

DISSERTATION

***Ascendency Denied: The Removal Of African American Female Judges In Major
Cities In Ohio, A Case Study***

By

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In Major Cities In Ohio, A Case Study

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ABSTRACT

The purpose of this qualitative study was to apply an intersectional lens to understanding the experiences of three black female judges, and their ascendancy and removal from the judiciary in major cities in Ohio. Many studies on judicial diversity have focused singularly on either race or gender, with very few studies looking at the intersectionality of both race and gender. Most of these studies have been inconclusive quantitative studies, which used large datasets to examine the extent to which race or gender impact decision-making. Using a qualitative case study methodology coupled with a historical analysis, this study focused on the experiences of three black female judges in Ohio within the context of the structural composition of the bench and the political environment.

In applying an intersectional lens, while situating race, gender, and political orientation at the center of my analysis, three unexpected and significant findings emerged. The most significant of those findings was that 1) partisanship, nepotism, and cronyism rules the judiciary in Ohio; and 2) there are hidden power structures/ stop gaps that provide veto power that are built into the policy design of both the Ohio and US Constitution's, the judiciary, and overall criminal justice system in Ohio; and 3) finally, I found what I have termed stacked decks and loaded bases which are also a form of hidden stop gaps within the judiciary in the State of Ohio.

These hidden systems significantly impacted the African American female judges in my study, because they enabled political adversaries the opportunity to take away

power that should have been the constitutional right of each judge, and interfered with the right of the people (electorate) to elect judges of their choosing.

Each of the three judges in my study were treated differently from their peers, they all complained of having larger caseloads than their peers, and each of them experienced accusations of misconduct that were extreme, unusual, outlandish, and extraordinary. All three judges faced significant opposition from their election campaigns, through their service on the bench, and ultimately to the time of their removal from the bench. There was also evidence that there was secret, orchestrated, and coordinated efforts on the part of their Republican adversaries to build cases against them in an effort to have them removed from the bench. In each case, it was demonstrated that the intent in bringing disciplinary and criminal charges was to permanently prevent them from serving as judges.

The findings of this study corroborate previous findings in the public policy literature, which suggests that Blacks and women experience backlash on the bench. It also expands the backlash discussion and fills a gap in the literature by interjecting the unique and specific experiences of Black Female Democratic judges on the bench in Ohio, who also happen to be in the political minority.

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I would like to express my deepest appreciation to my committee chair, Dr. Jennifer Raymond, who fueled my passion for public policy and introduced me to numerous scholars, concepts, ideologies, and theories. She challenged me to look beyond my own biases to see and appreciate the perceptions of others.

I would also like to thank my committee members Dr. Christopher Voparil, who fostered my interest in Pragmatism, and introduced me to theorists such as Shannon Sullivan, who opened my eyes to the idea that despite the fact that deliberate forms of conscious oppression still exist, “white domination tends to prefer silent tiptoeing to loud stomping” and “white privilege goes to great lengths not to be heard”.

Researching the cases of the three judges in my study, as Shannon Sullivan puts it, allowed me to “hear” the way that the concepts of colorblindness, multiculturalism, and diversity when operating together provides for potential abuses and creates the opportunity for believing that racism under the auspices of colorblindness no longer exists.

The next thank you goes to Dr. Nancy Boxill, who pushed me to think...and stimulated my interest in studying Women in Leadership, and fostered my appreciation for the case study methodology.

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The Ascendency and Removal of African American Women in the Judiciary in Major
Cities in Ohio

Chapter I: The Research Problem

Overview

Although women have advanced within the judiciary in Ohio, their numbers on the bench have not kept pace with their population percentage in the state nor across the country. African American representation seems to be concentrated within lower municipal courts, with a limited amount of power. This is especially true concerning the ascendency of African American women, and as with other sectors of society, racism and sexism tends to permeate the bench. The lack of African American female representation should be cause for concern given the historical nature and role of the judiciary in America. The absence of women and people of color on the bench has the potential to impact more than mere social mobility, especially since courts have the potential to wield a significant amount of power.

Unlike most studies which look at the judiciary, this case study dissertation focuses on the composition of the bench, rather than on judicial decision-making. Of the 603 judges who have advanced to the Common Pleas Court or higher in Ohio, 121 (20%) are women and 17 (less than 3%) are Black. This geographically bounded case study focuses on examples of three African American female democratic judges who faced considerable challenges in coming to the bench and while they served on the bench in courts across Ohio, and all subsequently had their law licenses suspended and were

strategically removed from the bench. This research sought to understand the challenges that the three African American female democratic judges faced, and the circumstances that surrounded the challenges of ascendancy and subsequent removal from the bench in a state with Republican trifecta control. By trifecta control, I mean that they control all three levels of government, including the governor's office, the legislature, and the judiciary. I seek to gain a deeper understanding of these challenges and to better understand whether the challenges faced by the three judges in my case constitute a form of racial and gender-oriented backlash, retaliation, or counter revolution, as identified by Dr. Martin Luther King, Jr. (1955, 1968).

Dr. King pushed America to fulfill its promise of equal rights for all through the attainment of civil rights. Today, the fulfillment of his dream of true freedom, political, and economic advancement might rest in the development of redesigned systems that protect the rights already guaranteed; beginning with a redesigned judiciary that models the demographics of the citizenry and rids the system of unfair systems of representation.

King (1968) suggested that following any period of significant progress for African Americans there has always been "an inevitable counterrevolution that succeeds every period of progress" (pp. Kindle Edition, Loc 359). King's (1968) conceptualization of counterrevolution seems strikingly similar to the concept of backlash as described by Derrick Bell (Kenney, 2013). This counterrevolution, as King (1968) described it, was in the form of harassment, threats, and subsequent retrogressive movements toward fascism (King, 1955, pp. Loc. 2620, Kindle Edition). King (1955) understood that this type of backlash challenged the very "ideal of freedom and equality", leading to "social and spiritual doom". He said, "We can choose either to walk the high

road of human brotherhood or to tread the low road of man's inhumanity to man" (King, 1955, pp. Loc. 2620, Kindle Edition). King (1955) was concerned that "how we deal with this crucial situation (in this generation) will determine our moral health as individuals, our cultural health as a region, our political health as a nation, and our prestige as a leader of the free world (King, 1955, pp. Loc. 2620, Kindle Edition). Although King (1955) was speaking of his current generation, his words prophetically spoke of the future of America, as he expressed concerns that until the United States solves its racial problems at home, "we cannot hope to attain the respect of the vital and growing colored nations of the world" (King, 1955, pp. Loc. 2620, Kindle Edition). He concluded that, "If America is to remain a first-class nation, it cannot have a second-class citizenship" (King, 1955, pp. Loc. 2620, Kindle Edition). Making the connection between the counterrevolution spoken of by Dr. King and Derrick Bell's concept of backlash as understood by Sally Kenney (2013), may provide a deeper and more meaningful understanding of the experiences of the case of the three African American female judges who have been removed from the bench in Ohio. Understanding the connection between a counterrevolution and backlash may also provide a more meaningful understanding of the possible ways that racism can become operationalized within systems such as the judiciary.

Utilizing Kenney's (2013) understanding of Bell's backlash theory, and the derivation of Kenney's five phenomena that constitutes backlash, provided a lens for analyzing the racial undertones of the obstacles faced by three African American females in their ascendance and ultimate removal from the bench. Although Kenney (2013) makes a concerted effort to include black voices and elements of race in her work on

gender and race within the judiciary, she fails to specifically include intersectional Black female voices. This creates a gap in the literature and creates an opportunity to offer insight concerning the unique experiences of Black Female Democrat judges, who also happen to be in the political minority in Ohio. The inclusion of Black female judges might also expand the backlash discussion in a way to better understand the ways in which various intersectional differences might impact the way individuals from diverse groups might be treated.

Historically, courts in the U.S. have played a significant role in policymaking, and have come to be known as the guardian of people's liberties and rights. As a guardian of the people, courts at the federal and state level can affect policies and decide cases of importance to women and minorities, such as requiring states to provide legal aid for the poor, equal access to education, and the right to vote. Contrarily, over the past three and a half decades courts have taken an active role that has been detrimental to the rights of women and minorities, such as overturning affirmative action and voter rights legislation established during the civil rights era.

In 2013, the U.S. Supreme Court struck down a provision of the Voting Rights Act that required that states, such as North Carolina, that had a history of discrimination to pre-clear electoral law changes with the Department of Justice (U.S. Supreme Court, 2013). This ruling also struck down provisions in the law which required that voters show particular forms of ID. After the ruling, the state eliminated Sunday voting, narrowed the window for early voting, eliminated same-day voter registration, and ended early registration for 16 and 17-year old's.

In a subsequent published opinion of a 2016 U.S. Fourth Circuit Court of Appeals case, after the district court rejected the contention that the challenged provisions violated the Voting Rights Act and the Fourteenth, Fifteenth, and Twenty-Sixth Amendments of the Constitution, Fourth Circuit Judge Gribbon Motz concluded that “the trial court fundamentally erred in holding that the legislature did not enact the challenged provisions with discriminatory intent”. The case was filed by the North Carolina State Conference of the NAACP, et. al. against the Governor of the State of North Carolina and the State Board of Elections (2016). In the opinion, Motz said, “the court seems to have missed the forest in carefully surveying the many trees...ignoring critical facts bearing on legislative intent, including the inextricable link between race and politics in North Carolina” (2016, p. 9). The Courts published opinion goes on to say, “voting in many areas of North Carolina is racially polarized...the race of voter’s correlates with the selection of a certain candidate or candidates.”

Citing other racial polarization cases, Motz says, “polarization renders minority voters uniquely vulnerable to the inevitable tendency of elected officials to entrench themselves by targeting groups unlikely to vote for them” (2016, p. 10). Judge Motz explained that the legislation would “predictably redound’ to the benefit of one political party to the disadvantage of the other. She attributed the changes to the fact that after years of preclearance and expansion of voting access, by 2013 African American registration and turnout rates had finally reached near-parity with white registration and turnout rates. African Americans were poised to act as a major electoral force. On the day after the Supreme Court issued a ruling on *Shelby County v. Holder*, eliminating preclearance obligations, a leader of the party “(that rarely enjoyed African American

support) announced an intention to enact what he characterized as an “omnibus” election law” (2016, p. 10). According to the Court opinion, “before enacting that law, the legislature requested data on the use, by race, of several voting practices. Upon receipt of the race data, the General Assembly enacted legislation that restricted voting and registration in five different ways, all of which disproportionately affected African Americans” (2016, p. 9). In overturning the lower court’s decision, Judge Motz concluded that “the new provisions target African Americans with almost surgical precision” (2016, p. 11).

With the 2016 General Election on the horizon, Ohio has also been sued for voter suppression tactics for purging voter rolls for anyone who has not voted in the past four years. Reuters estimated that at least 144,000 voters were purged for that reason in the state’s three most populated counties — Cuyahoga, Franklin and Hamilton counties. The Hamilton County Board of Elections, said 14,022 voters were removed in 2015 for not showing any activity in the past four years, including voting, verifying addresses and signing petitions. It purged 13,496 voters in 2014 and 16,148 in 2013.

U.S. District Judge George Smith upheld Ohio Secretary of State Jon Husted’s actions on June 29. The plaintiffs, joined by the U.S. Justice Department, appealed to the Sixth U.S. Circuit Court of Appeals in Cincinnati. The plaintiffs are represented by the American Civil Liberties Union of Ohio and the public policy group Demos. In its filing, the Justice Department says Ohio’s purging of voters for inactivity violates both the National Voter Registration Act of 1993 and the Help America Vote Act of 2002. The Department of Justice asks the appellate court to reverse Smith’s decision.

As is the case in the North Carolina and the Ohio cases, lower courts which tend to be closer to local politics can uphold unjust laws such as these. This makes it imperative, given the disproportionate numbers of Blacks in the judiciary, that there be a clearer understanding of the experiences of African American judges who hold ideologies contrary to controlling legislative authorities.

The National Center for State Courts states the following regarding Race and Ethnic Fairness in the judiciary:

So long as we proclaim that justice in America is “of the people, by the people, and for the people,” it is critical that we guarantee the inclusion of “all the people” in every aspect of the justice system. The public’s trust in our system requires that issues of race, gender, class, culture, language, disability, sexual orientation, and gender identity be understood by both the bench and the bar and that we act to eliminate all barriers to equal access to justice based upon those issues (Herman, 2005).

Although the concept of diversity has been promoted in the American judicial system, racial diversity has yet to gain the type of acceptance that it has in relation to gender difference. Gains in state legislatures can be directly attributed to the Voting Rights Act’s removal of the structural impediments to meaningful electoral participation by minority voters; and although the Supreme Court has similarly held that the Voting Rights Act applies to judicial elections as well, because judges are “representatives” within the meaning of Section 2 (*Houston Lawyers’ Ass’n v. Texas Attorney General*, 1991), similar advances have not been recognized within the judiciary, and the lack of such advancement even threatens gains made in other sectors of governance (Ifill, 1998).

While women have seen significant gains in terms of their representation on state legislatures, they have not seen similar gains in state judiciaries (The Center for American Women and Politics and Higher Heights, 2015). In 2015, 25% of legislators in

Ohio were women, and Black females make up 14% of all Ohio state legislators, which is more than their population percentage in Ohio at 12.6 percent. While a mere 9% of all state legislators in the U.S. were black in 2009, that number is more than double the percentage of Black state court judges and the percentage of female judges outnumbered female legislators by 2.8% (Statehouse Leaders, 2016; National Conference of State Legislatures). In 2012, for example, there were a total of 17,489 state court judges in the U.S., 4,711 (27%) were female (Forster-Long, LLC, 2013) and approximately 769 (4%) of state court judges were African American. As of 2010, only 284 (1.6 %) were African American females (American Bar Association, 2010), while Black females make up 13% of the female population in the U.S. A lack of African Americans and women in the judiciary creates the perception of bias, which “can erode public confidence in the impartiality of the judiciary” (Herman, 2005), especially in states like Ohio, where judges are elected. As Herman (2005) explains, “as the visible leadership of the courts, judges play a key role in eliminating bias from the justice system”.

The idea of impartiality complicates issues of race and gender difference in the judiciary, as the implication is that there should be no difference in individuals relative to their background or positionality as judges (Ifill, 1998). Traditionally, this has conceptually normalized the perspective of white male judges, while othering the perspectives of women and people of color, resulting in the perception of anyone holding beliefs other than those of the prevailing white male-centered as subversive (James J. , 1996, p. 17). And, rather than acknowledging difference as an important aspect of upholding a fair and just system, as is often acknowledged in other sectors of government, this suggests the possibility that the system (or political actors) would

instead try to protect itself from certain individuals classified as other, and deem him or her as subversives. Conflicting points of view demonstrate how varying perspectives on race and gender difference present two distinct ways of understanding judicial diversity: one as a way of distinguishing a group as being “other” for the purposes of marginalization, the other for understanding diversity is as a way of empowerment.

Researchers have identified ways in which racism has become both institutionalized and environmental. Laws and policy language are written in such a way that they are perceived as race neutral, while still having a disparate impact on historically disenfranchised minority groups. The concept of impartiality within the judiciary has long been interpreted to mean that justice must be colorblind. Several researchers point out the fallacy of this concept; they argue against the courts ability to be impartial in terms of race, gender, and political partisanship (Flango, Smith, Sydow, Campbell, & Kauder, 2014; Kang & Lane, 2010; Chew & Kelley, 2009).

Sherrilyn Ifill (1998) points out the idea that both the bench and the bar continually resist the notion that judges are representatives of a particular racial group (p. 97). Ifill explains that, “this continues to present a barrier to achieving racial diversity on the bench and potentially threatens the judicial function” (p. 97). As Ifill (2000) posits, “the lack of racial diversity on our nation’s courts threatens both the quality and legitimacy of judicial decision-making” (p. 405). She further asserts that, “diversity on the bench can enrich judicial diversity among judges as a critical means of achieving cultural pluralism in judicial decision-making. Ifill (2000) raises the point that the lack of attention to the matter of the myth of impartiality is rooted in fear and as she explains,

this fear “has resulted in an over-emphasis on the symbolic rather than the substantive value of judicial diversity” (p. 405).

On May 20, 2014, the National Women’s Law Center released the following statement in a fact sheet posted on their website:

When women are fairly represented on our federal courts, those courts are more reflective of the diverse population of this nation and women, and men, may have more confidence that the court understands the real-world implications of its rulings. The increased presence of women on the bench improves the quality of justice: women judges can bring an understanding of the impact of the law on the lives of women and girls to the bench, and enrich courts’ understanding of how best to realize the intended purpose and effect of the law that the courts are charged with applying. (National Women's Law Center, 2015)

This statement reflects an understanding of the role of women jurists as representatives of a diverse population group in America. This conceptualization of women reflects a difference in the perception of blind justice of the court as one which embraces diversity and sees difference in the judiciary as a valuable attribute reflective of the diversity of the citizenry, rather than a court which assumes that impartiality must mean the inability to see race or gender.

Research Questions

In this case study, I raised three questions for further study: 1) What challenges do African American female Democrats face in getting elected to the judiciary in Ohio? 2)

What challenges do they face in performing their work on the judiciary? And, 3) What challenges do they face in retaining their seat on the judiciary?

My objective in this study was to better understand the challenges that African American women, who identify as Democrats, faced as judges in Ohio courts. Ohio is a state with Republican statewide trifecta control of the governorship, the state senate, and the state house. Additionally, Ohio has a Republican Attorney General, State Auditor, Secretary of State, and Treasurer. I theorized that such a study in a state holding such significant statewide partisan political power could provide valuable insight for judiciaries and other political offices across the country.

Using a case study approach, I was able to analyze the intricacies of the political environment wherein these African American female judges worked. The research questions were designed to better understand what happened to African American female Democrats when they brought or attempted to bring diversity of thought or action to the bench, in spaces where their access has traditionally been restricted. This study sought to better understand the challenges faced by three Black female Democrat judges in an electoral and Republican White male-centered and dominated judiciary. I also sought to better understand the obstacles that African American women in the judiciary in Ohio face in an environment where African American women of a different political ideology than the majority can thrive and survive, and even advance to higher courts. I explored the idea of the intersectionality of race, gender, and politics and whether these would offer a unique lens by which an understanding could be gained as to why African American women have not ascended to positions of power within the judiciary.

Context of the Study

The struggle for equality has been an ongoing project since America was founded. Historically, the United States has been challenged to deliver on the promise of equality. In this effort, various policies have been implemented and have failed, but more importantly is the necessity for understanding the role the courts play and have played in the success and subsequent failures of such efforts. In the capacity of political actors, judges have the ability to exercise a significant amount of power and the ability to even advance certain political agendas. For example, in November 7, 2014, the Michigan Court of Appeals ruled that the State of Michigan has no constitutional requirement and no legal obligation to provide a quality public education to students. This ruling dealt a significant blow to school children in Michigan, and set a precedent to absolve public school systems throughout the U.S. of the responsibility to provide quality education to children in public school systems.

Even though the court's ruling appears to be economically and racially neutral, establishing such a precedent within the public-school system can potentially create a disparate impact on children from low-income families, often comprised mostly of African American and Hispanic children. African Americans with a 60% graduation rate and Hispanics with a 64% graduation rate are already low as compared to White students in Michigan with an 82% graduation rate (National Center for Education Statistics , 2011-2012). Access to quality education at the K-12 level has been determined to be a significant indicator for social mobility, and according to a 2014 United Nations report entitled "Barriers and Opportunities at the Base of the Pyramid", race, educational attainment, and number of household earners all influence the likelihood of moving out

of the bottom quintile of earners, with Whites, the college educated, and families with multiple earners more likely to be upwardly mobile than African Americans, those without a college education, and single earners (Bullock, 2014).

Bullock (2014) addresses both the social issues and classism, which can result from “attitudes, beliefs, behaviors, and institutional practices that recreate and legitimize class-based inequalities that systematically advantage middle- and high-income groups over poor and working-class people.” She suggests that classism and prejudice can take many forms and be both interpersonal and institutional. Quoting Prilleltensky, Bullock explains that, “class-based power is the power to fulfill basic needs, to restrict access to basic resources, and to resist forces of destitution.” Bullock notes the way in which “classism intersects with racism, sexism, and other forms of discrimination, frequently blurring distinguishable boundaries between biases (Bullock, 2014, p. 136).

Bullock suggests that education is an essential resource for disadvantaged groups to move out of poverty, and through restricted access she explains that the system can sustain privilege for already advantaged groups. She explains the persistence of disadvantage as follows, “No persisting structure of economic and social inequality has existed in the absence of some kind of meaning system(s) which seek both to explain and justify the unequal distribution of societal resources” (Bullock, 2014, p. 137). Bullock raises arguments concerning “the general tendency to rationalize the status quo and enhance one’s sense of self to desiring cognitive consistency to protecting an advantaged position within the social hierarchy” (Bullock, 2014, p. 139).

The implications of the court ruling for not providing a quality education for public school children are problematic and represent the potential for an abuse of power,

in that it effectively prevents the ability for social mobility for children from poor and minority families. The denial of education by a court ruling may constitute a form of racism, reflective of forms of Jim Crow legislation. In fact, Michelle Alexander (2012) makes a similar argument surrounding mass incarceration in America. Alexander (2012) makes a compelling case for the existence of a “hidden” racial caste system in America that operates very like the caste system in the Jim Crow south. Her argument is that the caste system based on race in America never ended, it was simply redesigned (p. 2, Kindle edition).

