, and a member of St. John's Greek Orthodox Church. The judge's hobbies include golf and other sports.

Judge Economus is one of the senior sitting Common Pleas Judges and has had many written opinions, which have become legal precedent in the state of Ohio.

-Michael Graham

YOUNGSTOWN STATE UNIVERSITY
ORAL HISTORY PROGRAM

Judges

INTERVIEWEE: PETER C. ECONOMUS

INTERVIEWER: Michael Graham

SUBJECT: childhood, education, parents, law school,
duties, instructors, poliltics, sentencing

DATE: December 10, 1991

G: This is an interview with Judge Peter C. Economus, for the Youngstown State University Oral History Program, on the Judges Project, by Michael Graham, at Youngstown, Ohio, on December 10, 1991, at 10:00 a.m.

Why don't we start out by having you tell a little bit about your childhood, growing up.

E: I grew up in Boardman, Ohio. I was raised on South Cadillac. It's just about in the heart of Boardman. I went to the Boardman schools from the first grade to the twelfth grade. I was involved in sports: football, basketball, [and] track at Boardman.

G: Where in Boardman? What street?

E: I grew up on South Cadillac, as I said earlier; and then, we moved to Lockwood Boulevard when I was in the fifth grade. That's where I lived until, of course, I got married.

G: Why don't you tell me a little bit about your parents.

E: Both of my parents are immigrants from Greece. My father will be ninety-two in February of 1992. He came to this country at the age of sixteen, in 1916. He

came through Ellis Island. He had a job opportunity here in Youngstown. That's really how he came here. It was a Greek restaurant owner that had a job for him literally washing dishes and waiting on tables. He had no command of the English language. He went through the YMCA to get a high school degree. He attended Youngstown College at the time and earned a Bachelor's degree; and then, he obtained a law degree from Youngstown Law School. During the middle 1930's, he resided in Washington, D.C. He obtained his Master's of Law from Catholic University in Washington. He received an honor. He wrote the best thesis in his Master's class. For that he received a \$25 check in recognition of his accomplishment. During his stay, by the way, in Washington, he was involved quite a bit with the White House. He was one of the more educated Greeks at the time. Those from the Greek community in this country, who had any desires or ambitions to meet the president, would go through my father. My dad was involved with the National Greek Organization called the Attepa, and he was the liaison between the White House and any of the Greek dignitaries such as the bishops, the Greek Orthodox Church, and so on, that wanted to have an interview with the president. My dad was in and out of the White House quite a bit at the time, in the mid-1930's.

My mother also came to this country. She is sixteen years younger than my dad. She came here in 1933. Their marriage was arranged through her sister who had preceded her. Her sister was married to Frank Petrokas. [There are] those of us who have been around this community long enough recall the Petrokas' Grill. It was on West Federal Street. It flourished during the war years, during The Second World War, and through the 1940's. My aunt and uncle, Frank and Irene Petrokas, they retired in the early 1950's. My mother's sister, Irene, introduced my dad, who was the "catch of the day" because he was an educated man and an ambitious man, of course. He was just beginning the practice of law, and they thought he'd be a good catch. So, that's how my mom and dad met. They have been happily married ever since, of course. I have a brother, George who is seven years older than I am. I always looked up to my older brother. That's how I got involved in sports, which I had indicated that I played different sports from grade school through high school.

G: You went to Boardman all through school?

E: [I went] from the first grade through high school. We just had our 30th reunion. I graduated in 1961.

G: Where did you go to college?

E: I attended one year at Ohio State; and then, I transferred to Youngstown State and finished in 1967.

G: What did you get your degree in?

E: I have a combined science degree. I never had any interest in the legal field; although, my father and brother . . . my older brother is a lawyer too. My brother, George.

G: How did you. . . ?

E: I sort of backed into law school, if that's what you're asking?

G: Yes.

E: After I completed college, I went into the training program with Westinghouse. I was engaged at the time. My fiance, who became my wife, she lived here in the area. She was teaching school in the Youngstown City Schools, and the opportunities with Westinghouse were mostly out of town. I worked in Buffalo, and Columbus; and every weekend, I'd run home, of course. I wanted to stay closer to home. My brother happened to marry a girl from Akron; and one afternoon, we discussed law school. I was reluctant. George said, "I'm going to visit my in-laws this weekend. I'll stop by the law school and get you an application." I felt that would get me off the hook because I was pressured by my parents to go to law school. Frankly, I was a little disillusioned with just a Bachelor's degree. I felt that four years of college meant more and that, maybe, I ought to try graduate school. I still wasn't interested in law school. George got me the application. I filled it out, and I was accepted. So then, I said, "Well, I may as well try it." Once you are in, of course, you stay in. I'm glad I did. I enjoyed it and the practice of law; and now, I enjoy it as a judge, very much.

