

Preview of Supreme Court Races Kick Off Election Season

Not unlike Ohio State football fans who know four seasons each year—Buckeye season, BCS Bowl season, spring practice season and summer speculation season—those who follow Ohio politics are quickly finding themselves immersed in a summer of speculation between the recently completed May primaries and November's upcoming general election. This *Political Insider* looks ahead to the two contested races for the Ohio Supreme Court by first looking back at what's already transpired on the court this year.

The Ohio Supreme Court was rocked by the sudden and unexpected passing of Chief Justice Thomas Moyer on April 2. Moyer, a Republican, had led the court since first being elected in 1986 and was scheduled to retire at the end of this year in compliance with Ohio's 70 year age limit on justices. While the identities of the two candidates seeking to replace Moyer in November were unchanged by his death, the dynamics surrounding their race were dramatically impacted.

On April 14, Gov. Strickland appointed Franklin County (Columbus) Judge Eric Brown to serve out Moyer's term as Chief Justice. Brown, a Democrat, had previously announced his candidacy for Chief Justice against Associate Justice Maureen O'Connor, a Republican. O'Connor, a former Ohio Lieutenant Governor, was first elected to Ohio's high court in 2002 and was subsequently re-elected in 2008. In both 2002 and 2008, O'Connor garnered the support of the Ohio Chamber of Commerce for her commitment to interpreting the law rather than making new laws from the bench. Brown will now face O'Connor as an appointed incumbent Chief Justice, presumably aiding him in fundraising and, to a lesser extent, name recognition.

To further complicate the issue, if O'Connor defeats Brown in November, it is entirely possible that Gov. Strickland could appoint Brown to the Supreme Court for a second time this calendar year. That's because O'Connor's election as Chief Justice would leave her seat as Associate Justice vacant. And though it's mere speculation that Strickland would appoint Brown, what would be certain is that Strickland would be making the appointment, regardless of the outcome of November's gubernatorial election, because the beginning of the Supreme Court term precedes that of the governor's term.

As for the contested Associate Justice race, Justice Judith Lanzinger faces a re-election challenge from Cleveland-area Judge Mary Jane Trapp. Trapp, a Democratic appellate judge, seeks to unseat Lanzinger, a Republican who was first elected to the Supreme Court in 2004. Like O'Connor, Lanzinger earned a strong endorsement from the Ohio Chamber of Commerce in her first campaign.

The Ohio Chamber has been active in Supreme Court races for over a decade now, and over that time our members have benefitted from a court that has practiced judicial restraint and rendered decisions that have predictably interpreted the statutes. But with two Chamber-endorsed candidates standing for re-election this year, and another gubernatorial appointment potentially looming at year's end, what was at the beginning of 2010 a 6-1 favorable court could stand at 4-3 by year's end. And considering the already tough economy that our state finds itself in, a court with greater potential to rule against business could further hinder growth and job creation efforts across Ohio.

Given those realities, the Ohio Chamber is committed to advocating for the election of good justices who have demonstrated an aptitude for understanding the difficulties Ohio's business community faces if the rules and regulations that you operate under become unstable and unpredictable. By working together with our members, the Chamber hopes to raise awareness for voters of the key role that the court plays for business owners and workers alike, and its potential to encourage job creation and economic growth in Ohio.