After the Civil Rights Movement in the U.S, in 1965 President Lyndon B. Johnson, in a speech to the graduating class of Howard University, a historically black college, made the statement that “You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race and then say, ‘You are free to compete with all others,’ and still justly believe that you have been completely fair.” Johnson advocated for programs that would compensate for accumulated disadvantages. Race conscious policies, such as affirmative action, were the answer to this dilemma of how to right the past wrongs of institutional racism, slavery and years of racial oppression in this country. However, 30 years after these programs were instituted, affirmative action programs came under intense scrutiny as claims of reverse discrimination began to surface.

The language of empowerment changed and race conscious solutions were replaced by race-neutral (or colorblind policies), and conversations on diversity became the mainstay that replaced affirmative action. However, this new conversation on diversity has not been effective in eradicating injustices toward blacks in America in the

way that affirmative action once did. Instead, institutional racism persists and black progress made during the affirmative action era appears to be regressive in the wake of a move towards colorblindness across all sectors of society. Walter R. Allen calls this the “re-segregation” of America (Allen, 2005).

Chaz E. Briscoe (2014) argues, “Race-neutral policies cannot help ameliorate racial disparity”. He further explains, “Race neutral policies have continually relied on subjective liberal principles and consistently produced race negative consequences for minorities” (p. 44).

While diversity is a noble cause in and of itself, it appears to fall short of answering the call for justice, fairness, and equality for African Americans. In surveying the discourse on judicial diversity, Racial diversity within the judiciary appears to have been ignored and in some cases resisted, and the notion of colorblindness and impartiality appears to have clouded the view of objectivity and the right of due process through substantive representation guaranteed by the fourteenth amendment.

The end of affirmative action introduced a new era in America, and unlike affirmative action the concept of diversity took the onus off structural systems to protect the interests of historically disadvantaged African Americans (Briscoe, 2014).

Conversations surrounding racial neutrality have permeated the political landscape, and despite the intentions of legislators, certain policy initiatives seem to have an adverse effect or disparate impact on blacks in America. This is particularly true of state and local court systems, which articulate, interpret, uphold, and enforce particular legislative agendas (Briscoe, 2014).

If indeed the government is to uphold the responsibility of protecting the general welfare of society, the impact of policy and structural systems on the poor and the historically disadvantaged black community in the U.S. must continue to be a matter of concern for policy makers, especially as it relates to the judiciary, given the historical pattern of the courts in upholding race oriented policies that restrict mobility, advancement, and access to women and minority groups. Similarly, as patterns change, policymakers must be alert to the changing nature of racism to best respond with policy designs that reflect the way that racism is functioning.

The question has also been raised about whether courts are above politics (Ashenfelter, Eisenberg, & Schwab, 1995). Given the U.S. courts history as both a sustainer of colonialism and subsequently a protector of civil rights, the nature of the judiciary has always been one of politics. As such, the elimination of relations of power and domination that exist between Whites and people of color is imperative. The lack of studies on substantive representation on the courts possibly suggests that there has not been any significant effort to challenge existing judicial structures or the belief that courts are a place of neutrality. Another potential explanation is that citizens have ignored the potential for the courts to act as guardians and sustainers of post-colonial systems of oppression.

Martin Luther King, Jr. (1968) and Frantz Fanon's (1963) theories of decolonization resistance both hold that systems of oppression are being sustained through political partisanship using the court system as vehicle for resistance and counter-revolution in response to social progress of traditionally marginalized groups. Although many similarities exist between the 1960's and now, racism has since taken on

new forms. Instances of institutionalized racism are far more hidden than they were in the 1960's. To understand the changing nature of racism, many scholars have begun to acknowledge the many ways that racism now shapes institutions and policies. This form of racism tends to be far more covert, and tends to be harder to detect than in the 60's. And, the age-old question of how to combat racism given its suspected unconscious nature is a question of paramount importance today.

Although instances of racism today tend to be far less obvious than they once were some thirty-five years ago, an understanding of the challenges and the obstacles African American women have faced to advance in other career fields by institutional actors, who seem less than thrilled with her professional ascendance, demonstrates the type of resistance that is prevalent within the judiciary; especially as it relates to African Americans.

Dr. Martin Luther King, Jr.'s (1968) expressed concerns about there being a predictable white resistance movement that can be seen during every period of progress by African Americans. King believed, "The problem of transforming the ghetto is a problem of power—a confrontation between the forces of power demanding change and the forces of power dedicated to preserving the status quo" (p. 21). According to King (1968) the South was a stronghold of racism and the persistence of racism necessitated structural change consistent with demands of the Negro who had now become aware of its institutional nature (p. 12). He saw the white resistance as a normal process of development as an "inevitable counterrevolution that succeeds every period of progress" (p. 13). Citing Mutua (2014), The Honorable Cynthia Diane Stephens notes, "the rates of and extent of misconduct sanctions against minority judges is disproportionate" (2015,

pp. 38-39). This fact suggests that certain African American judges may currently be facing an oppositional culture within the court system.

The distribution of justice in the United States has always been a political endeavor, whereby political partisanship has been the determining factor in deciding which ideas of justice to privilege. Similarly, the substantive representation of women has been proven to have an impact on outcomes of certain types of cases (Chew & Kelley, 2009) and on the public perception of fairness and justice in the judiciary (Stephens, 2015). Furthermore, it has been documented that the mass incarceration of African Americans in the U.S. can be more closely attributed to ideological policy choices than actual crime rates (Blumstein & Wallman, 2000; Alexander, 2012). The failure of the American judiciary to deliver on its promise of impartiality may be reflected in the disproportionate number of African Americans who make up the U.S. penal population.

To understand the changing nature of racism, researchers (Locke, 2012; Morris, 2012) have begun to acknowledge the many ways that racism now shapes institutions and policies. And, the age-old question of how to combat racism is certainly no easier today, given its suspected unconscious nature. A better understanding of difference relative to the treatment and experiences of African American female judges shed light on the way in which court systems operate to protect certain aspects of the judicial system to ensure that systems of privilege are maintained.

The political leanings of U.S. state courts have always been predicated upon the prevailing interests of society's most powerful groups (Schneider A. L., 1997; 2005). This is indicative of the fact that there is already substantive representation on the bench

representing those interests. Descriptive representation, sometimes called passive or symbolic representation, is the idea that candidates in democratic elections should be elected to represent ethnic and gender constituencies, as well as other minority interest groups, rather than the population at large. Substantive representation, on the other hand, is the tendency of elected legislators to advocate on behalf of certain groups, and the actual interests of those groups. Studies have found evidence of substantive representation of minorities in the legislative and executive branches of government (Reingold, 2006), but few empirical studies have found evidence of substantive representation of minorities in the judiciary, and of those that have been conducted they are inconsistent; with some studies finding evidence, and others finding little to no evidence.

Recent media accounts of corrupt judges, lawyers, and prosecutors, selective prosecution, and questionable juries challenges the notion of blind justice (Molloy, 2015). The history of the U.S. warrants a stricter scrutiny to insure against the possibility that lady justice may be peeking from behind her blinders.

The question of what is just and whose idea of justice should be privileged, or should take precedence, has long been an issue in the discussion on difference. Many principles of justice ignore varying ideologies of non-Western societies and privilege colonial theoretical perspectives (Craig, Burchardt, & Gordon, 2008). The history of the U.S. warrants a critical analysis of the historical power structures such as the judiciary and notions of participation and exclusion of African Americans and women to better understand how these patriarchal structures have influenced constructions of the social, cultural, intellectual, and the private self. An understanding of the actual lived

experiences of African American female judges in Ohio presents a picture of the reality of how one's difference influences their perception of how they are treated or how their perceived differences in terms of the intersectionality of their race, gender, and political ideologies influences the way they are perceived by the media, and treated by their colleagues and other political actors in an environment where there is a significant rate of incarceration of individuals from their racial group.

Schneider and Ingram (2005) explain that negative social constructions and images of individuals classified as "other" get translated into policy at various phases of the policy process. Such perceptions of difference are then reinforced from the bench, as judges are expected to reinforce policies that are often biased against the poor, African Americans, and women.

Attempting to compare Blacks to Whites or women to men is problematic in and of itself, because these types of comparisons tend to ignore the unique lived experience of groups and individuals classified as "other"; it is also dangerous to attribute a monolingual or sameness as it relates to all women or to all Blacks. In attributing such a sameness and othering the unique experiences of individuals is usually predicated upon the belief that the White male is the standard and everyone else must fit with that standard to be considered a "good" judge. This line of thinking also suggests that only a reading of laws and policies from the perspective of White male judges can be "objective" and that White males have no lived experiences, or that a judge's decisions will not be shaped in any way by their lived experiences (Morris, 2012). This case study focused on the lived experiences of three African American Democratic female judges in Ohio: Judge Tracie Hunter, Judge Angela Stokes, and Judge Carole Squire.

Judge Tracie Marie Hunter

Judge Tracie M. Hunter had been a practicing attorney for nearly two decades in the state of Ohio prior to running for juvenile court judge. She was also a well-respected pastor, business leader, and journalist. As a pastor and a journalist, Hunter had dedicated her life to improving the lives of children and the local community. She had previously worked in several halfway houses for juvenile offenders and had also run her own law practice since 1994. She also served as a guardian ad litem with ProKids, an advocacy organization, which represents children in court who have been removed from their homes. Hunter worked as a contract attorney with the public defender's office, and later ran the only gospel radio station in the Greater Cincinnati & Northern Kentucky region. In this role, she became well known across the city for leading prayer walks in every neighborhood in the City of Cincinnati. Guideposts Magazine (Guideposts Magazine, 2002) reported that a prayer walk Hunter coordinated drew over 1000 people, preventing a violent uprising during the 2001 civil unrest in Cincinnati. At the radio station, Hunter produced a teen talk show focusing on issues that were important to teens and hosted a daily talk show discussing news and important issues in the community, especially issues of legal significance; through this initiative she trained young people in the art of radio broadcasting and empowered them with skills in the broadcasting field.

In 2010, Hunter ran for Juvenile Court judge because she saw an opportunity to effect change in the lives of young people by ensuring that the constitution was applied to all children and families fairly (Hunter, 2013). Although she had never been in trouble herself, having observed the many inequities and violations of law as a defense lawyer,

she was sensitive to the plight of children and she believed in the stated objectives of the Juvenile Court system as a vehicle for rehabilitation, as evidenced by the many letters she wrote and statements she made publicly. Yet as an attorney, she found the Hamilton County Juvenile Court to be more punitive than policy dictated (Hunter, 2013).

Hunter engaged in a heated battle to win the second most powerful seat in Hamilton County (next to the Sheriff's office), with oversight of a nearly \$30 million budget, approximately 400 employees, the ability to hire magistrates (who sit in the seat of a judge), and decision making authority in over 50,000 juvenile cases. Hunter was slated to become the first black and the first Democrat to ever win the countywide juvenile court judicial election. Traditionally, Hamilton County Judges have always been initially appointed to their seat and only required to run as an incumbent to hold their seat in subsequent elections. Hunter was neither appointed to her seat, nor was she the democratically endorsed candidate for the traditionally Republican-run 110-year-old juvenile court system, but she beat Dan Donnellon, the endorsed Democratic candidate by 10,000 votes to win the Democratic primary. She was endorsed by the Democratic Party after she won the primary and was endorsed by the majority of labor unions.

Hunter was also not endorsed by The Cincinnati Enquirer, the City's largest newspaper. They endorsed John Williams, the Republican candidate in the Juvenile Court Judicial race. The fight for her seat lasted 18 months in federal court, after county board of elections officials refused to count thousands of provisional votes from majority black precincts. Hunter's opponent John Williams was initially declared the winner by a 23-point lead, invoking a court battle, after Hunter sued, which cost taxpayers over \$2 million dollars. Judge Hunter sued the Hamilton County Board of Elections for voter

suppression in the U.S. District Court, after it was revealed that poll workers caused the errors, which resulted in the votes not being counted. Hunter's landmark case, *Hunter v. Hamilton County Board of Elections* win at the Sixth Circuit Court of Appeals paved the way for all Ohio voters to have their votes counted and changed Ohio law.

In 2010, when Hunter arrived on the bench, 85% of all children and families served in the Hamilton County juvenile court system were African American. 92.2% of children from Hamilton County serving sentences with the State of Ohio's juvenile detention facilities were Black, and 97% of them were Black males (DYS Bureau of Subsidies and Grants Staff, February 2009). This was an issue that tremendously concerned Hunter and she immediately began to address those inequities as a judge.

Judge Angela Stokes

Judge Angela Stokes, a Democrat and daughter of late famed civil rights leader and first Black in Congress from Ohio, Democratic U.S. Congressman Louis Stokes; and niece of former Cleveland Municipal Court judge, Carl B. Stokes, former mayor of Cleveland, and first Black mayor of a major metropolitan city. The city of Cleveland is roughly 58% Black, and is currently led by Cleveland Mayor Frank Jackson, who is also Black.

Prior to coming to the bench, Judge Stokes worked for 9 years as an Assistant Ohio Attorney General. She was originally elected to the Cleveland Municipal bench in Cuyahoga County, Ohio in 1995, and reelected in 2005 and 2011. She served 18 years as a Municipal Court Judge. The Municipal Court hears misdemeanors, traffic citations and civil suits that seek damages at or below \$15,000. Upon her removal from the bench, Judge Stokes was one of thirteen judges on the majority Black Municipal court.

Judge Stokes graduated with honors from the University of Maryland, College Park with a Bachelor of the Arts degree in Psychology. She received her Juris Doctorate from Howard University School of Law in Washington, D.C.

Throughout her career, Judge Stokes has remained deeply committed to her Christian faith, and as a testament to that commitment, Stokes pursued a degree from Hosanna Bible Training Center in Macedonia, Ohio, after working in the Attorney General's office in Ohio in 1988. Judge Stokes exercised compassion and engaged in efforts to transform lives and foster personal transformation in those she served from the bench. She painstakingly labored over her cases, to ensure that those who came before her, who are often poor and underserved, gets the necessary amount of time to achieve justice (Call & Post Editorial Board, 2013). Stokes was particularly interested in making sure that all people facing charges in her Court had proper representation (Call & Post, 2011).

Her strong commitment to service can be seen in her implementation of a Solicitation/Loitering for Prostitution Offenders Intervention Program, which helped change the lives of individuals who often at an early age became involved in a life of prostitution to support crack/ cocaine drug habits. Stokes strongly believed in spending the necessary time to "protect the public from future crime and to change the behavior and/ or rehabilitate the defendant" (Zukerman, Daiker & Lear Co., L.P.A., 2015).

During her time on the Cleveland Municipal Court bench, Judge Stokes was also instrumental in establishing Project HOPE (Holistic Opportunities and Preventative Education), a program for offenders, with the mission to use the criminal justice system not only to stop the commission of crimes, but to also see the offenders as victims in need

of serious life changes to reduce recidivism and help them become positive, productive members in the community with legitimate gainful employment. Through Project HOPE, referrals are made for alcohol and drug abuse assessments for recommended treatment and residential, intensive out patient, and outpatient counseling; mental health assessments and recommended counseling; HIV and other STD screening; recovery support groups; vocational skills assessment and training; GED classes; social services; and temporary housing services. Participants are awarded certificates of achievement for their progress.

Judge Stokes also established the “Come and See” Speakers Bureau where distinguished community speakers volunteer their time to address the Project HOPE participants at the monthly compliance dockets. The program’s partners include Cleveland Clinic, Cuyahoga County’s Child Support Enforcement Agency, Cleveland Scholarship Program, Cornerstone of Hope, Dress For Success.

Stokes came under immense scrutiny by the administrative and presiding judges; Larry A. Jones and Ronald B. Adrine (both African Americans) of Cleveland’s Municipal Court, who Stokes’ attorneys say were more concerned with processing cases quickly and not using court resources when such resources are warranted” (Zukerman, Daiker & Lear Co., L.P.A., 2015).

In an interview with Judge Stokes’ attorney, Editor-in-Chief Kathy Wray Coleman of Cleveland Urban News, Ohio’s most read digital Black newspaper, found that some of the claims against Stokes unfairly dated back 15 years and were dismissed in unrelated proceedings before the Office of Disciplinary Counsel that ended in her favor. Coleman says according to her sources, “Judge Adrine who is both the presiding and

administrative judge of the Cleveland Municipal Court is the impetus behind the complaints against Judge Stokes, coupled with efforts by White folks to take over the largely Black court to merge it into the largely White Cuyahoga County Court of Common Pleas, a general division court” (Wray-Coleman, 2013). Coleman noted that Stokes’ attorney stopped just short of calling the proceedings racist and sexist, that sentiment was echoed by Cleveland’s Ward 6 Councilwoman Mamie Mitchell. One attorney said that “part of the problem is that Stokes sometimes goes against the grain for what she believes in”” (Wray-Coleman, 2013).

The Cuyahoga Common Pleas Court hears felonies and civil cases with damages sought in excess of \$15,000. That court has a Democratic majority and is led by chief Judge Nancy Fuerst, also a Democrat, and has 34 judge seats, and only three of those seats are held by Blacks (all Democrats), including Judges Lance Mason, Shirley Strickland-Saffold, and Cassandra Collier-Williams.

In their 2011 endorsement of Judge Stokes, staff writers commented on the politics concerning Judge Stokes, “We are not so naïve as to not know that some of the opposition to Judge Stokes is the settlement of “old grudges” held against the Stokes brothers. Opposing her is a chance to settle some old scores now that they are no longer on the political scene” (Call & Post, 2011).

On October 2014, a formal 49-page misconduct complaint was filed with the Ohio Office of Disciplinary Counsel against Judge Stokes. The complaint reads as follows, “Since taking the bench in 1995, respondent has consumed a disproportionate amount of the court’s human and material resources due to her inability to administer her docket in a timely manner, her lack of organization, and her unreasonable expectation

that all court employees be at their beck and call” (Board of Commissioners on Grievances & Discipline, 2013).

The complaint also accuses Stokes of abusing the constitutional freedoms of defendants and other individuals entering her courtroom, making hasty decisions and imposing burdensome conditions upon defendants. The Disciplinary Counsel’s complaint goes on to read, “Starting in or around 2000, the Cleveland Municipal Court began enacting several “court-wide” rules to address respondent’s inordinate consumption of court resources. In addition, each department within the court has revised its policies and procedures to address issues created by respondent’s behavior, actions, and demands” (Board of Commissioners on Grievances & Discipline, 2013).

The complaint also suggested that Judge Stokes be evaluated for mental illness. To that complaint, Judge Stokes provided a statement to the Cleveland Plain Dealer, which reads,

I have been a dedicated judge on the Cleveland Municipal court for the last 18 years, having recently been re-elected by the voters of the City of Cleveland. I have worked tirelessly over this period of time doing my very best to be fair and impartial to all those who have appeared in my courtroom. While the recent Complaint filed before the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court contains allegations concerning alleged abuse, I am most troubled by the assertion that I may be suffering from a mental illness which interferes in my ability to serve as judge. I have never had mental health issues and will vigorously defend, in the appropriate forum, any suggestion along these lines” (Board of Commissioners on Grievances & Discipline, 2013). She further stated, “While the recent editorial of The Cleveland Plain Dealer cites Disciplinary Counsel’s Complaint against me reads as if fact; nothing could be farther from the truth. I am in the process of formulating my defense with the assistance of counsel, and will indeed provide evidence which places the allegations in context (Board of Commissioners on Grievances & Discipline, 2013).

On March 14, 2014, Cleveland Municipal Court Administrative Judge, Ronald Adrine, determined that Stokes should no longer hear criminal cases and her criminal cases were reassigned to other judges. Adrine made the decision after the Cuyahoga County Public Defender filed a motion to avoid having their clients' criminal cases heard by Stokes. Criminal cases make up a larger majority of the cases heard in municipal court. The municipal court typically hears cases involving criminal charges of domestic violence, DUI and assault, among others. Stokes did keep her civil cases and the cases from magistrates she was assigned to review.

Evidence from her disciplinary hearings revealed that,

Judge Stokes is an uncommonly conscientious judge that spends considerable time and effort to ensure that the constitutional rights of defendants are protected, taking into account the rights of victims, as well as maintaining the goal of protecting the public...rather than quickly “processing” defendants before her by simply imposing fines to clear cases off of her docket, Judge Stokes spends considerable time with defendants to ensure that their constitutional rights are protected and/ or to determine whether defendants could benefit from mental health or social services through the Court’s probation department (Zukerman, Daiker & Lear Co., L.P.A., 2015).

According to the court brief, “The time and care that Judge Stokes takes with the defendants before her allegedly resulted in her daily docket moving slower than other Cleveland Municipal Court judge dockets. The resultant slower moving docket, additional use of “human and material resources”, and additional requests for mental health evaluations”, have clearly led to the filing of the disciplinary action (that precipitated her removal from the bench) (Zukerman, Daiker & Lear Co., L.P.A., 2015).

According to Stokes' attorneys, "Many of the so-called 'Specific Examples of Misconduct' that Relator asserted in support of the Order granting an interim suspension were nothing more than abbreviated conclusory statements (without supporting documentation) that taken out of context, completely misconstrued what actually occurred during the court proceedings (Zukerman, Daiker & Lear Co., L.P.A., 2015).