G: When did you graduate?

E: I graduated from the University of Akron Law School in 1970.

G: I have just spoken with several judges around here that have graduated from the Youngstown College of Law. Why don't you tell me a little bit of what the law school in Akron is like. Tell me about the buildings, tell me about some of the instructors you've had. . . .

E: When I started law school, they didn't have a separate building. The school was held in the school of business. We had to share a couple classrooms. It was a

good law school. I got an excellent education. I'm very proud that I went to the University of Akron Law School. At the time, I was graduating along with the class who was just before me and right after me. Akron scored the highest for a consistent period of time during those years on the bar. We were doing better than Ohio State, Western Reserve, and so forth. Akron ranked number one on the bar. That's the percentage of those who passed consistently over the years in the late 1960's and early 1970's.

I had some interesting instructors. I'm probably an introvert. I'm a quiet person. In law school, they teach the Socratic Method. They try to bring out the issues in a case. They don't look for a right or wrong answer. Then, of course, they call on you. There is a lot of recitation in law school, and that was very helpful to me. I know his name. I'm trying to think of one professor in particular, who liked to embarrass the students. Even if he were proud of your answer, he'd keep digging. Professor Grant was his name. I had him for Corporations And Agency. That helped bring me out of my shell, so to speak, for lack of a better way of saying it. I am a quiet person, and it's hard to get me to come out.

G: When you got done with law school, you obviously had to take the bar. How hard was that? Did you get it on the first try?

E: Yes. I passed the first time. It was the worst thing I ever went through. It's very difficult, and of course, there is a lot of pressure. What added to that pressure, by the way, our second daughter--I have three daughters--my second daughter was born the day before I left for Columbus. I can still remember, with my books under my arm, waiting in the "Father's Land" or whatever it was called, for our Kristine to be born. You can imagine the pressure, and I, of course, had to leave the next day. I kissed my wife good-bye, and off I went to Columbus. It was very hard. The first night, I remember, I called home, and I told Marie, my wife, I said, "There is no way I'm going to make it." That was the attitude I had, but I passed.

G: What was the test like?

E: The test when I took it, was all essay. There were three days of testing. It began at eight o'clock in the morning, and we concluded at four o'clock in the afternoon. We had three days of that. You were given four questions. They called it a set. You got an hour and a half to answer three. You could select any three of the four. They didn't tell you what area of the law they were in. You had to figure that out yourself.

The worst part about taking the bar exam was what we called, "the post-mortem." When we'd have a break between sets, there was a little place to get coffee or whatever else you wanted to drink, or a hot dog, if it was around the noon hour. Others who were taking the test, of course, they would start discussing the questions. One would say, "Do you remember the second question in the first set? That was a corporations question." I was thinking to myself, "Boy! I thought that was a constitutional law question." So, they had your mind all twisted up. That's why I didn't think I was going to pass. But, maybe, I was right. It turned out I passed, so I must have been right.

G: When you finished taking the test, you obviously didn't get the results right away.

E: No. It was the longest period in my life, waiting for those results.

G: How long did you have to wait?

E: Approximately three months.

G: What did you do for those three months?

E: I worked at that time with the Legal Aid, the local Mahoning County Legal Services program because with . . . I don't remember how many hours in law school, a student could qualify as a legal intern. I, literally, could practice law as long as lawyer was next to me. That's what I did waiting for the results. Of course, we had our second baby; and my wife couldn't work at the time, and I had to work.

G: What jobs did you have when you were in college?

E: During Christmas, I worked at the Sears Warehouse on Southern Boulevard. I worked at Gorant Candies during the holidays another year, not in the same year, of course. In the summers--you didn't ask me this--but during the summers, I worked in the steel mills.

G: What did you do?