The complaint against Judge Stokes was reviewed by the three-member bar committee, and was ultimately determined by the Ohio Supreme Court, a seven-member majority White and largely Republican court, led by Republican Chief Justice Maureen O'Connor (former one-term lieutenant governor who served along-side of two-term former Ohio Republican Governor Bob Taft). O'Connor was first elected to the high court in 2003, and won election to the chief justice seat in 2011.

On December 18, 2014, the Ohio Supreme Court temporarily suspended Stokes's law license. Just one year later, On December 22, 2015 the Cleveland.com news site reported, that in exchange for having all 2013 charges dropped, Judge Stokes struck a deal with the Ohio Supreme Court's Office of Disciplinary Counsel to retire from the bench and "never run for, seek, accept appointment to or hold any judicial position in any state court, excluding federal court positions." (Namik, 2015). After 20 years on the bench as a Cleveland, Ohio Municipal Court Judge, Angela Stokes, the daughter of a civil rights icon, was working at Chick-Fil-A restaurant (Namik, 2015). On July 29, 2016, Stokes' law license was finally restored.

Judge Carole Squire

Democrat Judge Carole Squire, a native of Springfield, Ohio, has been a practicing attorney for over 30 years and served on the Common Pleas Court Juvenile

Unit of the Franklin County Domestic Relations Court for six years. Squire graduated from The Ohio State University with a Bachelor of the Arts degree in English in 1974, and a law degree from The Ohio State University's College of Law in 1977. Prior to coming to the court, Squire worked in Washington, D.C. as an attorney adviser to the Navy. She taught both Temple University Overseas and Central Texas University Overseas and taught the course "The Juvenile and the Law" as professorial lecturer at American University.

Squire later served as the Assistant Ohio Attorney General for the Crime Victims section. She also served as an Assistant Prosecutor in Franklin County, prosecuting cases in the juvenile unit for several months; and she worked as Staff Attorney for the Ohio Legal Rights Services in Columbus, Ohio, representing the mentally retarded and developmentally disabled juveniles. Squire is the founder and director of 'The Moses and Miriam Project'. The goal of the project is delinquency prevention and to break the pipeline to the criminal justice system. The project offers a mediation program for parents and children, and tutoring for preteens and teens. Squire's career on the bench began as a magistrate on the Franklin County Common Pleas Division Domestic Relations and Juvenile Branch, before running unsuccessfully for judicial office in 1994.

Squire's commitment to social service can be seen in the numerous roles she held prior to coming to the judiciary and the programs she implemented while on the judiciary. She was an active volunteer and a board member for the 'Give the Children a Chance' program in Youngstown, Ohio. While living in Youngstown, she also organized and led vigils for families, friends, and community members for children who had been murdered in Youngstown. Squire worked briefly in Youngstown, Ohio as a Christian

radio talk show host on the WGFT Y'town Radio Program entitled 'Youth Agenda'.

Squire also spent time in private practice, and she again ran for the judiciary in 2000.

In a newspaper article for a community paper while campaigning for her judicial office, encouraging voters to look at the background of judicial candidates, Squire was quoted as saying, "You can be dedicated to family healing, or you can be a people pleaser...I won't be a people pleaser on the bench. This is my life's work, my reason for being on this earth. It's too dear to me to politicize" (Squire, 2000).

Squire, a Democrat, first came to the bench in 2001 after running for an open seat, vacated by Judge George Twyford. She beat former Republican Assistant County Prosecutor Harlan H. Hale (the candidate endorsed by the Franklin County Trial Lawyers Association), becoming only the second African American woman in Franklin County to be elected to the Domestic Relations bench. She succeeded retiring Judge George W. Twyford.

In accordance with her rulings, Squire cannot be said to be extreme right or extreme left. In one instance, she had the most denials of all Ohio state court judges on judicial bypasses to allow girls to have abortions without parental consent. She denied bypasses in seven cases in 2003, while approving five. In the previous two years, she approved 22 requests and denied only two (Trexler, 2003). Columbus Dispatch writer Bruce Calwallader wrote, "Some former judges, including Carole Squire and the late George W. Twyford, usually denied the requests on moral grounds, court officials said" (Cadwallader, 2008). The same article quotes Squire as saying, "I don't think it's appropriate for a family court judge to flagrantly disregard the parents' authority...I don't believe (judges) are applying the law correctly. Good grades in school is not dispositive

of being sufficiently mature.” (Cadwalleder, 2008). The article notes that “As her conservative stance became known, fewer bypass hearings came her way, she said” (Cadwalleder, 2008).

While on the bench Judge Squire continued her commitment to service. She was a big supporter of Court Appointed Special Advocates (C.A.S.A.), and it was a great honor to her to swear in C.A.S.A volunteers. Squire served on the Youth Advocate Services Board. On that board, she found that agencies were paying caregivers who took care of white foster children more than they paid for the care of black children. She also served as a board member for Art’s for Child Safe America and Community Mediation Services of Central Ohio. She was trained in mediation for divorce and domestic violence cases. She also brought her community-based reading program Project R.E.A.D. (Reading for Enlightenment and Delinquency Prevention) to the court. Project R.E.A.D. is a phonics reading program that offered books on tape to middle and high school detainees with the Franklin County Detention Center. The program, which was previously offered in churches throughout the community, was very near and dear to Squire and reflected her passion for rehabilitation of juvenile offenders (Squire C., 2010). All of the books offered through Project R.E.A.D. were autobiographies of children who had overcome abuse, neglect, and dependency, and a guy on death row read the books on tape to allow non-readers to follow along and learn to recognize words.

On October 10, 2005, Judge Squire’s character and integrity came under tremendous attack on accusations brought before the Ohio Supreme Courts panel of the board of commissioners on grievance and discipline that she had been rude to attorneys, refused to handle cases properly and engaged in questionable legal actions in two cases.

The complaint was amended on March 2, 2006, Relator, Disciplinary Counsel, charged respondent with four counts of misconduct involving 40 violations of the Code of Judicial Conduct and 12 violations of the Code of Professional Responsibility. After hearing the complaint against Squire beginning in August 2006, The Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio recommended that Judge Squire be suspended from the practice of law on March 19, 2007 (Marshall, 2007).

When Percy Squire, Judge Carole Squire's husband sought to defend her in disciplinary proceedings, the Ohio Supreme Court's disciplinary officials launched an attack against him and began what some have called a "fishing expedition" by Ohio Disciplinary Counsel Jonathan E. Coughlan. Counsel officials began calling his clients and digging into his past in an attempt to find wrongdoing. The problem with the disciplinary case against Percy Squire is that there was never a complaint that Percy ever took any money, but the convoluted slush fund issue gave the impression that he had done something wrong. The disciplinary counsel pursued Percy and took his law license on a technicality, and he was given an indefinite suspension as described by The Columbus Dispatch (Ludlow, 2015). Percy Squire originally filed a request on July 9, 2014 to be reinstated. In a statement to the counsel on October 30, 2015, he wrote that he was primarily suspended because court investigators "improperly obtained evidence by questioning four of his clients without telling them they had attorney-client privilege...this is clearly irregular and highly prejudiced" (Ludlow, 2015) His law license was re-instated on December 8, 2015.

Carole Squire ran for re-election in the General Election on November 7, 2006. Christopher Geer challenged her in that election. Results from that election between Squire and Geer declared Geer the winner by a vote of 137,941 to 124,877, a margin of 13,064. In a recount on December 14, 2006 the Franklin County Board of Elections the count was 137,979 to 124,910. When Carole Squire contested the Franklin County judgeship election between she and Chris Geer, Investigator, Rady Ananda, observed torn and missing Voter Verified Paper Audit Trails (or Real Time Audit Logs) in 35 precincts. Squire sued stating that “Christopher Geer was not the legally elected candidate for the Office of Judge of the Common Pleas Court because of gross irregularities, fraud, and stunning violations of Ohio law that occurred in connection with the casting of ballots, tabulation of votes, and recount procedures which affected enough votes to change or make uncertain the November 7, 2006 election results.”

According to Squire, more votes were cast on November 7, 2006 than signatures appeared in election precinct poll books. She found that numerous voters signed precinct poll books where votes were never recorded on Franklin County voting machines, and that recount procedures mandated by the Ohio Secretary of State were not followed by the Franklin County Board of Elections in connection with the Squire/Geer recount, and finally that contrary to the mandatory requirements of Ohio law the electronic voting system deployed by Franklin County for the November 7, 2006 General Election was not certified by an independent testing authority or the Ohio Secretary of State. As such, Squire expert Dr. Mercuri concluded that the election should be set aside and declared invalid and that Squire be declared elected to the Office of Judge of the Court of Common Pleas, commencing January 5, 2007. Chief Justice Thomas J. Moyer granted

Squire's affidavit to set aside the election results pending her civil action. Moyer also appointed visiting judges from outside Franklin County to preside over all further proceedings in this action. The Ohio 10th District Court of Appeals ruled in favor of Geer. The Ohio Supreme Court Affirmed the lower court's decision.

Purpose of the Study

The purpose of this qualitative study was to apply an intersectional lens to understanding the experiences of three black female judges, and their ascendancy and removal from the judiciary in major cities in Ohio. There are a very limited number of studies on the intersectionality of race and gender in the judiciary and even studies which look at race and gender separately, this suggests that there is a need to understand changing demographics and composition of the courts (such as the increased presence of female African American or Latino jurists), and the responses of political actors to women and Blacks holding views contrary to the status quo.

Unlike most studies of the judiciary relative to race and gender, which seem to focus their research around judicial decision-making, this study focused on the structural composition of the bench, and the challenges faced by women of color, which may have implications on their ascendance within the judiciary. Studies have been done on the intersectionality of race, gender, relative to business (Hayes, 2008; Kenney, 2012; Weatherspoon-Robinson, 2013), and political affiliation (Collins & Moyer, 2008; Schreiber, 2013; Dixon, 2009), and a few relative to judicial decision-making (Ifill, 2004; Kenney, 2013; True, 2013; Christensen, Szmer, & Kreis, 2014; True, 2013), but such studies concerning the environmental aspects in which African American female judges

exists, holding a different political affiliation than the dominant party, appears to be absent from the body of knowledge.

Since research in this area seems to be lacking, it requires the extension of knowledge gained from the available work on judicial decision making to build an understanding of the environmental aspects of the judiciary. Such a trajectory can be made from the work of Pat K. Chew and Robert E. Kelley (2009), whose work on judicial decision-making offers empirical support for a more racially diverse judiciary. They conclude that, “An increase in the number of judges of color promises to increase diverse perspectives in the judicial system and to help unveil the complex reality of racial dynamics in the workplace” (pp. 1117-1118). Their work uses a realist model as opposed to a formalist model used in previous studies on judicial decision-making.

The use of the realist model leads Chew & Kelley (2009) to understand that unlike the conclusion held by formalists, “the judges’ race does make a difference since judges, like everyone else, are products of their own societal experiences and social forces” (p. 1160). They conclude that while both Black and White judges apply legal principles, these principles are interpreted differently “with the benefit of varied perspectives that are integral to the just resolution of racial harassment cases” (p. 1162). Their study “reinforces the need for the judiciary to be representative of the public it serves. Judges do not make decisions in racial harassment cases in a color-blind legal system. As a legal community and as a diverse society, we should not be blind to the color of judges” (p. 1163).

Building on the work of Sally J. Kenney (2013), Michelle Alexander (2012) and Sherrilyn A. Ifill (1998, 2000, 2004), I wish to examine the role of these African

American women in the judiciary, Backlash, and the structural impediments that they face. Alexander (2012) highlights the issue of mass incarceration of African Americans, and describes the justice system as an environment of comprehensive and well disguised racialized social control, which functions in a manner strikingly similar to Jim Crow.

When taken with Ifill's discussion on the structural nature of impartiality, Alexander's (2012) premise surrounding racialized social control raises significant concerns about the exclusion of Black women from the bench and the implications concerning mass incarceration. And, Kenney's understanding of diversity and the way in which female jurists tend to adhere to the status quo conceptualization of justice, and the way that female jurists resists the notion of difference as it relates to judicial decision-making, challenges Ifill's belief that diversity can produce impartiality or that racial and gender diversity can ensure that judicial decision-making includes the variety of competing perspectives and viewpoints that exists in the community" (p. 82). Ifill (2004) admits that a diverse composition of the bench cannot alone ensure the diversity of thought and substantive representation. This led me to believe that it is possible that some politicians rather than challenging structural impediments for Blacks, may instead be acting as agents to sustain the status quo, and thus further inhibiting the ascension of Black judges and contributing to the continual marginalization of Blacks coming in contact with the court system.

Kenney's work comes closest to helping to explain the dynamics of gender as a social process, which is precisely what I am attempting to understand as it relates to gender, race, and politics. She advocates for a judiciary made up of at least 50% women.

Using her model of how to look at gender as a social process, I situate my inquiry in the state courts in Ohio, focusing on the intersectionality of gender, race, and politics.

Rationale for Approach

Intersectionality

My study explored the intersectionality of race, gender, and political ideology to better understand the challenges of differing worldviews and the possibility of competing values that may be contrary to the status quo. This study is important because it provided insight into the challenges that some African American female elected officials face in environments, which have historically marginalized, discriminated against, and oppressed women, African Americans and other ethnic groups. Intersectionality theory has been used to examine the ways in which categories such as race, gender, class, sexual orientation and other markers of identity work together to subject certain groups to marginalization (Crenshaw, 1991). These studies have been primarily centered on other elected leadership and office holders, such as those in congressional, statewide, state legislative, county, municipal, and school districts (Reingold, 2006). Studies such as these have also provided empirical evidence of the unique role women of color have played in advancing descriptive political representation of people of color and of women in the United States. This study filled the gap for the need of a similar type of study on the judiciary, especially considering the historical nature of politically and judicially sanctioned racism in this country and because of ongoing efforts by conservative political forces to use the power of the judiciary to overturn civil rights legislation by the U.S. Congress.

Many studies have been done on judicial diversity; for the most part they have focused singularly on either race or gender, with very few studies looking at the intersectionality of both race and gender. Most of these studies (Negowetti, 2012; Mutua, 2014; Reddick, Nelson, & and Caufield, 2009) have concentrated on judicial decision-making and have been quantitative in nature; primarily using large datasets to examine the extent to which race or sex impact decision-making. These studies have been mostly inconclusive. The challenge with the sole use of quantitative studies to understand the nuances of the judiciary is that they can only expose part of the story, in that they fail to capture the experiences of those impacted by the system and they are not able to critically analyze the political environment. An understanding of the political environment is significant in gaining insight into certain aspects of the judiciary.

Critical Race Theory

In her discussion on recent developments in critical race theory, Lois Tyson (2015) points out that “racism has not disappeared: it’s just gone ‘underground’” (p. 350). Tyson states that “racial injustice in the United States is still a major and pressing problem, it’s simply become less visible than it used to be” (p. 350). She further explains the sly nature by which racism is practiced to avoid legal prosecution. Tyson (2015) suggests that critical race theory is useful in investigating both obvious issues of oppression and “details of our everyday lives that are related to race, though we may not realize it.” Critical race theory, as Tyson (2015) explains is also useful in understanding the complex beliefs that underlie what seem to be simple, commonplace assumptions about race to show us where and how racism still thrives in its “undercover” existence (2015, p. 357).

Tyson draws from the six basic tenets of critical race theory derived from Richard Delgado and Jean Stefancic's work. The basic tenets include everyday racism, interest convergence, social construction of race, differential racialization, intersectionality, and voice of color. Several of these tenets may be valuable in carrying out my research on the judiciary. For example, under the category of everyday racism a critical theory approach might look at people's denial of the existence of racism. Tyson illuminates Philomena Essed's understanding of how racism is experienced, communicated, and how it can be countered. For example, racism may be experienced in such a way that the abilities of minority persons might be constantly underestimated, such as "immediately assuming that typos in their writing are due to language deficiency" (Tyson, 2015).

Interest convergence is another category that Tyson (2015) suggests that critical theorists should pay attention to. This particular category, as she explains is "one of the primary causes, if not the primary cause of racism (Tyson, 2015). In this instance, she discusses Derrick Bell's example of interest convergence, which explains how racism "often overlaps with the interest—with something needed or desired—of a white individual or group (Tyson, 2015). Tyson (2015) explains, "The desire to advance oneself in the material world determines the ways in which the dominant society practices racism". Even successes in the area of civil rights "coincide with white self-interest" (p. E-book version-Loc 343).

Tyson (2015) includes the social construction of race in her discussion on the basic tenets of critical race theory. She discusses the way in which race has been constructed to relegate people to a cultural hierarchy based on biological categories to define those with certain characteristics (usually lighter skin color) as being superior to

others (Tyson, 2015). This type of construction generally goes beyond skin color in attributing certain negative attributes to those with darker skin color. Such construction may be better understood in combination with Kenney's (2013) discussion on backlash. Kenney identifies several ways that backlash occurs for women in general. She includes things like hostility, discrimination, challenges to women's positional authority, increased misconduct allegations, and the ultimate removal of female judges as indicators that backlash has occurred (Kenney, 2013). Social constructions of race, with an emphasis on intersectionality of race and gender in accordance with critical race theory may illuminate any of these instances in the case of the three black judges in my study.

Tyson (2015) provides an understanding of how "race intersects with class, sex, sexual orientation, political orientation, and personal history in forming each person's complex identity" (Tyson, 2015, pp. E-book edition, Loc. 359). Drawing from Delgado and Stefancic, Tyson (2015) says, "Everyone has potentially conflicting, overlapping identities, loyalties, and allegiances...Such a person will suffer oppression from more than one source and often have difficulty knowing the reason they are encountering discrimination in any given instance (Tyson, 2015, pp. E-book edition, Loc. 359). This is precisely why it is important to explore the intersectionality of race, gender, and political affiliation relative to the judiciary. Gender alone cannot account for what might be occurring in the case of the three black female Democrat judges in my case study, however in looking at the three of them in one case study may help illuminate some similarities in their situations that ultimately indicates a different phenomenon than mere gender difference.

Finally, Tyson (2015) places emphasis on Delgado and Stefancic's voice of color theory as part of her discussion on the tenets of critical race theory. In this instance, she allows for the unique voice of the researcher who might share a similar background to interject a better understanding of the way that race and racism is experienced, because they experience racism directly. As a Black woman, I bring my unique perspective of intersectional understanding of race and gender, but more importantly I couple my experiences with a scholarly understanding of how others have studied and documented the operationalization of race and racism in various disciplines.

Historical oppression in the U.S. places courts in a position of moral and legal obligation to women and African American's to ensure equity and fairness in system. Using a critical lens, I analyzed the current perspectives of the court and systems that impact the empowerment of African Americans and women, and the inherent problems associated with this understanding as it relates to racism and sustaining privilege for some. Critical theory enabled the opportunity to better analyze the fairness, or the appearance of fairness of such systems that either enable sustaining systems of oppression or prevent the opportunity for blacks and women to prevail within the court system. This lens also identified aspects of structural systems that lead to marginalization and the prevention African Americans to prevail or feel as though they do not have the opportunity to prevail in such a system.

It was helpful to include a Black feminist and a womanist voice, since these concepts already provide an intersectional understanding of gender and race, but Black feminism and womanism alone was not sufficient to explain all the nuances that Black women might encounter within the political sphere. Additionally, I analyzed the specific

cases of the three African American female judges and how they positioned themselves as a result of either being excluded or having the perception of being excluded from the ability to operate with the full judicial authority for which they were elected, as the three judges in my case study were all strategically removed from the bench, by way of suspension from the practice of law. Finally, I examined how their positionality impacted their ability to make a difference within the judicial system.

Black Feminism and Womanism

The traditional feminist frame has been challenged by African American women, who seek to find ways to reconcile the concept of feminism with Black female difference with respect to the concerns of the black community, “as Alice Walker did when she called herself a ‘womanist’ because she works for the survival and wholeness of her people, men and women both, and for the promotion of dialogue and community as well as for the valorization of women and of all the varieties of work women perform” (Tyson, 2006, p. 107). In their article, *Do Female “Firsts” Still Matter? Why They Do For Female Judges of Color*, Amber Fricke and Angela Onwuachi-Willig (2012) conclude, “While there may be a need for “feminist” or “womanist” judges, that call is a different one than the call for women of color judges” (Fricke & Onwauachi-Willig, 2012). The distinction that they make between women of color as a collective and “feminist” or “womanist” is the acknowledgement that it is not enough to merely have descriptively representative women on the bench. To ensure that the women who hold these positions add value, it is necessary that their representation “enhances the deliberative decision-making process on panels”, provides a broader diversity of thought about legal issues,

and incorporates life experiences that have up to now been foreign to the bench (Fricke & Onwauachi-Willig, 2012).

Fricke & Onwauachi (2012) are careful to note that merely bringing a woman of color or even two women of the same race to the bench may not ensure a diversity of thought, because there is no essential characteristic of any group of women. In addition to applying a critical race theory lens, it is also necessary to apply a Black feminist and a womanist lens to distinguish between specific tendencies or characteristics of black women who might be more inclined to challenge the status quo. These characteristics may not be immediately apparent when solely applying a critical race or a feminist lens.

Some African Americans advocate for an ethnic cultural feminism, “which is concerned more with the particular female cultural values of their own ethnic group rather than with those of women in general”. Ethnic cultural feminism “celebrates the unique feminine cultural values that black women have developed despite and often because of their oppression” (Tyson, 2006, p. 107).

Chapter II: Literature Review

As more African American women gain access to the judiciary and find themselves in positions of authority, they inevitably view the justice system from a different perspective than prevailing white, male-oriented discourses, which have sought to maintain the status quo. Such systems have been criticized by critical race theorists as sustaining post-colonial systems of oppression directed towards individuals classified as “other” (Tyson, 2015). In these situations, it would not be unconscionable to perceive that judges of particular political persuasions or those sensitive to such issues of injustice, directed towards groups they might identify with, might find themselves conflicted when rendering judgment, especially in cases where they perceive the existence of injustice.

Patricia Hill-Collins (2000) provides a cogent argument supporting the need for Black feminism, due to “African American, Latino, Native American, and Asian-American women have criticized Western feminisms for being racist and overly concerned with White, middle-class women’s issues” (p. 5). In her book, *Black Feminist Thought*, Patricia Hill-Collins (2000) places Black women’s lived experiences and ideas at the center of analysis using multiple theoretical traditions. Collins (2000) says, “The Political dimension of oppression has denied African American women the rights and privileges routinely extended to White male citizens. Forbidding Black women to vote, excluding African Americans and women from public office, and withholding equitable treatment in the criminal justice system all substantiate the political subordination of Black women” (p. 4). Collins (2000) couples this articulation of Black women’s

experiences with a discussion on the way in which “racist and sexist ideologies permeate the social structure” are seen as “natural, normal, and inevitable” and these ideologies are used in such a way to justify oppression (p. 5). She expounds on this discussion explaining, “Black women’s exclusion from positions of power within mainstream institution has led to the elevation of elite White male ideas and interests and the corresponding suppression of Black women’s ideas and interests in traditional scholarship” (Collins, 2000, p. 5).

Collins (2000) advances a Black feminist thought worldview as a “critical social theory” due to its oppositional thought, empowerment, resistance to injustice, and commitment to justice for black women and for similarly oppressed groups (2000, p. 9). She also offers an understanding of how Black feminism can be used to “investigate how intersecting oppressions of race, gender, and class foster contradictions” of womanhood, which exclude or marginalize Black women’s realities (Collins, 2000, p. 11).

Collins (2000) acknowledges that “Empowerment remains an elusive construct” and cites the need for “developing a Black feminist politics of empowerment by specifying the domains of power that constrain Black women, as well as how such domination can be resisted” (p. 19). Collins (2000) further explains the way in which “Black women’s collective wisdom challenges claims that subordinate groups either identify with the powerful and have no valid independent interpretation of their own oppression and that the oppressed are less human than their rulers, and therefore less capable of interpreting their own experiences” (2000, p. 25).

Collins (2000) advances a theory of group consciousness and a group standpoint of Black feminism that can help “shape unjust power relations, standpoints which are not

static” (p. 25). Collins (2000) explains how Black women’s “group location in intersecting oppressions produced commonalities among individual African American women, that may predispose Black women to develop a distinctive group consciousness expressed by African American women and other oppressed groups as being not of our own making or inferior to that of dominant groups” (p. 25). Collins (2000) further explains that perceptions such as these “suggest that the alleged lack of political activism on the part of oppressed groups stems from our flawed consciousness of our own subordination” (p. 25). Collins says, “despite common challenges confronting U.S. Black women as a group, diverse responses to these core themes characterize U.S. Black women’s group knowledge or standpoint” (p. 25).

Finally, Collins stresses that “no homogeneous Black women’s standpoint exists”, she explains “There is no essential or archetypal Black woman whose experiences stand as normal, normative, and thereby authentic” (p. 28). Her discussion centers on the fact that societal practices that refuse to acknowledge such differences in Black women “restrict us to inferior housing, neighborhoods, schools, jobs, and public treatment and hide this differential consideration behind an array of common beliefs about Black women’s intelligence, work habits, and sexuality. These common challenges in turn result in recurring practices of experiences for individual group members” (p. 25).

Collins (2000) points out that “Black women’s political struggles to transform racist and sexist institutions represent a more overtly radical political thrust...Black women cannot be content with merely nurturing their families and communities because the welfare of those families and communities is profoundly affected by the injustice that characterize U.S. political, economic, and social institutions” (p. 207). She discusses two

forms of U.S. Black women's activism, including struggles for group survival that do not directly challenge oppressive structures and secondly, struggles for institutional transformation.

Efforts towards institutional transformation include "changing discriminatory policies and procedures of government, schools, the workplace, the media, stores, and other social institutions" (Collins, 2000, p. 204). Collins asserts that "strategies of everyday resistance have largely consisted of trying to create spheres of influence, authority, and power within institutions that traditionally have allowed African Americans and women little formal authority or real power" (2000, p. 209). She also suggests that, "it may be more useful to assess Black women's activism less by ideological content of individual Black women's belief systems—whether they hold conservative, reformist, progress, or radical ideologies based on some predetermined criteria—and more by Black women's collective actions within everyday life that challenge domination in these multifaceted domains" (p. 203). Collins discusses the strategies African American have employed in challenging the unfair rules and practices governing the subordination of Blacks (p. 216).

Katie Cannon (1988) introduced a brand of Womanism, or Black Womanist Ethics, which as she explains that "the real-lived texture of Black life requires moral agency that may run contrary to the ethical boundaries of mainline Protestantism. Blacks may use action guides which have never been considered within the scope of traditional codes of faithful living" (p. 2). Cannon uses characterizations of fictional characters to describe the liberation tendencies of Black women in Hurston's literary work. However,

she implies that these tendencies are traits which realistically can be found in Blacks, who find themselves engaged in the fight for freedom.

Cannon explains that there is a difference between “dominant ethics” and Christian ethics in the Black community. She states that “dominant ethics makes a virtue of qualities that lead to economic success—self-reliance, frugality and industry based on an assumption that success is possible for anyone who tries” (p. 2). Recognizing the historical nature of racism, gender discrimination and economic exploitation relative to Blacks, Cannon (1988) says Blacks must “create and cultivate values and virtues in their own terms so that they can prevail against the odds with moral integrity” (p. 2).

In examining the work of Zora Neale Hurston, Cannon (1988) explains how Black women have had to, among other things, “...fight for basic freedoms against the sadistic law enforcement agencies in her community, to resist the temptation to capitulate the demands of the status quo, to find meaning in the most despotic circumstances and to create something where nothing was before” (p. 125-126). Cannon describes such women found in Hurston’s work “who refuse to become inwardly brutalized” as moral agents who “overturn the normative moral structure of the oppressing society” (p. 127). These women, as Cannon explains have “inner conviction that keeps one’s appetite whet for freedom” (p. 144). She describes this type of courage as “the staying power of the Black community wherein individuals act, affirming their humanity, despite continued fear of institutionalized aggression” (p. 144). Cannon’s discussion centers on the myriad of ways that Hurston’s characters “cultivate as a virtue, the ingrown capacity for meeting difficulties with fortitude and resilience”. She says, “Even when daunted by tribulations, Black people are compelled to act to insure their ongoing survival” (p. 145).

Cannon's discussion on this type of Black feminist perspective may shed light on the psyche and potential actions of Black female jurists who find themselves operating in an environment of mass incarceration, while holding political views that run contrary to those of the white male dominated power structure. Cannon's derivation of womanism creates a trajectory in Black feminist politics that although based in biblical faith traditions may open the door to an understanding of how the concept of moral agency might introduce a type of empathy or the care perspective to Black feminism as a social justice concept.

In Kenney's (2008) earlier work, she attempts to non-essentialize the feminist perspective, by acknowledging women's similar experiences of exclusion. Kenney acknowledges the necessity of moving from essential sex differences to a discussion on gender (2008, p. 106). In a sense, while acknowledging the need to move beyond essential sex differences, her more recent work introduces a Black voice through including Derrick Bell's concept of racism, while excluding a distinctively Black female voice (Kenney, 2013, p. 139). Jointly understanding the work of Collins (2000) and Cannon's (1988) earlier work may contribute much to understanding a specific and unique intersectional racial and gender difference between some African American women and the white women characterized in her work.

It has been widely accepted that the criminal justice system should be considered a system of rehabilitation, especially as it relates to juvenile justice (Ecenbarger, 2012). The concept of rehabilitation relative to children stems from the fact that "children are developmentally different from adults and therefore less responsible for their misdeeds, as well as more likely to be rehabilitated" (Ecenbarger, 2012, p. 37). Cannon (1988)

similarly suggests that there is such a difference relative to the actions and survival mechanisms of Blacks and the way that systems of oppression force them to act (p. 145). Cannon's (1988) concept of womanist ethics appears to suggest that in the face of such an ethical challenge, it is the "moral responsibility" and "virtuous" for the Black community to act in selfless ways and to not cower in the face of dominant authority and act in solidarity with the oppressed (p. 144).

A cursory look at the cases of the three judges included in my study suggests that each of them extended a level of empathy or care like Cannon's concept of womanist ethics. And, rather than interpret this empathy and care consistent with the stated intent of juvenile justice, the Black women in my study and others who have exhibited such qualities have instead been criticized. In one instance, newspaper headlines read "Juvenile court judge bans routine shackling in courtroom" (FOX19 Digital Media Staff, 2013). The report explains, as follows:

Judge Hunter believes that the blanket policy of shackling juveniles is not in the best interest of children and contrary to evidence based best practices.

"The research shows that by shackling juveniles that you're treating them as though they are guilty or that they have been adjudicated when in fact they're just here for a hearing," explained Judge Hunter. Hunter adds, "They're already traumatized when they come to court and so when we further traumatize them by shackling them, then we're not helping the situation, and we're certainly not helping to re-habilitate them," said Hunter.

There are times when the policy can be changed. For instance, if the juvenile is at risk of harm to his or herself, the public, the staff, or if there's a chance they'll escape.

"The only way that they would be shackled is if someone whether it's the state, the prosecution, or the sheriff who is transporting the juvenile specifically makes a request that they be shackled," said Hunter (FOX19 Digital Media Staff, 2013).

The writer notes that “some prosecutors have expressed concern with the judge's new policy but could not be reached for comment” (FOX19 Digital Media Staff, 2013).

Also, criticizing Hunter’s decision, in a public post one commenter states,



Amiee Ray · 2 years ago · 100%

I guess we will see what happens when one of those poor souls that was arrested for cold hearted murder gets told that they will be bound over as an adult or a repeat drug dealer gets told they will be spending the next 2 years in a locked down juvenile detention facility and they decide to try to make a run for it or go for one of securities guns. We will see how she feels about the shackles then. And just an FYI if a juvenile is in front of a Judge for any reason it is for a felony offense not for something simple like not going to school. They are in front of them for a very serious reason. And if I were the victim of a serious crime I personally no longer care about how that individual is feeling when they are brought to court. I don't think she even cares about the victims at all.

Like Reply

Amiee Ray’s comments ignore the fact that Judge Hunter has already made allowances for altering the policy in cases of more serious offenses. Hunter also cites evidence based research suggesting that the practice of shackling children is not in the best interest of the child relative to the trauma imposed and with regard to rehabilitating them. The article also explains that policies preventing shackling of children has been implemented as a best practice in states such as New York, Illinois, and Florida.

In an article criticizing Judge Angela Stokes lack of timeliness in ruling on and disposing of cases, Cleveland.com journalist Mark Nayika (reporting for the traditional mass media outlet) writes,

In the latter, I urged voters to look past her political name and support her opponent in her re-election bid. I pointed out that Stokes had received a zero rating in the fall of 2011 from four separate legal groups, which go to great lengths to vet judges. Stokes, on the bench since 1996, easily won another term.

But during the last couple of weeks, the Ohio Supreme Court's Disciplinary Counsel has been trying to talk to court staff, attorneys and others about Stokes' performance and behavior. It's unclear exactly what the Supreme Court is after, or if anything will come of such a review. But

the Supreme Court, which ultimately can sanction or remove a judge, is sniffing around because Stokes still bugs a lot of people.

First, there's the prosecutors and attorneys fed up with her tedious courtroom pace. Court staff, especially the "blue shirt" deputies assigned to her, are frustrated with her frequent demands and dismissive attitude toward them.

And, of course, the people who appear before her on misdemeanor charges involving traffic violations, drug possession, dog attacks, prostitution, domestic violence and small civil cases, are angry. Sure, sometimes defendants deserve what's coming to them.

Nobody is bothered by the sweet-voiced daughter of famed Cleveland Congressman Louis Stokes, who has demonstrated over the years how deeply she cares about troubled women. They just don't like what she becomes when she puts on the black robe, sits in Courtroom 15-C and makes time stop (Naymik, 2013).

In Cleveland's Black media publication, *Call & Post* (2013), the Editorial Staff writes,

This newspaper takes exception to the political and media treatment levied at Judge Angela Stokes. With a snarling horde of enemies, old and new, hungry to shred her judicial robes, we felt obliged to let Judge Stokes use our paper last week to speak for herself but now it's our turn.

Is Angela Stokes a perfect judge? No. Does she have her idiosyncrasies in the deliverance of her duties as a Cleveland Municipal Court judge? For sure she does. But let's be clear – to allege that she is suffering from a mental illness is outrageous and rings of heavy-handed political demagoguery.

It's one thing to have a problem with the lack of timeliness and management of her court docket and the disposing of cases in a timely fashion, but it's an entirely different thing to suggest that because of it she be ordered to undergo a psychiatric exam.

We refuse to believe that some of those behind these actions are not imposing an "agenda" that may go back to before Judge Angela Stokes was even born.

Judges from time immemorial" have been notorious for their temperament and eccentricity on the bench. But we have stated before that this 97-year-old newspaper has a long memory.

A multitude of odd and quirky judges have come and gone, but what is happening to Judge Stokes is disgraceful. Two years ago, in this paper, we stated that we are not so naïve to think that attacks on Angela Stokes isn't

an attempt to settle an old grudge held against the strength of Black politics in Cleveland led by the Stokes brothers more than 40 years ago.

Judge Stokes has maintained that her painstaking assessment to the often-infinitesimal details of each and every case has nothing to do with docket efficiency. Stokes suggests that it has everything to do with making sure that the people who come before her, who are often times poor and underserved within the legal system, gets the necessary amount of time to achieve justice.

Let us not forget that Judge Angela Stokes is an "elected" judge.

Her approach is different and has not often ingratiated itself to many of the attorneys that have found themselves in her court. But to say that she is mentally ill is, well, crazy!

Nayika begins his criticism of Stokes by stating his own bias and preference for her opponent, then suggests to readers that the Ohio Supreme Court, in defiance of citizens who elected her to the bench is "sniffing around" in search of a way to remove her from the bench, because "Stokes still bugs a lot of people". He goes on to define her in terms of her political father, her sweet voice, and how deeply she cares for troubled women.

The Call & Post Editorial Staff similarly notes that Judge Stokes painstaking and labor-intensive approach to looking at cases is less about efficiency and more about her desire to ensure that the poor and underserved achieve justice in her courtroom. Both papers acknowledge that there is an issue of Judge Stokes not quickly ruling on cases, but each publication interprets the act, and the way she is treated relative to this issue very differently. Nayika notes her compassion and quickly dismisses it as being inefficient, while the Call & Post Editorial Staff deals with the necessity of administering justice. By referring to her status as an "elected" judge, Call & Post Editorial Staff seem to be implying that Stokes has already been properly vetted by the electorate.

In a story published by the Columbus Dispatch, Judge Carole Squire and rival judge, Jim Mason debate surrounding politics and the protection of children, during their run for Franklin County Domestic Relations Court judgeships (Dean, 2006). The article reads,

Opinions on how to keep children out of trouble, and jail, varied widely. And the importance of judicial temperament was an undercurrent, especially surrounding the remarks of embattled sitting Judge Carole Squire.

Fellow incumbent Judge Jim Mason touted his experience and repeated his top ratings by lawyers, along with his accessibility and patience, as reasons why he should be re-elected (Dean, 2006).

The article highlighted Judge Mason's concerns for ensuring he was highly rated by lawyers. In the article, Mason and his opponent Jay G. Perez both expressed the belief that by the time children made it to the juvenile system it is already too late to help them.

"We're not sending kids off who don't need to be sent off," he said of those with lengthy criminal histories or gun-related crimes who end up in adult court.

Perez countered, "These are children." He decried the process as a "bureaucratic way of saying, 'Let's abandon these kids'" (Dean, 2006).

Judge Squire expressed the belief that "the court mistakenly dwells on lengthy adult cases and not enough on juveniles" (Dean, 2006). The article explains that Squire feels that "any lack of control in her courtroom is brought about by trying to change that and being rebuffed by her fellow judges". "It is literally a struggle every day to maintain control in a court where politics play such a role," she said. She accused her colleagues of not devoting enough care and attention to juvenile cases (Dean, 2006). "We are

definitely experiencing a broken court,” she said. “It’s abused children who are being sacrificed” (Dean, 2006).

Like Judge Jim Mason, Squire’s opponent expressed judicial temperament and relationships with fellow judges as being “paramount to success and building a stronger court” (Dean, 2006). Squire defended her own judicial temperament, stating that she denied that any of the estimated 100,000 parties appearing before her complained about her temperament. She was more concerned with the children and exercising patience in dealing with courtroom challenges. “There is war going on in our court,” she said. “I have fought hard like I would for my own children” (Dean, 2006).

In their differing inferences and the context for which they use the term judicial temperament, Mason and Perez appear to be referring to something different than Squire’s. Both men seem to infer that judicial temperament is somehow tied to their relationships with colleagues. Squire, on the other hand, refers to her temperament towards those appearing before her in court. Her reference to war in the court also seems to be relative to her fight to save the children amidst the political war being waged on her by her courtroom colleagues.

Squire’s concern with protecting children, being patient, and working hard to ensure justice for her clients was in stark contrast to the other judges who participated in the debate. Similarly, the marked difference between the three subjects of this study and their concern for social justice, contrasted with the mindset of other judges and the public suggests that there might be a type of group think or consciousness as Collins (2000) suggests, or an extension of care and a sense of moral agency. It may also reflect, as Cannon suggested, the tendency “to act in selfless ways and to not cower in the face of

dominant authority and act in solidarity with the oppressed” (1988, p. 144). Further study into their case may reveal additional similarities or even differences in their approaches or a deeper understanding of their experiences leading to some of their decisions.

Racial neutrality, colorblindness, and multiculturalism have equally been used as a form of subjugation and as a way of masking difference. In this way, distinctiveness of groups or individuals is ignored and oppressive structures are sustained through the creation of concepts, which promotes not “seeing” certain differences.

Once the exclusive province of white male aristocrats, more women and people of color have entered the legal profession and the judiciary, despite a legal environment that can be described as contentious at best. Since Reconstruction, blacks have slowly trickled into the legal profession, facing various challenges and hostilities such as American Bar Association criteria that systematically excludes black attorneys by making the cut off for acceptance of law schools to the Bar Association one point above the average LSAT score for African Americans, while the average LSAT score for whites is only 10 points above that of blacks. “The ABA generally denies accreditation to any school for which the average Law School Aptitude Test (LSAT) score is below 143. The average LSAT score for African Americans is 142, compared to 152 for whites. This accreditation standard alone causes the ABA to grant accreditation to schools that serve average whites, but to shut down any school that would serve average African Americans” (Shepherd, 2003, pp. 104-105). This institutional example is indicative of how system designs sustain oppression.

Using a more traditional feminist frame and separate lenses surrounding race and gender, Kenney (2013) acknowledges that women have similarly struggled to participate fully in the legal profession, battling patriarchal notions of womanhood and public perceptions about the proper temperament for attorneys and judges (Kenney, 2013). For the most part, women have resisted notions of difference relative to whether they exercise a different voice in judging (Kenney, 2013). This resistance may help to sustain systemic racism and sexism through a form of racial and gender indifference, relegating the power of women in the legal profession to mere descriptive political representation, rather than substantive representation.

Over the past 17 years, theorists have begun to look at new ways to conceptualize the impact of female jurists aside from merely looking at decision-making. One study, for example, investigated changes in the rate of ballot roll-off and the change in behavior of lawyers when there is a change in the gender composition of a state court of last resort (Molette-Ogden, 1998). Studies such as these have demonstrated that the presence of female justices on the bench affected the willingness of lawyers to appeal gender-related cases. Ogden's study also suggests that "the reciprocal relationship between the behavior of lawyers and jurists reinforces the notion of the adjudicative process as not only legal, but also political".

This literature review provides a contextualization of the ways in which difference within the judiciary is masked within concepts such as colorblindness and homogeneity. Colorblindness and homogeneity could subsequently impact the representative function of the judicial role for Black women, while White males, through the notion of impartiality or sameness, are able to sustain a system of privilege.

Resistance to the idea of difference may potentially further complicate this process as members of the judiciary attempt to be accepted within the traditional notions of what it means to be impartial. This literature review further demonstrates how judges who do not adhere to the status quo might be received within the judiciary. Non-merit factors, according to political theorist, Sally Kenney, cast an important understanding of the judiciary as a political entity that warrants further exploration of the judiciary function. Kenney (2013) calls for a revolution in women's representation on the bench. She advocates for a more substantive representation, rather than symbolic or descriptive representation.