E: I worked in the electric weld, that's where the electric weld pipe is made or a seam. Flat sheets of steel are folded, and a seam is beaded to connect the two ends as opposed to the seamless pipe. There are two kinds of pipes. [There is] seamless where they actually burrow a hole in the middle of a billet and make a pipe, as opposed to the flat rolls. [These are] the rolls of steel that run out in a continuous sheet and, then, are folded into a pipe. There is a seam that forms, of course; and then, that seam is beaded with

hot metal and sealed.

G: Was that hard work?

E: I enjoyed it. It wasn't really that hard. It's not what most people's conception of the mill was like. I should point out that I'd get laid off in the electric weld, and I probably worked in almost every division of the Sheet & Tube, back in the mid 1960's, from the open hearth to the hot strip in Campbell. I worked in the open hearth in Brier Hill, the blooming mill, that's where they hold those large . . . the steel is actually made in the open hearth, and they form them into molds called ingots. As they cool--they have to remain hot, so they can form steel billets out of [these ingots]. They would send these large molds over to the blooming mill and put them in soaking pits. Soaking pits were hot pits of about 5000 degrees. The scale from those molds would fall off into these pits; and periodically, they would have to be cleaned. That was the toughest job I had. They'd shut down one of the soaking pits, and a crew of four or five laborers would go down there and start shoveling all this soot that developed as a result. It was like black sand. You could only stand it for about a half hour at a time. We'd work half hour shifts. Then there were air flews also, for the oxygen control of a fire. We literally had to crawl inside of those. They'd get packed with mill dust and so forth, scale, as they called it. As thin as I am, I could barely fit into one of those little flews. They'd give us a shovel with the handle cut off and a little bucket. You'd go in there and shovel a little bit; and then, back out again and pull the bucket with you. That was probably the hardest job I had in the mill.

G: After you passed the bar, what did you do?

H: I stayed with the Legal Services until January of 1972, then I went into practice with my father and brother. They were in the general practice, so I, of course, did the same thing. I was in the general practice of law for approximately twelve years before I ran for common pleas judge.

G: How did you feel? Your first couple days you probably didn't go in front of a jury. What were your feelings and reactions the first jury you ever went in front of.

H: I'm a human being. Of course, I was anxious, scared. You feel inadequate when you are a young lawyer. You don't really feel like you're a lawyer until you've had a jury trial under one's belt. I had good luck and good experiences with my first jury case. The first jury case I ever tried was a civil case. It was an

accident case, but there was a question of liability, because both the plaintiff and the defendant claimed that they had the green light. It was at an intersection. I was successful and won the case. Those are always the best ones to win when you are not expected to win. I had also other good experiences in the civil area. I tried several civil cases as well as criminal cases. I defended those charged with murder and other felonies. I have tasted just about everything, of course. I had good experiences in both the civil and the criminal side.

G: When was the first year you ran for common pleas?

E: I ran for Common Pleas Judge in 1982. I ran in the Democratic Primary. Of course, I was an extreme long shot. A dark horse--not even a dark horse--I was just a long shot. A dark horse is at a little higher level than even the long shot. I was [a] 100 to 1 shot, but I believed that I was qualified to sit on the common pleas bench, especially because of the experience I had trying both civil and criminal cases, as well as getting a taste of all types of civil matters, not just trials. But in my mind, I was experienced. I was absolutely qualified to sit, or I wouldn't have run for the job. I hate to even call it a job. . . . I don't mean it to sound like I'm talking about myself, but this is what I felt inside. It takes dedication, and I wanted to be a judge because I wanted to do the work that the job entails. When I practiced law, I used to make judgments about the cases as a judge would. I was comfortable with that. I wasn't the type that would represent someone if I didn't think their position was correct. So, I was more comfortable and very happy that I was successful, and I became a Common Pleas Judge. I wouldn't want to return to the practice of law. Even though the issue of money always comes up, I wouldn't trade the potential for making more money--although we make a good salary--but, I wouldn't trade that for anything. It's the accomplishments and the fact that I can give back something to my community, not always take. I was taught that by my father. I think I've made a difference, and I hope I can continue to make a difference.

G: What are your duties as a judge?