When taken with Ifill's (1998, 2000, 2004), Alexander's (2012), and Ware's (2015) arguments, the questions concerning women's ascendancy within the judiciary raised by Kenney (2013) and issues concerning the racial composition of the bench becomes crucial to the issue of mass incarceration, privatization of prisons, and detention facilities, and conversations on fairness, equal protection, and representation.

Racism and Masking Difference

Michelle Alexander (2012) explains the concept of masking difference in her account of the mass incarceration of African American's. Alexander raises the question of how a racial caste system could exist in an era in America "when most Americans of all colors—oppose race discrimination and endorse colorblindness?" In answering this question, Alexander posits, "racial caste systems do not require racial hostility or overt bigotry to thrive. They need only racial indifference, as Martin Luther King, Jr. warned more than forty-five years ago" (Alexander, 2012). It is important to note that

Alexander's work is surrounding the penal system and mass incarceration of African Americans.

Colorblindness has been cast as an idealism that promotes an understanding of justice predicated upon homogeneity of people. Regarding such homogeneity, Wolin (1996) writes, quoting Locke, "What homogeneity makes possible is a species of power based upon non-differentiation... 'which creates a community of individuals with the Power to Act as one Body, which is only by the will and determination of the majority'" (p. 40). Ascribing to this model of homogeneity (sameness) effectively ignores the realities of experience of individuals and disenfranchised groups. Because colorblindness has been sanctioned by the U.S. Supreme Court, race has been effectively eliminated from nearly all discourses to the extent that speaking of race in such venues would be deemed not politically correct. In this sense, the concept of race and racial oppression has been silenced. I suggest that because race has historically been the basis upon which subjugation has occurred in America, a continual understanding of the operationalization of race and the ability to maintain a connection to the historical context of racism and the various forms by which race has been a factor in oppressing people is necessary in the ability to eliminate the possibility of its re-emergence in similar forms.

Racism cannot be eliminated by redefining how race is classified or by ignoring race as a factor. Such would suggest that a simple change in law would create a racial utopia, whereby equality is gained simply by the stroke of one's pen or pencil eraser. If this were the case, there would have been no opportunity for Jim Crow segregation to exist after the abolishment of the institution of slavery in America. Dr. King said, "We know through painful experience that freedom is never voluntarily given by the

oppressor; it must be demanded by the oppressed” (King Jr., 1963). One of the challenges to demanding an end to the prevalence of racism in American institutions is the difficulty in accurately defining how race is operationalized.

Paul Butler (2007) suggests, “In cases in which application of law would result in extreme injustice, judges should subvert the law”. He explains, “My claim is not that subversion is a panacea; it is rather that judges should not be complicit when the law goes horribly astray, as it did when it allowed slavery” (Butler, 2007, p. 1817). Although Butler supports the idea that “legislative bodies, as opposed to judges, should “make” law”, he supports creating “some limited exceptions (which he refers to as a moral theory of subversion or ethical subversion) that would allow judges to (1) relieve the violent effect of unjust laws and for the sake of (2) surviving to judge another day” (Butler, 2007, p. 1818). Butler further explains, “I do not think our system of law would be radically disrupted (in part because, as I have described, unregulated and unacknowledged subversion now occurs frequently)” (Butler, 2007, p. 1818). Butler’s (2007) moral theory of subversion is like Cannon’s womanist theory, in that both theories suggests that in cases of moral objections that political actors should act contrary to the establishment.

Representation and Resistance

There is a need for new studies to reflect not only descriptive political representation, but also a close analysis of the intersections of race and gender as it pertains to substantive representation and moral subversion. In a research study, conducted by Kathleen Bratton, Kerry Haynie, and Beth Reingold (2011), they found that “even when controlling for partisanship and district demographics, African American women [legislators] are more likely to focus on both women’s interests and black

interests” (p. 3). Their study suggests that “the institutional context influences decision making among Black women legislators with the percent female in the legislature having a bigger effect on introducing women’s interest bills than the percent black on introducing black interest bills” (Hardy-Fanta, 2011, p. 3).

Media outlets in Ohio have treated African American female jurists who have been willing to challenge the status quo as subversives. Symbols, such as a blindfolded lady justice, are interpreted to mean that our justice system should be objective and impartial. Judges are required to take an oath promising that they will “administer justice without respect to persons, and (that they) will faithfully and impartially discharge and perform all the duties incumbent upon me”. Considering the conversations on descriptive versus substantive representation, it would however follow that not all individuals classified as “other” would be deemed a threat to the status quo.

In studies surrounding whether women decide cases differently from men, researchers have found that aside from some sex discrimination and divorce cases that the sex of the judge made no difference in terms of the way cases were decided. Similarly, researchers have also concluded that, “the race of the judge does not appear to matter at all in terms of the likelihood that a judge will vote to overturn a criminal conviction or a sentence”. According to Bonneau and Rice (2007), “this indicates that even though descriptive representation has intrinsic merits, it does not translate into substantive representation.

The policy literature takes on the issue of social action by female political actors as a conversation surrounding representation. This conversation emphasizes the diversity of women actors, arguing varying viewpoints between feminism and conservatism;

suggesting that, “feminism simply does not speak for, or to, all women” (Celis & Childs, 2012). Celis & Childs (2012) argue that good representation is enhanced by the presence of complementary, competing, and conflicting views on women, their interests, and needs. This trajectory creates the opportunity to introduce the voices of African American women, and the intersectionality of race, gender, and the concept of substantive political representation (Celis & Childs, 2012). It also further provides an opportunity to introduce a new understanding of moral subversion into the discussion on political theory relative to Black women.

Judicial Impartiality & Diversity

Most of Ifill’s (1998, 2000, and 2004) work surrounds the issue of impartiality. Ifill (1998) argues that, “the Fourteenth Amendment’s judicial impartiality mandate is violated by the persistent presence of an all-white bench in jurisdictions with significant minority populations” (p. 98-99). She insists that judicial impartiality must be realized both individually and structurally. Ifill (1998, p. 99) explains that, structural impartiality exists when the judiciary is comprised of judges from diverse backgrounds and viewpoints,” which in turn fosters impartiality by diminishing the possibility that one perspective dominates adjudication (p. 99).” Ifill (1998) grounds her discussion on the concept of racial representation of the state bench, since state courts are responsible for resolving most disputes—civil or criminal; and as she explains, because “the tradition of electing state courts’ judges reflects a tradition of state judges exercising representative functions, as state judges are elected...” and as Ifill (1998) explains, “this necessitates direct citizen participation, which evidences the desire of most states to connect explicitly their judges to the communities they serve” (p. 100).

Ifill (1998) also cites the shift in power from national to state government as an increasingly important locus of political power (p. 100). Ifill further points out that, “the absence of minority judges on state trial courts contributes to an atmosphere of racial exclusion, which marginalizes African American lawyers, litigants and courtroom personnel in many jurisdictions” (1998, p. 101). Finally, she explains that much more destructively, some state benches operate within a pervasive atmosphere of racial discrimination, as evidenced by independent study commissions that study the prevalence of race and/ or gender bias in the state court system (Ifill, 1998). New York State Judicial Commission on Minorities for example, concluded that, “there are two Justice systems at work in the courts of New York State, one for Whites, and a very different one for minorities and the poor” (Ifill, 1998, p. 102).

Although the issue of a lack of diversity on the bench has been debated, Ifill (1998) points out that “the relative paucity of African American judges has rarely been challenged as illegal and never as unconstitutional” (Ifill, 1998). However, Ifill has identified the lack of judicial diversity as a problem, which hinges on the infringement of the right to an impartial judge, which is guaranteed by the due process clause of the Fourteenth Amendment to the constitution.

Much of Ifill’s (1998) work has stood the test of time, with very little work challenging the issue of impartiality, however Ifill (2004) advances her work tackling the issue of judicial impartiality relative to electing judges, citing Supreme Court justices Scalia and O’Connor in the case of *Republican Party of Minnesota v. White*, she writes, “the Court denounced the practice of electing judges and suggested that the election of judges cannot be reconciled with a state’s asserted interest in maintaining the appearance

of judicial impartiality” (p. 56). She further explains that “in holding that elected judges are representatives as that term is defined in the Voting Rights Act, the Court held in *Chisom and Houston Lawyers’* that where judges are elected, those elections must be conducted in accordance with the Act to give minority voters an equal opportunity to participate in the political process and elect candidates of their choice” (p. 56). She essentially raises the issue of judicial impartiality from the traditionally understood concept, which can be attributed to an individual and an understanding of impartiality as an institutional concept. Her explanation also supports the idea that if elected that the process be inclusive to allow for the right of the people to select their own representatives.

Ifill (2004) wrestles with the issue of judicial selection and racial diversity as it relates to impartiality, which she says is a little-studied issue. However, she does note that studies have shown that racial and gender bias in the court system continues to be a reality (p. 81). Ifill (2004) ultimately looks at the issue of judicial impartiality in terms of its structural dimension, which she says, “implicates the bench as a whole and that is directly connected to diversity”, rather than merely looking at the lack of bias of individual judges (p. 81). She argues that, “the Due Process Clause entitles litigants to appear not only before an individual judge who is not biased but also before a judge selected from a structurally impartial bench” (p. 82). She concludes that “diversity produces impartiality”, and that “racial and gender diversity help ensure that judicial decision-making includes the variety of competing perspectives and viewpoints that exists in the community” (p. 82).

Ifill (2004) is careful not to make the claim that merely having diversity on the bench would guarantee that minority judges will favor minority litigants, however as she points out, it will “afford the opportunity for alternative or “outside” perspectives to be included in the process of judicial decision-making and in the courthouse” (p. 84). According to Ifill (2004) this is important for minority communities that are increasingly overrepresented among the population of criminal defendants and incarcerated persons, which “goes to the heart of both the perception and the reality of the legitimacy of the legal system” (p. 84). Her argument further illuminates the necessity of representation for appearance sake.

Ifill (2004) acknowledges the importance of length of time a judge remains in office and whether they advance to higher courts at the same rate as their white counterparts, as to whether the black judges presence contributes to diversity on the bench (p. 88). Her argument is essentially that whether elected or appointed, if black judges cannot hold their seats changing the selection process from electing judges to an appointment system will have little to no benefit, relative to diversity or impartiality. Honorable Cynthia Diane Stephens (2015) concurs with Ifill, and further offers that a diverse judiciary “invites public confidence in judiciary impartiality and fairness, and amplifies our understanding of law and justice” (Stephens, 2015, p. 37). In her review of the literature, Stephens adds, “there is no evidence that any one selection method produces a higher quality judge, whether quality is determined by published citation, publication rates, or misconduct”. Stephens explains that, “The research reflects that judicial qualification ratings disadvantage minority and female candidates, in part because of implicit bias” (p. 39). The premise here is that the method of selection of

judges is not as important as serving the higher societal interest of having a diverse bench.

Citing the *Republican Party of Minnesota v. White*, Stephen J. Ware (2015) approaches the notion of impartiality from a very different perspective from Ifill (1998, 2000, 2004). Ware (2015) explores the question of what judicial impartiality means. According to the Supreme Court, judicial impartiality refers to “lack of bias for or against either party to the proceeding or equal application of the law” (Ware, 2015, p. 7). Ware challenges the impartiality against the political nature of a judge, explaining that a judge in his or her lawmaking authority who receives donations from a conservative should have the right to make the law more conservative.

Citing the Supreme Court’s 2011 decision in the case *Nevada Common Ethics v. Carrigan*, Ware quotes, “As a general matter, citizens voice their support and lend their aid to a candidate because they wish to confer the powers of public office on those whose positions correspond with their own” (p. 72). Ware (2015) suggests that there is a form of masking going on when attorneys and judges attempt to create the impression that the office of judge is less political than other elected officials (p. 75). Ultimately, Ware concludes that the courts should do away with judicial elections, and that if elections remain that the only way to preserve impartiality is through adopting of publicly funded judicial campaigns.

Ware’s (2015) argument surrounding the political nature of judgeships can be extended to the appointment of judges, as the Honorable Cynthia Stephens (2015) notes that judicial appointments are both political and racial. She explains that there is a correlation between the political party affiliation of the appointing governor and the

appointment of minority judges. According to data cited by Stephens, Democratic governors appoint minority judges at a rate of 14.7%, while Republican governors appoint minority judges at a rate of 11.7% (2015, p. 39). The data demonstrates that although Democrats tend to make slightly more appointments of minority judges than Republicans, there is no statistical significance on the part of either party.

When taken in concert with one another, Alexander (2012) and Ifill (1998, 2000, 2004) present an interesting perspective of American courts that threatens the tenets of pluralism and democratic participation. Such an understanding of the courts raises issues of importance in the conversation surrounding the importance of representation. There is a need for new studies to reflect not only descriptive political representation, but also a close analysis of the intersections of race and gender as it pertains to substantive representation.

In a research study, conducted by Kathleen Bratton, Kerry Haynie, and Beth Reingold (2011), they found that “even when controlling for partisanship and district demographics, African American women [legislators] are more likely to focus on both women’s interests and black interests.” Their study emphasizes that having more women in the legislature has more significance on women’s interest bills, than having more Blacks has on introducing Black interest bills (Hardy-Fanta, 2011). This further suggests that there is a need for understanding the factors that contribute to substantive representation relative to the needs of African Americans.

The most significant studies surrounding women on the bench were conducted by Sally J. Kenney (2013), who looks at the question of what women judges signify in jurisdictions across the United States, the United Kingdom, and the European Union.

Kenney (2013) specifically analyzes and makes a case for more women judges, which does not rest on essentialism and women's differences, and she raises questions concerning gender relative to policy diffusion and emotions, social movement mobilization, backlash, policy implementation, agenda-setting, and representation.

Kenney's work contextualizes our understanding of the many challenges faced by women in general, as she "forces us to reconsider core understandings of how policies diffuse and social movements mobilize, how insiders implement policy, how public agendas are set, the nature of representation, and how backlash impedes progress toward equality" (Kenney, 2013, p. xi). Although Kenney's work deviates from Ifill (1998, 2000, & 2004) and Ware's (2015) discussions, which contrast representation with impartiality, her work is important because it looks at representation as a social process in contrast to the concept of merit, arguing that "representativeness is framed as the enemy of merit with undertones of misogyny" (p. 128), or the idea that women are less competent and less qualified to serve and that quality would somehow suffer if more women were on the bench.

Kenney (2013) does note the non-merit factors that are part of the judicial selection process, such as geography, nationality, party, friendship, and political ideology and recognizing the policy role judges play provides the foundation for reexamining representation in the judicial context (p. 130). Kenney's premise is that because of judicial independence, citizens do not directly lobby judges, but rather that they do have a very structured opportunity to lobby judges "through legal proceedings, by bringing a case; the member state by being the opposing party or intervening; and third-party interveners" (Kenney, *Gender and Justice*, 2013, p. 130). According to Kenney (2013),

the judge, unlike the legislator, “is not supposed to act on his or her particular policy preferences (in a predictable, transparent, and principled way), but we expect her to act consistently on what she considers to be the best interpretation of the law rather than cynically deploy principles to suit her naked policy preferences” (p. 131).

Kenney (2013) further explains that judges may not be democratically accountable to constituents in elections, nor take instructions from them, but they are acutely aware of how the public might respond to rulings and are anxious to have their decisions implemented and seen as principled, legitimate, in accord with the law, and good public policy (p. 131). Even this level of influence lends credence to the need to diversify the bench, to ensure that the public believes that the system is fair and representative of various ways of seeing.

Kenney makes an important statement regarding the social location of a German judge on the European Court of Justice. She says, “it is important to have a German judge on cases not for the narrow purpose of advocating German interests, but for bringing to bear on deliberations German ways of legally approaching an issue in light of Germany’s precedent and history” (2013, p. 131). This argument makes the important case for “standing for” and not simply “acting for” a particular interest. Kenney explains, “If men can represent women and Italians can decide cases for Germans—why are member states so determined to have their own representatives on the European Court of Justice (ECJ)”. Kenney (2013) explains that similarly that the reason women and minority men are troubled by the absence of their groups in legislatures and courts is because, “only those of a given identity can act for the group or that members of the group necessarily do...to exclude them [women and minorities] suggests that they lack

the capacity for self-government” (p. 132). Kenney concludes that courts are representative institutions, and that the decisions that they make are not apolitical, but rather that they craft future legal and political order (p. 133), and when courts reflect the diversity of the region it enhances the legitimacy of its decisions and shrinks the democratic deficit.

Backlash

Kenney (2013) introduces Mansbridge and Shames’ concept of backlash to the judicial representation argument. This concept is similar to King (1968) and Fanon’s (1963) resistance and counter-revolution theory in response to social progress of traditionally marginalized groups. Kenney’s (2013) discussion on backlash originates from the 1964 Civil Rights Act (Stern, 1965; Lipset & Raab, 1973; Mansbridge & Shames, 2008), which is characterized by a sudden violent movement backwards, as the recoil of waves or the rebound of a falling tree. In this regard, Kenney argues that women’s progress unleashes rage when the loss of capacity is experienced more intensely than the absence of capacity, since position holders come to view their status as the natural order (Kenney, 2013, p. 136).

Kenney operationalizes Keck’s description of backlash to mean “a response to policy change in advance of public opinion that mobilizes opponents, undercuts moderates, and sets back the cause. Backlash can most likely occur when those in power sense that things are moving too far, too fast in the direction of social change (Mansbridge & Shames, 2008). This concept is very important to my research, because it indicates the need to look deeply to better understand the impact of significant changes in the political environment, which might indicate a situation where the status quo is

threatened and may seek to protect its interests. According to a national survey (Krosnick, Pasek, & Thompson, 2012), anti-black attitudes largely persisted through the 2012 election of Barack Obama, America's first Black President, and may even have become slightly worse.

Kenney (2013) inserts Derrick Bell's argument that is similar to the backlash concept, which she explains, "Bell articulates the mechanism of divide and conquer that allows racism to persist—picking out some winners to advance the argument that the game is fair but also keeping the have-nots from seeing their plight as shared" (p. 139). Also, citing Thomas, she explains the way in which "the backlash narrative works to divide women, by blaming individuals for their failure to advance rather than recognizing that racism (and sexism) still holds back groups of people" (p. 139). This argument is significant in understanding Ifill's stance that the concept of impartiality should be applied to the institution, rather than the individual. In recognizing that racism can be built into the structure of an organization, it allows for the opportunity to understand the overall impact of certain policies or concepts on a particular class of people.

Kenney (2013, pp. 139-140) identifies five phenomena that constitutes backlash, as follows:

- 1) "Discrimination faced by women judges in the judicial selection process, characterized by women being more likely never to receive a hearing or a vote, take longer to confirm, and are disproportionately likely to lose confirmation votes".

- 2) “Direct hostility to women’s ascendancy to the bench, characterized by the denial of the professional courtesy that judges routinely and heretofore universally extend to all other judges, independent of party, ideology, and ability. Also, characterized by the failure to let women into the fraternity and holding women in contempt for being women. This includes openly attacking women judges in ways that would be unthinkable for men judges”.
- 3) “Actions by lawyers and litigants that challenge women’s positional authority on the bench, by patronizing remarks, forms of address that deny women’s professional status, and formal challenges to women’s objectivity and ability to service, known as motions for recusal”.
- 4) “More serious actions against women judges, such as charges of misconduct, campaigns to vote “no” on retention, and electoral challenges”.
- 5) “Reversals in women’s numbers on the bench, when benches revert back to being men-dominated or even men-only”.

Finally, Kenney raises concerns surrounding the significance and meaning of women’s participation on the courts, she says, “if women do not revolutionize judging or dramatically change outcomes, the achievement of representation and nondiscrimination by their participation does not offer a very compelling reason to mobilize or even celebrate” (2013, p. 2). Kenney points out that there has been very little attention to women’s representation on the bench, and very few policy studies on women in the judiciary (2013, p. 2). She couples this with a discussion on the importance of state judicial races, which she explains as such:

Now evidence all of the pathologies of campaigns for other offices: they require vast sums of money; candidates face negative television ads that

simplify issues and distort records: legislators increasingly draw districts to be homogeneous and safe; and voters, challengers, and the media presume women and minority men to be less competent and treat their candidacies differently from those of white men (p. 2).

The Doctrine of Impartiality

Much like the concept of the Doctrine of Infallibility, the Doctrine of Impartiality, which bears striking similarity is founded on the principal that judges of the Court must be held in high esteem and lack bias. This concept of judicial fairness relies on the virtues of an individual judge to rule fairly and without partiality to whomever comes before them.

Similar to Acton's belief about the papacy, the concept of judicial impartiality was designed for rulership over man, and in order for such a system to work, those subject to the ruling authority of a judge has to have reverence for those in the judiciary in a way that establishes his or her lordship and honor, which set judges apart from the common man. This is why judges are referred to as "Your Honor", and why courtesies are extended to a judge, such as might be extended to kings or others of the nobility or ruling class. This also propports to the claim that judges could do no wrong.

To analyze the Doctrine of Impartiality, I turn to the writings of Sir. John Dalberg-Acton, who was commonly referred to as Lord Acton. Lord Acton was an English historian, politician, and writer, who had a great love for historical research and a fascination for reading the actual correspondence of historical personalities. Similarly, Lord Acton had a deep love for historical research and believed that it was a critical instrument in the history of liberty (Powell, 1996).

Lord Acton was also a liberal and a lifelong Catholic who regularly attended mass, but had a strong aversion to the concept of papal infallibility. He was so staunchly opposed to this concept of papal infallibility that he traveled to Rome to lobby against it. Lord Acton believed that the same moral standards should be applied to all men, political and religious leaders included. In a series of letters written to Bishop Creighton in 1887, regarding his issue with papal infallibility, Acton coined the famous phrase, “Power tends to corrupt and absolute power corrupts absolutely”. A more expanded excerpt of the letter explains his views as follows:

I cannot accept your canon that we are to judge Pope and King unlike other men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you super add the tendency or the certainty of corruption by authority. There is no worse heresy than that the office sanctifies the holder of it. That is the point at which the negation of Catholicism and the negation of Liberalism meet and keep high festival, and the end learns to justify the means. You would hang a man of no position, like Ravaillac; but if what one hears is true, then Elizabeth asked the gaoler to murder Mary, and William III ordered his Scots minister to extirpate a clan. Here are the greater names coupled with the greater crimes. You would spare these criminals, for some mysterious reason. I would hang them, higher than Haman, for reasons of quite obvious justice; still more, still higher, for the sake of historical science.

Lord Acton was dealing with what he saw as the hypocrisy, corruption, and criminal behavior of many Popes, and their treatment of dissidents and heretics (<http://oll.libertyfund.org/quote/214>). Acton also discusses the universal nature of moral principles, which he believes that historians should use in the assessment of historical figures. Acton’s belief is that when looking at powerful historical figures, the historian will most likely find that they are “bad men”, and it is the historians job to “hang them”

or call them into accountability for their wrongs. This idea is expanded on in another of the letters Acton writes to the papacy, when he says, "If the people knew what sort of men statesmen were, they would rise and hang the whole lot of them."

Acton's critiques of the papacy were quite damning. He provides the following account of the First Vatican Council to demonstrate the extent that the pope would go to maintain the appearance of papal infallibility:

The Vatican Council itself was a travesty. The 700,000 residents of the Roman states were represented by 62 bishops, constituting half to two-thirds of every committee. The 1,700,000 Polish Catholics were represented by one bishop, who was not chosen for a single commission; four Neopolitan and Sicilian bishops outvoted the bishops of Paris, Cologne and Chambray, representing 4,700,000 Catholics.

Not to take any chances at losing, however, the papacy demanded that debates be conducted in Latin, condemning, writes Himmelfarb, nine-tenths of the bishops to silence and the rest to confusion. The pope refused the bishops permission to examine the stenographic reports of their own speeches; he prohibited meetings of twenty or more bishops outside the council; he strictly censored literature, imprisoned and threatened recalcitrant bishops, and continued the time-honored tradition of the Roman post office opening letters suspected of heresies or error. It was declared to be a mortal sin to communicate anything that occurred in the Council. But all was not threats. The pope used promises of titles, positions and benefices to aid his cause as well: Fifteen cardinal's hats were dangled before wavering bishops.

Despite these attempts to rig the Council, opposition to the notion of papal infallibility continued. Further steps were necessary. Debate was cut off, minority speakers interrupted, and the rules of order and debate were skewed to favor those who favored infallibility. The final text was rushed to the Council without any debate at all.

As with the concept of papal infallibility, the concept of judicial impartiality denotes a similar idea of judges being infallible higher moral agents that can do no wrong, and being that this is the case it would be a rarity for them to be wrong in their judgment. Judicial impartiality is a way of bringing legitimacy to the bench, by saying

that because judges belong to a higher moral authority, their word can be relied upon as good arbiters of truth. In this way, then the only judges that would be found worthy of correction are those who break the law. Thus, the process for secretive disciplinary processes are important, because it allows for covering up the sins of bad judges, and keeping secrets of judges who are found to violate the judicial code. In this way, judges who are “deserving” of wearing the black robe continue to be held in high esteem, securing their positions of authority and respect, and enabling them to retain referent power.

Interestingly, Acton was a staunch liberal who took great interest in U.S. Politics. He believed the federal government structure to be the “perfect guarantor of individual liberties”. He sympathized with the Confederacy during the Civil War in their defense of States’ Rights against a centralized government. He believed that historical precedent demonstrated that such governments inevitably turned tyrannical. In a letter to Robert E. Lee after the surrender at Waterloo, he wrote this (McGehee, 2012):

I saw in States’ rights the only availing check upon the absolutism of the sovereign will, and secession filled me with hope, not as the destruction but as the redemption of Democracy... Therefore I deemed that you were fighting the battles of our liberty, our progress, and our civilization, and I mourn for the stake which was lost at Richmond more deeply than I rejoice over that which was saved at Waterloo.

Acton believed in the link between history and politics. He believed that to understand the nature of a thing, it was necessary to study its history and the nature of its origins. In 1895, he gave a lecture on the study of history. He noted:

[Side note: LINK BETWEEN HISTORY AND POLITICS] “Politics,” said Sir John Seeley, “are vulgar when they are not liberalised by history, and history fades into mere literature when it loses sight of its relation to

practical politics.” Everybody perceives the sense in which this is true. For the science of politics is the one science that is deposited by the stream of history, like grains of gold in the sand of a river; and the knowledge of the past, the record of truths revealed by experience, is eminently practical, as an instrument of action, and a power that goes to the making of the future.[1] In France, such is the weight attached to the study of our own time, that there is an appointed course of contemporary history, with appropriate textbooks.[2] That is a chair which, in the progressive division of labour by which both science and government prosper,[3] may someday be founded in this country. Meantime, we do well to acknowledge the points at which the two epochs diverge. For the contemporary differs from the modern in this, that many of its facts cannot by us be definitely ascertained. The living do not give up their secrets with the candour of the dead; one key is always excepted, and a generation passes before we can ensure accuracy. Common report and outward seeming are bad copies of the reality, as the initiated know it. Even of a thing so memorable as the war of 1870, the true cause is still obscure; much that we believed has been scattered to the winds in the last six months, and further revelations by important witnesses are about to appear. The use of history turns far more on certainty than on abundance of acquired information.

Power and Politics in Ohio's History

When the framers of the U.S. Constitution met in 1787 to draft the Constitution, they were very much concerned with protecting a minority voice, but Blacks and women were not the minority they were concerned about. They were concerned about protecting the rights of the aristocracy, which included wealthy white male land and property owners.

According to the Congressional Research Service, there were at least four methods proposed to elect the President and Vice President in 1787, they were: election by Congress, election by state governors, election by state legislatures and direct election by voters. When they could not agree on the best method by which this goal could be attained, they postponed the decision and a group called the “Committee of Eleven” on Postponed Matters eventually decided the issue. These eleven men later came up with

the Electoral College System (Neale, 2016). According to the Congressional Research Service, the Electoral College System was originally designed to be a system that was free of political party persuasion. They describe their assessment of the unintended consequences as follows:

The historical record reveals that they intended it to be an indirect, deliberative selection process, carefully filtered from political considerations, with the degree of voter participation left to the discretion of the state legislatures. Instead, it accommodated the demands of an increasingly democratic and political party-dominated presidential election system, ultimately evolving into an improvised yet enduring assemblage of constitutional provisions, state laws, political party practices, and traditions.

As with all elected officials, the centers of power within the judiciary in Ohio should be derived from the power of the electorate and both the U.S. and Ohio Constitution's. In 1803, when the Ohio Constitution was first drafted, the Constitution had given great power to the Ohio General Assembly. With the exception of the governor, the legislature had the power to appoint judges and all other government officials. This gave the legislature nearly complete control over the government.

From 1826 to 1829, there was a dramatic increase in Cincinnati's Black population. In under three years, the population swelled from 700 to 2258 Black residents. A search of Cincinnati historical records gives this account,

The dramatic population increase frightened Cincinnati's white citizens, and the Ohio chapter of the American Colonization Society began publishing propaganda that claimed blacks were a threat to the city. Racial tensions were so bad by 1828 that the black community began planning a mass exodus to rural Ohio where they could establish a settlement. These efforts did not come together soon enough, and on August 15, 1829 a 300-member mob attacked Cincinnati's black neighborhoods (Taylor, 2005).

From August 15 to August 22, the mobs continued their assault on Black residents, homes, businesses and buildings with no protection from the police and the mayor refused to call for an end to the violence.

In 1850, a new Constitution was drafted. When the Constitutional Convention convened, there was conflict between liberal and conservative factions of the Democratic Party, in what was then primarily a one-party system with the Whig Party acting as the swing voters. The inherent conflict was surrounding whether power should be endowed to the people, or whether power should remain in the hands of the wealthy (Ohio History Central, 2017). Liberal Democrats, favoring the working people believed that the people should have the power. Conservative Democrats believed that power should remain in the hands of wealthy landowners. The dispute was finally settled, with the drafting of a new Constitution. The Ohio Constitution of 1851 gave Ohio voters the right to elect the governor, other high-ranking state officials, and judges. It also added another level of courts to the already existing Supreme Court and common pleas courts (Ohio History Central, 2017).

At the time of the signing of the new Constitution, a battle was brewing between the North and the South over federal versus states' rights. At the center of that controversy was whether the federal government had the right to free slaves. Even in cases where many Northerners believed slavery to be morally wrong, they wanted to protect their positions in society and feared a mass migration of African Americans coming into the North and taking their jobs. They also did not want to live next to Blacks. As the new Constitution drafters had the slavery issue at the forefront of their

minds, they put protectionist policies in place to ensure that there were policies in place to assure the place of superiority for white men in Ohio (Ohio History Central, 2017).

An overwhelming majority of the delegates voted against extending suffrage to African American men and women of all races. As such, only adult white men who had resided in the state for at least one year could vote. These voters had to approve all constitutional amendments in the future and received the option to call a new constitutional convention every twenty years (Ohio History Central, 2017).

The Dred Scott court decision of 1857, answered the question of whether Blacks were entitled to citizenship rights under the federal constitution, after Dred Scott petitioned the court for his and his family's freedom based on the fact that they'd lived in a free state for four years. Chief Justice Roger Taney denied Scott's right to sue under the federal constitution, because at the time of the drafting and signing of the constitution, as Taney explained, Blacks were not regarded as men with rights, they were rather "regarded as beings of an inferior order" with "no rights which the white man was bound to respect." Scott lost that case in a 7-2 decision by the U.S. Supreme Court. This decision was said to have aroused public outrage between the northern and Southern states. The Dred Scott decision was said to have been the impetus for the Civil War between the North and South (Ohio History Central, 2017).

Just twelve years after the new Ohio Constitution was ratified, and nearly six years after the Dred Scott decision, President Lincoln issued the emancipation proclamation. Despite the documents intent to end slavery in the U.S. in 1863, the Civil War between the North and the South insured that the institution of slavery continued until the passage of the Thirteenth Amendment to the United States Constitution in 1865.

The text of the Thirteenth Amendment reads, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction" (Ohio History Central, 2017).

The ongoing efforts to deny African Americans equal status with Whites, continued beyond the drafting of the Thirteenth Amendment. The Thirteenth Amendment was a solution that appeased the South, because it enabled whites to maintain their status as first-class citizens, by creating a system that could criminalize and subjugate Blacks and take away all their rights, almost as effectively as if slavery had never ended (Alexander, 2012).

In 1867, Republican Rutherford B. Hayes won the election for Governor of Ohio as a suffrage candidate, Hayes supported Ohio's ratification of the Fifteenth Amendment to the U.S. Constitution. who believed that African Americans should be given the right to vote. In 1868, the Democratic Party chose Horatio Seymour as its presidential candidate. Seymour, a former governor of New York, supported states' rights and opposed equal rights for African Americans with whites. The Republican Party selected Grant, a defender of equal opportunities for African Americans with whites and a supporter of a strong federal government. Grant easily won the Electoral College vote, capturing twenty-six of the thirty-four states. After Grant took office, a growing number of Republicans began to oppose equality for African Americans and encouraged Grant to withdraw Union troops from the South. James Garfield, who was considered a radical Republican at the time, became President in 1880. He opposed President Andrew

Johnson's lenient policy toward the conquered Southern states and demanded the enfranchisement of African American men (Ohio History Central, 2017).

Hamilton County, Ohio is certainly no stranger to government corruption. As far back as the 1880's, political leaders in Cincinnati had earned reputations for controlling elections and manipulating judges and juries in return for personal gain (Ohio History Central, 2017). From March 28 through March 30, 1884, the Hamilton County Courthouse became a warzone, after the high-profile murder trial of William Berner, a white male of German descent, who was accused of beating his employer to death after stealing \$285 from him. When the jury returned a manslaughter verdict, instead of murder, citizens became enraged and the city erupted in violent rioting. In total about 2500 Ohio National Guardsmen were called in to stop the street fighting. By the third day of the riots, the Courthouse was in ruins. Forty-five people died and over one hundred thirty-nine people were injured in The Cincinnati Courthouse Riot. At issue was the corrupt political system that failed to control crime, which was rampant in the city during the late 19th century. Ironically, in a scheduled election that took place the following week, the people of Cincinnati voted to return to office candidates of the same political machine whose corrupt practices had triggered the Cincinnati Courthouse Riot (Ohio History Central, 2017). The story of the riot is incorporated in Ohio's history and told on the Ohio History Central website, however what is not told is that the murder victim was a White man, killed by two young men...one German and one a Mulatto (or person of mixed origin) (Grason, 1924; Miller, 1968).

After the 1888 Presidential election when the Republican Party candidate lost the popular vote to the incumbent Grover Cleveland, Harrison won the Electoral College

vote and still advanced the presidency. The corruption seen in the 1888 elections prompted the federal and state governments to reform the election process, introducing the concept of the "Australian" or secret ballot (Ohio History Connection, 2017). Considering then President William Henry Harrison's birthplace and Ohio roots, undoubtedly the Berner murder trial and the riots which ensued afterward had a significant impact on his policy priorities and on the shaping of systems within his home state and even on a national level.

Ohio has always remained a seat of power in the United States, tying Virginia as the state to have sent more Presidents to the Whitehouse than any other state. Ohio claims eight presidents with deep roots in the Buckeye State: William Henry Harrison, Ulysses Grant, Rutherford Hayes, James Garfield, Benjamin Harrison, William McKinley, William Taft and Warren Harding. However, for the most part the power elite in Ohio has always insured that there were systems in place to protect itself (White wealthy landowners) from those the system deemed undeserving of having rights.

Chapter III: Framework and Methodology

Case Study Methodology

This study employs a case study methodology to explore the questions: 1) What challenges do African American female Democrats face in getting elected to the judiciary in Ohio? 2) What obstacles do they face in performing their work on the judiciary?; and, 3) What challenges do they encounter in retaining their seat on the judiciary?

My study focused on three African American female judges who have been removed from the bench in Ohio. Although this study was bounded by geography and based on three African American female Democratic judges in a predominantly Republican run state, the boundedness of the case is very important to an understanding of difference in an environment where Black women have a choice to either function safely within the parameters of the clear racially and politically defined boundaries or challenge the status quo. This study allows for some very important implications in the court system and in other political and business environments.

Unique to the case study approach, my methodology included a strong emphasis on connecting history to current day practices. This influence grew out of the pragmatist tradition. Since I wanted to better understand how the doctrine of impartiality came into existence, and the tenets of the Ohio and U.S. Constitutions, I looked at the time period in which both were created to better understand the possible mindset of the authors of these documents. I also looked at this period of history because I wanted to get an idea of the thought that was emerging or prevalent at that time, and at the possibilities of that type of

thought penetrating the crafting of certain policies, procedures, or political doctrine. My work began with a synopsis of that time period, and later in my analysis I explain why understanding the time period is important.

Limiting my case study to three examples within the geographic region allowed the opportunity to study the cases more intensively (Gerring, 2007). The closely related examples did not imply homogeneity, but rather an opportunity to examine more than one observation. There were nuances relative to geographic region, considering the difference in racial balances across cities, but despite the racial balance of each city, the Black female judges in my case study were all similarly subjected to the same disciplinary body, and the same power structure at the state level.

Gerring points out that, “researchers’ judgments about case comparability are not matters that can be empirically verified”, as such the three examples within my case study allowed for the identification of patterns among judges in cities across Ohio (2007, p. 52). The three examples also provided the necessary background and potentially corroborating evidence for causal arguments and guidance in understanding the challenges facing African American women and their ascendancy on the bench. Using a cross-case or better defined as a multi-sampled approach also enabled the uncovering of correlations and interconnections between samples.

The selection of the three African American female judges for this case study were based on the fact that they had all been suspended from the bench during an important shift in the public discourse, which had become racially divided and adversarial during the election campaign and subsequent election of the nation’s first Black president. They were also chosen because they were each in different cities with

different demographics, yet all elected to serve by the people of their perspective counties.

My case study utilized a critical race, Black feminism, and womanist perspective to illuminate the unique issues African American women faced. Careful attention to meaning, as understood by the actors themselves was essential to completing a case study (Gerring, 2007). Understanding the actor's point of view and interpretation is critical in a case study methodology (Gerring, 2007).

Joining Kenney's (2013) five phenomena with a critical race theory approach provided an interpretive lens to better understand the challenges faced by these African American women relative to their ascendancy on the bench. It further supports the evidence needed to make inferences from the data collected without it being misconstrued as sweeping generalizations and helps to avoid bias in interpreting the meaning of certain data. The work of meaning making was done through in depth face-to-face interviews with study participants, to better understand how she perceived the situation, the obstacles she believed she had to face, and the alternatives she saw opening up to her. The following data collection methods and data sources were used in this case study:

- Participant-observation
- Individual interviews (see Appendix I for interview questions)
- Process tracing
- Historical records (which established the context in which the judiciary was born, and limited to the most recent 10-year period relative to the perspective judges or

what was necessary to establish an understanding of the tenure of each individual judge)

- Textual records included newspaper articles (from mainstream and alternative media outlets in each of the three cities)
- News reports
- Court filings, public records, complaints, disciplinary records, publicly available blogs, audio and video recordings.
- Field research
- Other techniques such as comparisons to derive a comprehensive analysis of the intersectionality of race, gender, and politics of the three closely related cases across the state of Ohio.

Using a case study methodology, I applied existing theories to analyze data.

Existing theories tend to only look at women relative to race and gender independently.

This approach misses the opportunity to understand how the intersectionality of race and gender might illuminate other experiences. Using this intersectional approach provided an understanding of whether the existing theories relative to women and Blacks still hold, or if they differ when applying an intersectional lens relative to race and gender?

In accordance with the research method identified by Robert Yin (2014), each case looked at a specific decision or set of decisions on the part of the judges leading to a specific outcome, which most likely included removal from the bench. I utilized direct participant interviews and other data collection methods to analyze charges and allegations against the judges. My intent was to examine the decision(s) that the three African American female judges made, relative to their work environments, that might

have led to their removal from the bench or prompted them being challenged by other political actors. I also examined whether, and how, those decisions were implemented, and with what result. Interview data was summarized and coded for themes, providing more anonymity for individual judges.

While both Yin (2014) and Gerring (2007) advocate for singular or very few cases in a study, Yin is particularly concerned with ensuring that the process of studying cases be done in conformity with science's goals and methods. In this way, he advances a methodological approach that requires "quasi-experimentation that is more similar to the experimental isolation paradigm than to the randomized-assignment-to-treatments model in that each rival hypothesis must be specified and specifically controlled for" (Yin, 2014, p. xviii). Utilizing this aspect of Yin's (2014) approach lends this study to scientific rigor needed to ensure the possibility of replicating this research study in other environments. This also controls for an understanding that patterns may emerge even through the pre-identification of specific scientifically studied criteria for understanding phenomena even in a limited cross-case study.

To ensure triangulation (or the use of multiple sources of evidence), I collected evidence in a naturalistic, real-life context, and I utilized participant-observation (see Appendix I for interview questions), process tracing, review of historical records (limited to the most recent 10 year period), textual (to include newspaper articles (from mainstream and alternative media outlets in each of the three cities) and news reports, court filings, public records, complaints, disciplinary records, publicly available blogs, audio and video recordings), field research and other techniques such as comparisons, to

derive a comprehensive analysis of the intersectionality of race, gender, and politics of the three closely related cases across the state of Ohio.

I also utilize the five criteria as articulated in Sally J. Kenney's (2013) *Gender and Justice* book (including discrimination faced by women judges in the judicial selection process, direct hostility to women's ascendancy to the bench, actions by lawyers and litigants that challenge women's positional authority on the bench, more serious actions against women judges, such as charges of misconduct, campaigns to vote "no" on retention, and electoral challenges, and reversals in women's numbers on the bench, when benches revert back to being men-dominated or even men-only), to assess similarities or patterns in the cases of the three judges. I utilized Nvivo's mixed-methods and qualitative research software to categorize and analyze cross-case comparisons.