E: Well, the common pleas court is the major trial court. In other words, I preside over all felony criminal cases, the serious cases where the penalty is a sentence to the penitentiary, as opposed to the county or the municipal courts where they handle the misdemeanors and traffic offenses and any sentence would be to the Mahoning County Jail. Also, we hear all the major civil cases. I just finished trying a medical malprac-

tice case. We hear the products-liabilities cases and the large civil cases, whether it's an automobile accident or whatever, where the demand for damages is over ten thousand dollars. We do have concurrent jurisdiction on the civil side with the county and municipal courts, so anyone could file an action in the Common Pleas Court if they are asking from five hundred dollars on up. It's concurrent with the county to three thousand dollars. That's the maximum for a county court. Ten thousand dollars is the maximum in a municipal court. The way the law is in Ohio, the Common Pleas Court has concurrent jurisdiction with those other courts. After ten thousand dollars, then it's exclusive in the Common Pleas Court. I wish they would change that, frankly, and give us jurisdiction over a certain amount, like ten thousand dollars or fifteen thousand dollars or twenty-five thousand dollars and let the county and municipal courts have exclusive jurisdiction of anything under that. Right now, that's not the way it is in Ohio. There will be changes made in the judicial structure, and I think one of the recommendations will be to change the limits and give the courts exclusive jurisdictions in those areas that I just described.

That wasn't really your question. What do I do here? I think I covered that. I do it on a day to day basis. I'll just tell you how the set up is in Mahoning County. Jury trials are scheduled every Monday at ten and every Wednesday at one-thirty. The average trial takes roughly two and a half days. That's why we set a second schedule of the week on Wednesday, so we are supposed to finish anything we start on Monday. That usually doesn't work out that way. We also have a lot of motions to rule on. We have hearings that have to be held, especially on the criminal side, on motions. Most of the civil motions are handled without oral hearings. We review the motion and briefs filed and the opposing briefs and can make a ruling based on those documents. Most of the time, criminal motions require an oral hearing. The defendant has a right to be present, of course.

G: Let's jump back. You obviously have to be involved in politics to some extent.

E: It's a political office.

G: How did you get involved. . . ?

E: Apolitical, underline the A. If you followed my political career at all, have you at all?

G: Yes.

E: I've never asked for Democratic party backing. The reason I do not ask for the party backing is because a lawyer is chairman of the party. I just think that it presents a bad perception with the community, the people who have faith. Hopefully, in their judicial system, I don't think they would want an individual to be elected who is endorsed by a party chairman who is a lawyer. The appearance of influence that would attach by the party boss who happens to practice law in the same community. That's what I try to avoid.

G: We kind of went through your duties, but I'd like to go back and go through a very, very typical day for you, starting with the alarm going off in the morning to the point where you go to sleep at night. Just a typical day. Even down to the point if you go out for lunch or if you stay in for lunch.

E: Sure, no problem. We can skip I get up and shave and take a shower, have breakfast. I can run through that real quick. I come to work at 8:30 in the morning. Our schedules will start usually at nine, but many times we have to schedule some motion hearings if we are in trial. So, I may hear a motion in a case at 8:30 or 8:45. There is no typical day. If we start a trial, I will be involved in that trial for whatever length of time it takes to try the case. Court is in session from nine in the morning until four in the afternoon. I stay until at least five and, most of the time, until five-thirty, many times, later than that. Because if I'm in trial, I start falling behind on the motions. There just isn't enough time in the day to do both. But, my schedule has always been eight-thirty until about five-thirty even if I'm not in trial, I still use that time in the day. The best time to work on the paperwork is after four, when the lawyers and others quit coming in; and then, I'm not interrupted. It's hard to work during the day even when I'm not in trial. I go out to lunch, since you asked. I like to eat. I eat three times a day. I don't miss a meal. Let's put it that way.

G: What's your favorite food? Do you have one?

E: Yes. I used to like steak, but I've gotten away from that. Fish and chicken. My favorite food, actually, is pasta. I could eat it every day of the week.

G: You've been a judge for a good number of years now. There had to be some cases which were very difficult for you, personally. They had to disturb you. How do you deal with your emotions, and still you're on the bench?

E: I've never had a problem with that. I've never felt uncomfortable in my own mind that my personal feelings would creep into any of the decisions I've made. I can only give you the example of that. When I hang my coat up on the coat rack in the morning, I hang up all my prejudices and personal feelings on that coat rack. Of course, when I am out on the bench and listen to some of the things that go on, I react to it inside and I say things to myself. But, I am certain of it. I pride myself in the fact that I would never let it influence any decision I've made. I'm a member of the State Victims Advisory Board. I was selected from all the Common Pleas Judges in the State of Ohio to sit on that board. That is an honor to me. I do have feelings for victims in criminal cases; but yet, there is no contradiction there either. I have a duty to preserve and protect the rights of the accused, but I'm not uncomfortable with also recognizing the rights of the victim. And, I know from my experiences and conversations with other judges, some are troubled by that. That new concept of victims' rights. I've never had any trouble with that. You make me say these things when you ask me these questions, but that's the truth. I guess you want me to talk about myself.

G: Very much so, yes.

E: I'm uncomfortable that way, but this is how I feel.

G: What are one of your normal hearings? What is a hearing like?

E: It's hard to answer that. There are so many different kinds of hearings.

G: Okay, why don't we go through criminal procedure and then civil.

E: There are different kinds of motions that can be filed in a criminal case. Most probably, the best example would be a motion of suppress. There are different kinds of motions of suppress. Identification, for example, if that is an issue in a case, suppress physical evidence obtained as a result of a claimed illegal arrest. Those are lengthy hearings, usually, and require a lot of involvement with a lot of thinking and studying, and it's not an easy decision. Maybe this is going to help you. I don't just always make the decision right from the bench within seconds of the conclusion of the motion. It takes thought and research, and looking at all the facts and applying an analytical approach with the case law that has evolved from the same issues that the court is faced with. That is what a judge has to do. From his experience and by the credibility, the demeanor of the witnesses, the judge

determines the credibility at a motion hearing. You have to come up with a decision. It's not easy.

G: Is it hard sometimes?

E: Sure it's hard.

G: Do you ever get nervous that you are going to make the wrong decision?

E: No. I don't even like to think of it. That's why I cut you off pretty quick. The worst thing I think any judge can do is to look back. Once a decision is made, you keep moving on. No, I don't second guess my decisions. That doesn't mean I flip a coin either and just decide something. When the decision is made, it's done and that's it. There is no reflecting. I don't think a judge would last very long if he started to reflect and second guess and question every decision he made. It would be a pretty fast burn out.

G: Do you ever feel a lot of pressure?

E: Not from the outside. If anything, maybe sometimes self-imposed pressure. Sometimes, I worry if I'm doing a good job. I try to do a good job and sometimes think more than I should about that. Am I doing a good job? I think about that, but that's the only pressure I've ever felt. The pressure I put on myself.

G: Do you think criminals are getting worse?

E: That's a hard question. I don't know exactly what you mean?

G: Are people getting worse?

E: Yes. I would say that. That's better phrased. People who commit a crime become criminals, but yes, the types of individuals that are before the court, somewhere along the way, I guess I am talking about society in general. There has been a loss of respect, one thing, for other people and their property. More crimes of violence against other people. There seems to be no conscience in some of the individuals. They feel no remorse and a lot of senseless crime. There is a need, or whatever the word is, for drug use. I don't know whether it's a temporary thing; but as a result of this need, there is a lot of crime that results because of the individual who has a drug problem [and] wants to get money to buy drugs. They commit crimes such as robberies and burglaries, and those are serious crimes. [They are] breaking into somebody's house, or robbing a person, or possibly hurting them, [and] guns are involved. There seems to be a lack of respect for other

people. Violence is more prevalent. I think I've said that. I said that earlier, so I'm just repeating. Yes. In my brief twenty-one years in this profession, I've seen a change. That's not a long time when you think about it.

G: People have gotten worse, and you said it has become more violent. Have the types of crimes gotten worse?

E: Well, there is probably more of them, as I said. Because of drugs, you see more robberies and burglaries. Recently, as we know, more murders in the Youngstown area. I think that it's almost a war, I guess, over drugs. People are knocking each other off and the root of that is the drug problem in the community. [It's] a power struggle, I guess, over who controls the drugs. I don't really know. I haven't ironically seen any of these cases yet.

G: Do you see the chance of any improvement?

E: I hope there is always a chance for improvement. It will be a peak, and then it will start going the other direction. Sure. That's the only thing I can say about that. Everything has it's high and low points. It's a continuous cycle.

G: There are just a couple more questions. Have you ever had to. . . . You may not even know this, but it turns out later that you find it out. Have you ever had to release, because of the way the evidence was gotten or, somehow, something was revealed that shouldn't have been revealed, you find out this person is guilty; and yet, you let them go. Have you ever had to do something like that?