My study examined the ascendancy and removal of Judge Tracie Hunter of Cincinnati; Judge Angela Stokes of Cleveland; and Judge Carole Squire of Columbus, Ohio, all of whom have been removed from the bench over the course of the most immediate past seven years, between 2007 and 2014. I began my analysis process by loading research documents (including court documents, news/ magazine articles, and emails/ memos) into folders according to participant names in NVivo software. Individual interviews and research documents were analyzed to ascertain consistent themes. The two interviews were initially transcribed and categorized by interview questions and question probes. The interviews were assigned basic descriptive codes according to the question number. My coding practices were derived from the work of Johnny Saldana (2016). After the initial descriptive coding process, I subsequently coded by causation, carefully extracting attributions or causal beliefs from participant data about

why particular outcomes came about. In accordance with Saldana's (2016) suggested approach, the causation coding method identified combinations of antecedent conditions and mediating variables that led toward certain pathways (2016, p. 174). Causal Coding required that I map and trace a three-part process as a code, this code included the cause, the outcome, and the link between the cause and outcome. A similar process was used to code statements made by the third judge that were found in news articles, court documents, and publicly available interviews with the judge and/ or her attorney. After causal coding each individual judge individually, I compared the outcomes from the three judges to determine if there were similarities between them descriptively and causally. Causal coding required determining the sequence of events and analyzing the narrative to determine what could be derived from the storyline. Causal coding also required determining whether the cause was internal/ or external (from self or others). The causal analysis also necessitated examining the data to determine whether there could have been other possible factors that led to the outcome as described. This required analyzing the situation to determine whether the situation was unique to the individual judge or if it could be generalizable to most people. Finally, in the causal analysis it was necessary to determine whether the individual judge felt she had control over the cause, outcome and the link.

I performed a second cycle coding process categorizing data according to factors commonly experienced by Blacks as identified by Derrick Bell, and then according to factors commonly experienced by Women as described by Sally Kenney. From each of these methods, I discovered themes and identified assertions that could be derived from

the data. I then compared the experiences of the three judges to determine what assertions could be derived from the comparisons of their experiences.

I used four methods of triangulation in order to avoid bias in my study, and to account for rival causal factors. The types of triangulation used were as follows:

1. Data triangulation. I used a variety of data sources, which included individual interviews, historical records, textual records (including newspaper articles from mainstream and alternative media outlets in each of the three cities, news reports, court filings, public records, complaints, disciplinary records, publicly available blogs, audio and video recordings).
2. Methodological triangulation. I used several methods of gathering data, such as interviews/ questionnaires, observations, and document review.
3. Theory triangulation. I used three theoretical perspectives in the interpretation of my data, which included Critical Race Theory, Black Feminism/ Womanism, and Intersectionality.
4. Environmental triangulation. I selected three different environmental locations in the study, which included three major cities in Ohio (Cincinnati, Cleveland, and Columbus). This helped to reveal unique findings and to determine if regions or if environment played a role in the findings.

In order to increase confidence in my findings and to reduce the uncertainty of my interpretations, I chose to look at 3 judges/ cases, and multiple sources of data in order to make sure that my propositions were confirmed by two or more independent

measurement processes. This also helped to establish validity and trustworthiness of the findings.

Each judge had her own perspective and experiences. Combining their perspectives helped derive the outcomes in this study. Studying three judges also enabled me to gain a clearer understanding of the broader climate within the Ohio judiciary from the perspective of the African American female judges. Triangulation also helped achieve consistency across data sources and to uncover deeper meaning in the data. I did not want to only rely on only one case or the statements by the judges in my interviews, so the use of different kinds of data sources and multiple theoretical perspectives helped to mitigate the possibility of bias. Combining the several types of triangulation provided me with interesting ways of understanding the data and in making comparisons and contrasts.

Although the case study centered on these specific cases, I utilized comparison data to make inferences. To ensure the validity, fairness, and soundness of my study, I also investigated and tested rival explanations of the focal evidence and examined their plausibility and fit.

Since my case required the study of human subjects, I ensured the privacy and confidentiality in as much as is possible to protect my study participants, especially if the judges are still facing disciplinary or legal processes.

Assumptions and Limitations

My study is not inclusive of all such cases that might represent the full body of African American women in the judiciary in the state of Ohio. Ohio was unique and provided an excellent place to examine what African American female judges face, because of the strong Republican control across courts in the state. It focused exclusively

on three Democratic judges who have been removed from the bench in three major cities in Ohio. In accordance with my case study approach, I looked at the intersectionality of race, gender, and politics, which excluded other factors that may play a part in an analysis of the participant representation. I did not cover every decision ever made by these judges and every scenario that they faced, but I seek to better understand those specific decisions, which led to their removal from the bench. My study was also limited because only two of the judges that were the subjects of my study agreed to be interviewed. This presented a challenge, because I had to draw inferences and conclusions from public statements, court documents, news articles, and other data sources in order to arrive at an understanding of what she faced. Although personal interviews with two of the judges in my study were a strength in understanding of the dynamics that they faced, this also presented a limitation because it did not allow for interviews or input from other parties.

Chapter IV: Case Study Findings & Analysis

This study applied an intersectional lens to understanding the experiences of three black female judges, and their ascendancy and removal from the judiciary in major cities in Ohio. The study focused on the structural composition of the bench and the environment in which African American female judges exist, holding a different political affiliation than the dominant party. My intent was to explore 1) What challenges do African American female Democrats face in getting elected to the judiciary in Ohio? 2) What challenges do they face in performing their work on the judiciary? And, 3) What challenges do they face in retaining their seat on the judiciary? The experiences of three African American female Democratic judges across the state of Ohio, Judge Tracie M. Hunter, Judge Angela Stokes, and Judge Carole Squire were analyzed in the context of being elected judges in Courts with a Republican majority.

The Case Study

Introduction

In his inaugural speech, upon taking the Oath of Office on January 5, 1987, Chief Justice Thomas Moyer stated the following:

The preamble to the United States Constitution, which says that the Constitution was ordained and established by “the people of the United States,” manifests the theory that the true and original source of all governmental authority is based upon the popular will. The people are the ultimate source of all political power and they exercise their authority by adopting a constitution, which endows government with its institution and

powers and places limitations on these powers. A constitution represents a higher law and is an expression of the permanent will of the people binding upon all governmental entities (The Supreme Court of Ohio, 2011).

When Chief Justice Moyer first took office, his statements indicate that he was particularly interested in upholding the basic tenets of our nation's founding documents. He captured the essence of those tenets by acknowledging the intent of the crafters of the US Constitution to endow ultimate authority and all political power to the will of the people. Moyer centered his speech around the idea of maintaining an orderly society, which he said, "is established and sustained only where people are protected from an overly aggressive government from a breach of a duty or criminal activity by courts that decide cases fairly and impartially (The Supreme Court of Ohio, 2011)." The essence of his speech was in maintaining the trust of the citizen electorate through the perception of a fair and impartial judiciary. In a study commissioned by The Supreme Court of Ohio and the Ohio State Bar Association (Ohio Commission on Racial Fairness, 1999), twelve years after Moyer took office, the authors concluded that "the perception of discrimination encompasses every phase of the criminal justice process and many of the personnel responsible for its operation" (Ohio Commission on Racial Fairness, 1999, p. 52). They further concluded that, "these perceptions are firmly entrenched and for some take on the character of irrefutable, universal truths."

The commission also acknowledged that, "a factual basis does appear to exist for a significant percentage of the negative perceptions of the system reported to us...Regardless of accuracy, a person's perceptions are that person's reality" (Ohio Commission on Racial Fairness, 1999). They concluded, "If Ohio's criminal justice

system is ever to appear fair in the eyes of all of its residents, all of those responsible for its construction, operation, implementation and maintenance must be viewed as making every reasonable effort to eradicate every factual basis for perceptions of unfairness brought to their attention”. It is with this premise that I analyze the various systems and those responsible for oversight of the judiciary and the impact of these systems on African American female judges across the state of Ohio.

To understand the impact of electing judges with values counter to that of the dominant political party, I analyzed the context by which Judge Stokes, Judge Squire, Judge Hunter came to the bench. The road to arrival and the journey to the bench for each of the three African American judges in my study were all quite different, but the way that they were treated before, during, and after their election’s bear striking similarities. Judge’s Carole Squire and Angela Stokes both enjoyed the endorsement of their parties when they initially ran for office, while the head of the Democratic Party in Cincinnati-Hamilton County, Ohio expressed that Judge Tracie Hunter was not the choice of the Democratic Party during the primary election in 2010. After beating their endorsed candidate that year, she was later endorsed during the General Election (Wilkinson, 2015).

Elections

In Ohio, there are two ways that judges usually come to the bench. That is, either by appointment or through election by popular vote. Judges in Ohio serve six-year terms and are elected in a partisan primary, followed by a non-partisan General Election. This means that judges do not have a party label next to their names on the ballot. This provides the appearance of impartiality, when

engaged voters have already vetted the candidates and their partisan politics during the Primaries, held prior to the General Election. This system relies on the remainder of the voting public to make decisions based on name recognition alone.

Ohio courts routinely appoint visiting judges who have reached the statutory age of 70, and are constitutionally no longer eligible to serve as active judges. Visiting judges are used across the state of Ohio in cases where the originally assigned judge has been disqualified, or for various reasons when a judge is unable to preside over his or her cases for purposes of vacations, sickness, and maternity leave. In some cases, as many as four judges have been requested by specific courts. For example, in Columbus between September 16, 2002 to October 25, 2002, December 9, 2002 and February 2003, July 28, 2003 and September 8, 2003, court documents reveal that 4 visiting judges were requested to hear Permanent Commitment Cases.

Judges in Ohio are elected for a fixed six-year term; they are constitutionally protected from the abridgement of their term and compensation in office. Additionally, judges have the constitutional right to exercise the power of their office as directed by law. The constitution also sets forth the parameters by which a judge can be removed from office as follows:

Judges may be removed from office, by concurrent resolution of both houses of the general assembly, if two-thirds of the members, elected to each house, concur therein; but, no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard (The 1851 Ohio Constitution with Amendments to 2015).

In 2011, Ohio voters turned down Issue 1; when the proposed amendment to the Ohio constitution failed. Passage of that amendment would have raised the maximum age for elected or appointed judicial office from seventy to seventy-five. That amendment would also have eliminated the General Assembly's authority to establish courts of conciliation, and it would have eliminated the Governor's authority to appoint members to a Supreme Court Commission. It is also important to note that if Issue One had passed, it would have perpetuated a 6-to-1 Republican imbalance on the Ohio Supreme Court and similar imbalances on lower courts. On October 20, 2011 prior to the General Election, Kevin O'Brien of the Plain Dealer wrote, "Raising the mandatory retirement age of judges from 70 to 75 won't hurt anything. If Ohio is going to continue making the mistake of electing its judges, the candidates should at least come from the broadest age range available" (O'Brien, 2011). O'Brien does not explain why he feels it is a mistake for Ohioans to elect judges, however his bias towards the process of Democratically elected judges is clearly articulated.

Judge Angela Stokes Candidacy

Being the daughter of a civil rights leader afforded Judge Angela Stokes with a measurable amount of name recognition. In 1995, when she initially ran for Municipal Court Judge, during a period where the Black Elected Democrats of Cleveland, Ohio (BEDCO) were feuding with the chair of the Democratic Party, Stokes received the endorsement of Cuyahoga County Democratic Chairman Jimmy Dimora (Bustamante, 1995) after he was criticized for not supporting and promoting Black candidates. Stokes handily defeated and unseated her opponent, the incumbent African American appointed

Republican judge Larry Smith. When she initially ran for election, Stokes was touted in the media for being highly qualified and having the necessary judicial temperament. Stokes won re-election in 1999, and in 2005 she easily won re-election after facing no challenger. That year, some of her peers rated her excellent.

In October 2011, nearing the General Election, Stokes met with a tremendous amount of opposition to her re-election from the legal community. These issues seemed to arise out of the blue, after Stokes filed a complaint against the Administrative Judge, Ron Adrine. The Cleveland Metropolitan Bar Association, Cuyahoga Criminal Defense Lawyers Association, Ohio Women's Bar Association and the Norman S. Minor Bar Association for black lawyers each rated her "not recommended" (Naymik, 2011). Touting her name recognition as the cause of previous re-elections to the court, the newspaper headlines read, "Four groups of lawyers give thumbs down to powerful ballot name of Stokes, but will it matter?" The paper also stated that her opponent, Edward S. Wade Jr. (a Republican, who ran as an Independent) entered the race due to "his own experience in Stokes' courtroom and what he views as Stokes' refusal to listen to prosecutors and defense attorneys who try to cut plea deals for some defendants" (Naymik, 2011).

Days before the General Election in 2011, Black Republican Administrative Judge Ronald B. Adrine filed a disciplinary complaint against Judge Stokes. Stokes' attorney Paul Daiker said, "Adrine orchestrated the "secret case" against her and he created toxic courtroom for her". He said that Adrine and his predecessor "rewarded people" who helped them. According to Daiker, Adrine never tried to address his concerns about Stokes' courtroom behavior directly with her. And, despite the

disciplinary counsel's allegations against Stokes, Daiker disputed claims that Stokes consumed a disproportionate amount of court resources or that her courtroom frequently ran long (Naymik, 2015).

The Rules of the Supreme Court of Ohio require that investigations be confidential, and only the attorney/judge against whom a grievance has been filed may waive confidentiality, however Adrine's filing was announced in the media. During the disciplinary counsel hearing against Stokes, her attorney explained that "Adrine routinely fed the news media stories to turn voters against Stokes, and recruited people to "bear false witness" against her" (Naymik, 2015). As evidenced by Reporter Mark Naymik's article divulging the fact that the Ohio Supreme Court was snooping around, his suggestion at the end of his article that "people should let the investigator from the Supreme Court know that Judge Stokes is under-performing", was an indicator that he was more than willing to be an active participant in the effort to rid the court of Judge Stokes (Naymik, 2011).

Despite what appears to have been an attempt on the part of the media and her political adversaries to thwart her attempts at re-election, Stokes won the support of the voting populace for her re-election bid and swore in for a 4th term. She won with 56% of the vote, as compared to her two opponents who lost with 31% and 13% of the vote.

Judge Carole Squire's Candidacy

In 1989, Carole Squire had the opportunity to serve in her dream job as a Referee in Franklin County's Juvenile Court. As a Referee, her sole responsibility was deciding abuse, neglect, and dependency cases. Prior to securing her position, Squire had

unsuccessfully applied several times for a full-time Referee position in Juvenile Court. The temporary, six-month part time Referee assignment came available in 1989 due to Senate Bill 89, which imposed a deadline for completing backlogged cases in all Ohio Courts with jurisdiction in cases of abuse, neglect, and dependency. The Senate Bill required that the Courts be in compliance with the new law or lose funding (Squire C. , 2016).

Securing the position on the Juvenile Court enabled Squire the opportunity to utilize the several years of experience she'd gained in the Franklin County Juvenile Unit of the Court, where she'd held roles prosecuting abuse, neglect, and dependency cases; served as a Defense Attorney; a Guardian Ad Litem; and as an official juvenile court 'court watcher', as a part of the Washington D.C. based non-profit organization--Youth Alternatives Project. Squire had also held the role of Assistant Director of the Youth Alternatives Project. Squire was assigned to the State of Ohio to provide technical assistance and support to the juvenile court system. The program encouraged community alternatives, such as family mediation, to juvenile court formal filings (Squire C. , 2016).

Squire's experiences within juvenile court provided her with the expertise to understand the court system from multiple perspectives. She concluded that to have meaningful input, and to bring about the much-needed reforms to the court, she would be most effective serving as juvenile court judge. Serving as judge would enable her to effect greater numbers of children and families than the role of Defense Attorney or Assistant Prosecutor afforded.

Several months after successfully reviewing and completing the Courts backlog of cases under Senate Bill 89, Squire's temporary Referee contract ended. She'd been

initially offered a full-time Referee position, which was later rescinded. Squire was eventually hired as a full-time Referee in the Juvenile Unit of the Court, where she spent more than six months presiding over child support enforcement cases, before finally being assigned to abuse, neglect, dependency, and delinquency cases (Squire C. , 2016).

Squire served three years as an appointed Magistrate in the Juvenile Unit of the Court of Common Pleas, Division of Domestic Relations, prior to deciding to seek elected office as a judge of the Court. Her decision to run for judicial office was fueled by the case of an African American teen that had run away from home. Squire presided over the case. At the preliminary hearing, Squire became concerned about where the teen had gone, with whom the teen had been, and why the teen had chosen to run away for several days. The Attorney for the teen circumvented court rules and procedures and went directly to the assigned judge and interfered with Squire's handling of the case. The attorney was able to obtain the judge's order to release the child back to the home where she'd previously fled without Squire's input, rendering her unable to properly ensure the child's welfare, protection, and well-being (Squire C. , 2016).

Squire believed the system was broken and was very concerned that the attorneys and judges in the juvenile system failed to see children's humanity and acknowledge the specific circumstances of each individual child, youth, and the family. She passionately wanted to see Court priorities and policies changed (Squire C. , 2016).

The politicization of a truancy case she handled on the part of two judges, ultimately led to Squire's decision to run for a judicial seat. In a close and hotly contested race, Squire unsuccessfully challenged incumbent Kay Lias in 1994. That year, she was

the only Black candidate running for judicial office in Franklin County (Squire C. , 2016).

Squire successfully won her bid for a seat on the Court of Common Pleas, Division of Domestic Relations Juvenile Branch in 2000 with 150,000 votes, after Judge Twyford vacated the seat due to his retirement. Even after taking the bench as a judge, Squire was prevented from hearing the "bottlenecked" abuse, neglect, and dependency cases due to partisan politics at the court (Squire C. , 2016). In 2004, there were three juvenile cases filed for each domestic case filed in the Franklin County Court; 35,062 juvenile cases compared to 11,633 domestic cases (Squire C., 2010, p. 248).

While divorce was the focus of most the Domestic Relations and Juvenile Court judges and court staff, Squire found her passion working with abused and neglected children. She said, "the primary reason I ran for judge was because I do not believe the secondary status to which the juvenile unit has been historically relegated by the elected judges, benefits Franklin County's children or adult citizens" (Squire C. , 2010). She believed that service as a judge in family court was part of God's plan for her life.

When Squire initially ran, The Columbus Bar Association's judiciary committee gave Hale a rating of "highly recommended" and Squire a "not recommended." The Columbus Dispatch reported that six unions also endorsed Hale, including the police, firefighters and AFL-CIO. The paper cited that Squire was endorsed by the Coalition of Black Trade Unionists, and the Communicator News (Mayhood, K., 2000), but it omitted that Squire was also endorsed by the Columbus Teachers Union, Baptist Ministerial Alliance, AFSCME, The AFL-CIO, The National Bar Association, The Columbus Call & Post, The Columbus Post, and The Communicator News (Squire C. , 2016). After touting

Hale for his career accomplishments and ignoring Squire's accomplishments as an attorney and judge for nearly thirty years, Dispatch reporters simply stated that, "Squire, though, is to be commended for her intelligence and dedication to doing what's right for the community" (Columbus Dispatch, 2000).

Despite Squire's endorsement by the Democratic Party, and her nearly traditional ascendance to the bench, she was not a political insider. Squire first served as an Assistant to the Franklin County Prosecutor, and following several years in private practice, she became a magistrate for 3 ½ years within the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Unit (Squire C., 2016). Over the span of her thirty-year legal career, Squire had been an advocate for the working poor and unemployed people involved in abusive situations. She had also served as guardian ad litem for many allegedly abused, neglected and dependent children. Squire had also held positions with the Office of the Ohio Attorney General in the Victims of Crime Division.

Squire enjoyed campaigning, because it gave her the opportunity to educate the community on the vital role of the courts. She did not seek assistance from the Democratic Party for volunteers to help run her campaign, instead she ran a grassroots campaign. Volunteers for her campaign were volunteers who were members of her church, family members, people who knew her, and people who had never been involved in campaigns. Her non-traditional approach resonated well with voters.

Despite not being the favored candidate of her attorney and judicial peers, with the help of her husband and committed volunteers, Squire prevailed over Hale in the 2000 election. Judge Squire was first elected to the Franklin County Court of Common

Pleas, Division of Domestic Relations and Juvenile Branch in November 2000. Her term commenced January 2001. During Squire's term on the bench, the court was always controlled by a Republican majority, by the second year of her term she became the only Democrat and the only African American of the five judges that comprised the Franklin County Domestic Relations bench.

Two years after losing his bid for election to Squire, Hale was appointed to the Franklin County Municipal Court on February 14, 2003. When Hale, a Republican had to run to keep his seat during the 2003 General Election, his opponent Democrat John Hykes ran a television ad criticizing Judge Hale, for being "rejected by voters, then appointed by political bosses" (Mayhood K. , 2003). In 2005, the Columbus Dispatch noted that twelve of Franklin County's 44 judges were appointed to the bench after losing an election (Mayhood & Cadwallader, 2005).

In October 2005, a 75-page formal complaint was filed against Judge Squire by the Supreme Court of Ohio's Office of Disciplinary Counsel, alleging that she had violated canons set forth in the Ohio Code of Judicial Conduct in four of the 32,000 cases that she handled while serving as judge in the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Unit. Up to this point, Squire had accomplished 28 years of an unblemished legal career and had absolutely no history of discipline. Despite the allegations, Squire persisted in running for re-election to retain her seat. Subsequently, fifteen days prior to the election to retain her seat, on October 22, 2006, a Columbus Dispatch editorial endorsed her opponent, stating that, "The allegations against Squire, a Democrat are among the most serious that one can level against a judge", however the editorial provided no details about what Squire was

accused of that was so heinous (The Columbus Dispatch Editorial Team, 2006). In the article, The Columbus Dispatch cited results from the Columbus Bar Associations Judicial Preference Poll, which rated judicial temperament, objectivity, legal knowledge, sentencing, and timelines. The poll overwhelmingly favored her opponent. The results of the poll concerned Judge Squire, because of the very small number of lawyers, and the fact that the poll was not scientifically a representative sample size of the body of attorneys in the region (Squire, 2016). She was also concerned that in two of the five categories included in the poll, 383 attorneys rated her judicial service, and only 134 lawyers had actually been in her courtroom (Squire C. , 2010). This means that 65% of the attorneys, who rated Squire in the poll, had no actual experiences with Squire.