E: No. I really haven't had that experience. That would be a situation where the arrest was illegal. Evidence would have to be suppressed. If the court suppresses the evidence, then the prosecution can't prove it's case, and the individual will walk out of the courtroom even though. . . . If his constitutional rights hadn't been violated, he would have been convicted of the crime. Not on a real major scale. Sure, there have been situations where I have suppressed evidence and the prosecution has chosen not to prosecute. But fortunately, I've never had the experience where it's a very serious crime and the guy got off as they say, got away with murder, or something like that. No, I've never had that.

G: Does your attitude towards the person in the courtroom and how they appear to you, does that affect how their sentence is given? In other words, you get somebody who walks into the courtroom who just comes in and is

completely rude and. . . .

E: That would have an effect, sure. [It shows] disrespect for the court. [It is] not just that. That's not enough; but if I made inquiry and I found out the individual had no remorse for what he had done, whatever it may be, sure I would take that into consideration. There is a set of criteria, of course, that a court has to review before sentencing. We try to stick to that. There is also the demeanor of the defendant. It's [the decision] on the fringe of those criteria. We have to take into consideration that they would commit another crime if they were given probation. Of course, the attitude of the individual is a factor.

G: What is the criteria you use?

E: There is a whole list of criteria. For example, the fact that the judge has to determine whether or not he would be a risk to the community. We look [to find] if there was a prior conviction for a crime similar to the one that he's in front of the court for or [to find] if he has a record, so to speak. In certain kinds of cases, the effect on the victim. We request victim impact statements in serious crimes involving violence. If the victim was injured, what effect that had upon the victim. Those are some of the things that the court has to look at.

G: Do you ever want to go higher?

E: It's funny you asked. I'm filing for the vacancy on the 7th District Court of Appeals in 1992. I'll be running for that position. I'm in my tenth year as a common pleas judge; and of course, as I've indicated, the major trial court that I have presided over death penalty cases. I've also, for the past six years, have been assigned by the Supreme Court of Ohio to sit as a visiting judge on various court of appeals in Ohio, more specifically, the Eighth District, which is Cleveland, and the Eleventh District, which encompasses Trumbull, Portage, Geauga, Lake Counties, and Ashtabula County. As a result, I've had experience as a court of appeals judge, and I've also had opinions that I've written that have been reported. Only significant opinions are reported. There are many opinions written by various court of appeals in Ohio, but only a small number are reported in the Ohio Official Reports, and lawyers can use those opinions as precedent, as opposed to unpublished opinions. So, I've had experience in the court of appeals; and as a result, I think I'm qualified not only as a court of appeals judge, because I emphasize as a common pleas judge, it is a major trial court. We get most of the action, so to speak, including death penalty cases. So, I feel that I'm

qualified to be a court of appeals judge. It's more of a lateral move, to tell you the truth, than a move up. I enjoy what I'm doing very much as a common pleas judge. It's a completely different atmosphere in the court of appeals. [In trial court], here, we hear the trials. [In] the court of appeals, you read briefs and determine whether or not the trial courts committed error. There is a big difference.

G: Are you going to miss. . . ?

E: Yes. I'll be homesick. This is my home right now, so I'll be homesick. But, the opportunity is there. That's why I preface what I said, that I'm in my tenth year. I'll have ten years under my belt come 1993, if I'm elected, of course. I would take office in the court of appeals. Ten years as a common pleas judge is a long time. I'm now one of the older judges in the state, with the exception of some of the rural counties that have judges who have been there for twenty or thirty years. But that is a rarity anymore, because there is more pressure on the common pleas bench than there ever has been. So there is an earlier burnout. I can't pick and choose when I can run for the court of appeals. There is an opening there now, so I'll run. I could stay here a couple more years, if I had my own way about it, and then decide to run, but that's not how it works. There won't be an opening when I just decide to run, so. . . .

G: Why do you think there is more pressure?

E: There are more cases being filed. I mentioned the criminal side earlier. I don't want to repeat that. The more serious type crimes. It's the heavy docket. Our docket has increased dramatically in the nine years I have now been on the bench. The work becomes overwhelming.

(Tape ends)

G: I thank you very much for doing the interview.

E: You're welcome.

END OF INTERVIEW