Several articles followed The Dispatch's October 22nd article. One article noted, "The case against Squire is expected to wrap up today, but a final decision on whether she will be disciplined or cleared of the charges is not expected until after Nov. 7, when she will be on the ballot for re-election" (Mayhood K. , 2006). Despite the fact that judicial races are supposed to be non-partisan at the General Election phase, the candidate's political affiliations were prominently highlighted in the conservative newspaper article (The Columbus Dispatch Editorial Team, 2006), and the disciplinary actions against her became the focal point of the news coverage of the pending election.

Days after the 2006 General Election, television news outlets began reporting security issues in the election process. The New York Times reported that, "In the Columbus area, the Franklin County phone system collapsed amid a crush of calls from voters and poll workers, The Columbus Dispatch reported a similar collapse in the May 2 primary delayed final returns until 2 a.m." (Hauser & Holusha, 2006). ABC News

reported “In Franklin County there were problems with the voter ID rules. Poll workers incorrectly turned away people with driver's licenses that didn't match their home addresses on the rolls” (ABC News, 2006). It was also reported that in Columbus, “Voters received notices telling them that their polling location changed, and redirecting them to churches that were not polling sites” (ABC News, 2006). Ohio Secretary of State, Jennifer Brunner announced that she was banning the practice of so-called "sleepovers" where poll workers take the programmable and easily hackable voting machines home with them overnight prior to an election day (Fittrakis & Wasserman, 2008).

The election was clouded by several irregularities and violations. According to the Franklin County Board of Elections, Squire lost the 2000 General Election by 13,064 votes. The numerous irregularities prompted Squire to file a lawsuit on December 22, 2006, given the possibility that her bid for election was impacted by such irregularities. Squire hired Dr. Rebecca Mercuri, President and Chief Technical Officer of Notable Software, Inc. as an expert witness and investigator. Mercuri, a computer science professor who holds a Ph.D. in Computer and Informational science from the School of Engineering and Applied Science at the University of Pennsylvania, detailed criticisms of the Franklin County Board of Elections (BOE) and its conduct of the 2006 election in her sworn affidavit. Mercuri’s 16-page affidavit included the following (Fittrakis D. R., 2007):

- 35 precincts were unable to close “due to problems with printers, machine malfunctions, infrared readers, PEBs [personal electronic ballots]” Squire paid for a recount of these 35 precincts but the BOE used the real-time audit log (RTAL) paper tapes to recount only 2 of the 35 precincts. The RTALs are the only way to accurately assess how people really voted on the Election Day.
- In the BOE warehouse “hundreds of RTAL paper rolls were sitting out on various tables. Her investigation uncovered that sealed

containers holding the rolls would be open only in the presence of observers, but this apparently had already been done, and the rolls extracted, prior to the observer's arrival."

- "Many of the rolls" lacked "tamper-proof" tape, which seals the RTALs at the end of Election Day in case of a recount. Instead, they had stickers which could be easily tampered with.
- "Some of the [RTAL] rolls did not have a sticker" leaving them open for tampering or accidental destruction. Others [RTALs] had a sticker with handwritten initials on it" indicating that the roll "was replaced by a service person during the Election Day." This raises questions concerning chain of custody of the rolls, the functionality of the machines, and identity and background of the technicians who initialed the stickers. ". . . A considerable number of the rolls were incomplete, possibly because the paper roll had run out or been changed, although for some, it was evident that the end of the paper roll had been damaged or ripped."
- ". . . between five and ten percent of the machines had either not printed an end tally," or "it was missing."
- In one case, when Mercuri requested the information at the beginning of the RTAL roll be read aloud during the recount, the phrases "password override" and "PEB failure" were read from the audit log. Mercuri concluded that ". . . this might have indicated a pre-election breach of security or protocol for that equipment."
- "It was observed that some of the equipment problem report pages had been previously removed from the poll books." "The warehouse facility appeared to be shared by other agencies, as there was a large SWAT team truck behind some of the rows of voting machines" (Fitrakis D. R., 2007).

The Free Press reported that, "Mercuri's 16-page affidavit concludes that Squire was denied "an appropriate recount" from a voter-verified paper trail using the RTAL rolls and points out that the "voting system was inappropriately configured and improperly used during the election" (Fitrakis D. R., 2007).

The Free Press noted the following from Mercuri's testimony, "The Franklin County BOE used different versions of hardware that were not certified prior to the election. "The use of mismatched components violates certification requirements and also runs the risk of exposure to programming errors (bugs) or security vulnerabilities that

could compromise the integrity of the election and result in the loss or mistabulation of votes,” Mercuri states (Fitrakis D. R., 2007).

The Free Press documented additional problems with the election, which included a statement by The National Institute of Standards and Technology (NIST), one of the federal government’s premier research centers, which condemned electronic voting machines noting that as presently configured, they “cannot be made secure” (Fitrakis D. R., 2007). The article also exposed that “in an audit of 25% of Franklin County’s precinct poll books and signature books, Squire’s elections investigator Rady Ananda found massive problems with over reporting of votes. Only 29 out of 216 precincts matched the number of signatures to the number of votes cast”.

According to the article, “Eight precincts reported more than 100 more votes cast than signatures in the poll books”, and “a similar problem of fewer votes being recorded than voter signatures also occurred with one precinct having 100 fewer votes on the machine than signatures” (Fitrakis D. R., 2007). Several discrepancies were identified in precincts across precincts in Ohio. “In all, 136 precincts fell into this category. Columbus Ward 66 Precinct G was missing 123 votes. An audit of Miami County by a Free Press investigation team following the 2004 presidential election found a similar problem of optiscan precinct totals not matching signature books. In the spring 2006 primary election, the ESI audit of Cuyahoga County found similar problems” (Fitrakis D. R., 2007).

The Free Press also noted that, other 2006 candidates had similar concerns, such as Beverly Campbell, a 2006 Democratic candidate for the Ohio Statehouse, who lost by

368 votes in Franklin County. Campbell told the Columbus Dispatch that “her campaign has questions similar to Squire’s about vote and signature totals.” (Fitrakis D. R., 2007). In completing her own investigation, she found that of 98 precincts where there were problems, 88 of them showed more votes cast than signatures or more signatures than votes cast. “In all, she found 483 more votes than signatures and 300 missing votes” (Fitrakis D. R., 2007).

Squire’s complaint also asserts, “Over 2500 provisional ballots were discarded with no opportunity for observers to obtain the basis or justification for rejection.” According to Free Press Reporter, “Many Ohio Democrats have chosen to ignore that reality. But one who hasn’t taken that position is newly-elected Secretary of State Jennifer Brunner, who pledged a complete review of the electronic voting machines” (Fitrakis D. R., 2007).

Despite the overwhelming evidence concerning the discrepancies in the voting process and numerous problems with the equipment, electronic poll books, problems with printers, machine malfunctions, infrared readers, and personal electronic ballots, a lower court judge dismissed Squire’s case. According to Columbus Dispatch reporter, “In a 20-page decision issued on February 24, 2009, Franklin County Republican Common Pleas Judge John P. Bessey said Carole Squire's arguments were not supported by fact” (Cadwallader, 2009).

On appeal, The Ohio Supreme Court upheld Bessey’s ruling in favor of the Board of Elections to certify the election in favor of Republican Christopher Geer, Squire’s opponent. Squire unsuccessfully appealed the courts’ decision all the way up to the federal appeals court, which denied jurisdiction (Gregory Frost, 2005). After the

resolution of the election lawsuit, Squire was suspended from the practice of law in Ohio October 25, 2007, for two years with one year stayed, based on the unfounded and baseless claims set forth in the Disciplinary Complaint. After Squire's suspension, there were no more Democrats on the Common Pleas Domestic Relations Bench in Columbus, until November 2012, when another African American female, Terri Jamison an accidental Democratic candidate defeated Christopher Geer. Jamison raised \$9,200 and was outspent 5-1 by Geer (Futty, 2012).

About a decade after judicial and attorney peers endorsed Hale over Squire and several unions highly recommended him, in 2010, "a Municipal Court employee filed a federal lawsuit accusing city officials of covering up or failing to act on her complaints that Hale sexually harassed her and made racial slurs when she worked as a Spanish-language interpreter for the court" (Futty, 2013). According to the Columbus Dispatch article, "Hale wasn't named as a defendant because he, along with other judges and the court administrator, settled out of court with the woman before the lawsuit was filed" (Futty, 2013). A year after that controversy, in 2011 a Groveport, Ohio woman "who had appeared before Hale in a drunken-driving case filed a federal lawsuit accusing him of abusing his authority as a judge by taking her to a bar and subjecting her to unwanted sexual advances" (Futty, 2013). A third woman came forward and alleged as early as 2006, that Hale "grabbed her breasts, used racial slurs to refer to her and otherwise created a hostile work environment" (Sczekalinski & Futty, 2011). Even though the third woman's attorney mentioned his plans to file a complaint with the disciplinary counsel, there are no complaints noted on file with the Ohio Supreme Court.

In 2011, The Columbus Dispatch uncovered that Hale had fixed a speeding ticket for Patrick M. Quinn, a lawyer whose firm was defending Hale in a sexual-harassment case. In that same case, Hale had falsified a court entry stating that the prosecutor had dismissed the ticket. When a formal complaint was made to the disciplinary counsel, Hale voluntarily stepped down as a judge. Hale admitted improperly dismissing the speeding ticket, and the disciplinary counsel referred his case to the Ohio Supreme Court with a recommended six-month suspension.

The findings of Fact, Conclusions of Law, and Recommendation of the Board of Commissioners on Grievances and Discipline of Supreme Court of Ohio document noted, “the Respondent had no prior disciplinary record”. The court however cited Hale for "serious violations of his ethical duties as both an attorney and judge" and for his "efforts to cover his tracks" (In re: Complaint Against Harland Hanna Hale, 2013). Contrasted with Judge Squire’s two-year suspension from the practice of law and a requirement that she repay the legal fees associated with the fabricated investigation against her, the Ohio Supreme Court only imposed a six-month suspension on Hale for his criminal act, and one year and a half later, Hale applied and was granted to have his license to practice law re-instated. To date, Squire still has outstanding debt, pursuant the \$16,999 cost of the disciplinary action against her that was assessed by the Ohio Supreme Court. She has not yet been re-admitted to the practice of law.

Judge Hunter’s Candidacy

As a first-time candidate in 2010, it appeared that a chance for Judge Hunter to win a seat at the Hamilton County Juvenile Court was a long shot. Hunter had very little

money and ran a grassroots campaign. During the primary, she had no support from the Democratic Party. In fact, Tim Burke, the Hamilton County Democratic Party Chair had a history of cutting deals with the Republican Party (Paeth, 2008; Osbourne, 2012), allowing Republican candidates to run unopposed and of endorsing Republican candidates for office, rather than endorsing Democratic candidates. After Republican juvenile court judge David E. Grossmann retired in 1998, Judge Thomas Lipps, a Republican, had a 12-year reign as Judge of the Hamilton County Juvenile Court. When the opportunity arose in 1998 to run a candidate against Judge Lipps, Democratic Party Chair Tim Burke endorsed long-time Black Republican John Burlew to run against Lipps (Wilkinson, 1998). Judge Lipps won that election.

After it was brought to Burke's attention that Hunter desired to run for the Juvenile Court Judge seat in 2010, he chose instead to back Dan Donnellon, a white male, and the attorney son of former Ohio Judge, Edward J. Donnellon (now deceased). Dan Donnellon, a trial lawyer who had no experience working with juveniles. He had devoted his law practice to trial work involving trademarks, trade dress, trade secret, copyright and other business-related issues, including complex business and product liability actions. Hunter on the other hand, as a pastor, journalist, and lawyer had dedicated her life to improving the lives of children and the local community. Hunter had served as guardian ad litem with ProKids and worked as a contract attorney with the public defender's office handling felony cases. She had also previously worked in several halfway houses for juvenile offenders. Hunter owned and operated her law practice since 1994, and since then had made it a priority to ensure that the constitution, state and federal laws were applied to all children and families fairly (Hunter, 2013).

After a successful career, as General Manager of an Urban Gospel radio station, Hunter had considerable name recognition in the faith community and in the Black community. She easily won the 2010 primary election against the Democratic Party's endorsed candidate, with nearly 70% of the vote. After winning the primary, the Democratic Party endorsed Hunter. When it became apparent that Hunter had a real shot at the juvenile court, she began to see the disparity in the way she was treated as compared to her opponent, when one of her supporters was asked to remove Judge Hunter's campaign sign from her yard because it was too large and was allegedly posted too soon before the November General Election in that district, although it was legally posted in accordance with county rules (Kemme, 2010). When Hunter pointed out that there were other political signs, even that of her opponent John Williams, found on the same stretch of road, Madeira City Manager Tom Moeller said the city asks property owners to remove illegal political signs only when someone complains about it (Kemme, 2010).

The Juvenile Court judgeship is the second most powerful seat in Hamilton County (next to the Sheriff's office), with oversight of a nearly \$30 million budget, approximately 400 employees, the ability to hire magistrates (who hear cases for the judge), and decision-making authority in over 230,000 juvenile cases. Since the Common Pleas General Division came into existence in 1802, there have only been seven black judges in 214 years (Gallagher, 2016), and prior to Hunter there had never been a Black or a Democratic judge on the juvenile court. Of the court of appeals judges, only 3 of 27 judges across the entire state are not white. A Hunter win threatened to shake up

the entire court system, because such a win meant the end to the Republican dynasty that had controlled the court for over 110 years.

Hunter represented a significant change to the structure of the bench, because from the time of the court's nearly 110-year existence, it was common knowledge in Hamilton County that the pathway to judgeships was to first come through the prosecutor's office and then contingent upon a political affiliation with the Republican Party. Aspiring attorneys who got their start in the prosecutor's office would cut their teeth practicing law in juvenile court, where children had limited constitutional rights, and then would graduate to practicing law in adult court. After spending time in the adult court, an attorney might be endorsed by the Republican Party for a seat as the department head in some government-oriented position, or as a judge. The Republican Party controlled all government positions at the county level. They controlled the prosecutor's office; the public defender's office; the entire common pleas court and municipal court, including the court administration, the clerk's office, the juvenile court; the commissioner's office; and all county run offices, except the recorder and auditor's office.

By 2010, when Hunter was running for office, Republicans had nearly full control of the courts and the legislature in Ohio. In 2009, former Assistant Prosecuting Attorney Republican Greg Hartmann became a Hamilton County Commissioner, and even the Public Defender's office, which is entrusted to provide defense for the poor in criminal cases is run by former Assistant Hamilton County Prosecutor, Republican Raymond Fallner. This is significant because the philosophy of the Prosecutor's office, which carries the role of prosecuting cases is significantly different from that of the role of defending

the rights of the accused. This is also significant because it demonstrates the extent to which The Republican Party controls every aspect of the criminal justice system.

Control of the county, and the majority of the county's judgeships, was not the extent of Hamilton County's Republican Party's powerbase. Their reach extended to the appeals court, where at the time Hunter was running for office the prosecutors' mother-in-law, Sylvia Hendon was the presiding judge and a visiting judge with The Ohio Supreme Court. On many occasions, Hendon also served as a visiting judge with The Ohio Supreme Court and the Juvenile Court. After Judge Hunter took the bench, she protested Hendon's appointment as a Visiting Judge to the Juvenile Court, due to conflicts of interests (Hunter, 2016).

Most current sitting judges got their start in the Prosecutor's office. There is also a significant amount of nepotism across the judiciary and in powerful legislative and media positions in Ohio. For example, Pat DeWine, the son of the Ohio Attorney General, Republican Mike DeWine, also sat on the appeals court. Republican Penelope Cunningham is the wife of the local WLW shock jock and conservative radio show host Bill Cunningham (also an Attorney). Penelope, like most Hamilton County judges once served as a Hamilton County Assistant Prosecutor. Appeals Court judge, Republican Russell J. Mock, also served as an Assistant Prosecuting Attorney for the Hamilton County Prosecutor's Office. First District Court of Appeals Republican judges, Lee Hildebrandt and Patrick Dinkelacker (father of Assistant Prosecutor Leah Dinkelacker) were also formerly Hamilton County Assistant Prosecutors. Hildebrandt also sat on the Ohio Supreme Court's Board of Commissioners on Grievances & Discipline; this is the body which investigates complaints on attorneys and judges.

In a response to an editorial written in the Cincinnati Enquirer by Bill Gallagher, a Black Cincinnati-based attorney, Robert Newman, the White lawyer who had previously challenged the judicial appointment process as being unfair to Democratic Attorneys, explained the problem with the Prosecutor's office being the feeder for most judgeships. Newman explained, "In August 2016 there were 115 attorneys in the office, three of whom were African American, two registered Democrats, and about 30 related to someone else in the office or in the courthouse. For example, there are four Deters in the prosecutor's office, including Prosecutor Joe Deters". Newman goes on to explain the significance of a nearly all-white prosecutor's office. The Prosecutor's office "is the pathway for most judicial appointments. Thus, the reality of very few African American judges in the Court of Common Pleas and the Court of Appeals" (Newman, 2017). This also presents the problem of nepotism, whereby government positions are often reserved as patron positions for relatives and friends of Republican political figures, throughout the court system and throughout government in the state of Ohio.

John Williams, Hunter's Republican opponent was entrenched in the Republican Party, and like most Hamilton County judges, Williams got his start with the Prosecutor's office, where he worked from 1993-2004. Williams also worked as a Court Administrator and a Magistrate, and spent several years serving as the Director and Deputy Director of the Hamilton County Board of Elections, where he boasts having supervised and conducted 19 elections in Hamilton County as Chief Administrative Officer. As this was his most recent position, he knew the inner-workings of the Board of Elections, and his staff was still currently in place. Sherry Poland, the employee who determined the

outcome of Hunter's election by deciding which votes to count or not to count in the election, was hired by Williams after they both left the prosecutor's office.

After a hard-fought race for the seat, Hunter was certain that she had won on election night as she watched the numbers roll in from predominantly Democratic precincts, predominantly Black precincts, and even areas where Republicans normally have a foothold. She became concerned after she surpassed Williams with over 90 percent of the electorate reporting and somehow Williams pulled ahead by a few votes, which never happens in elections that far along, especially when the city of Cincinnati, which is predominantly black and the largest city in the county, is always counted last. Out of the blue, Williams was seemingly ahead by a few thousand votes. Election officials, who had been either colleagues or under the direction of her opponent John Williams just one year prior, had stopped counting votes at the point that Williams was winning by 23 votes. The Board of Elections later said that a couple of precincts in small predominantly white communities came in after Cincinnati votes, which is atypical (Hunter, 2016). The BOE declared Williams the winner of the elections with only a 23-point lead.

Before the election was certified, Hunter retained a lawyer and attended post election meetings where they discovered that over 11, 000 provisional votes were thrown out and not counted. Hunter and her attorney were concerned that most of the votes not counted were in largely Democratic and predominantly black and socio-economically disadvantaged communities. By selecting which votes to count or not count, the BOE was able to control the outcome of the election by manipulating votes.

After the BOE refused to count the provisional ballots, Hunter decided to challenge the election results in court. She won her seat after a heated court battle and a series of appeals, spearheaded by Hamilton County Prosecutor, Joe Deters. Deters represented the Board of Elections against Hunter in the voter suppression lawsuit. The BOE was determined not to count the votes, and appealed every decision in Hunter's favor all the way up to the U.S. Supreme Court. The trial cost taxpayers two million dollars, and inevitably the Board of Elections was required to count more than 800 votes from majority black precincts, when it was found that poll-workers were responsible for sending voters to the wrong booth, which caused their votes to be disqualified.

While Hunter awaited the outcome of the tedious year and a half long court battle, the sitting Republican Juvenile Court judge, Karla Grady, suddenly retired three years early for unknown reasons, leaving a vacancy on the court. Governor John Kasich appointed John Williams, the loser of the election to that seat in November 2011, exactly six months before the votes were counted and Judge Hunter was declared the true winner of the 2010 election.

After Judge Hunter's historic win in November 2010 as the first and only Black person and the first and only Democrat to ever attain a seat as a judge in Hamilton County, Ohio's Juvenile Court's 110-year history, Tim Burke, local Chair of Democratic party, did not endorse Judge Hunter for a second run. He made public statements that he believed that the charges against Judge Hunter were politically motivated and unfortunate, but he made no effort to intervene on her behalf, and instead assisted the Republican Party with ensuring that Hunter could not run for a second term.

Burke and his Republican colleagues at the Board of Elections, removed Judge Hunter off the voter rolls, to disqualify her after she had amassed enough signatures to run a second time. They subsequently sought out the advice of an independent legal expert to provide an opinion that, based on the criminal conviction, Judge Hunter was not eligible to vote (Hunter v. Hamilton County Board of Elections: Order Certifying A Question Of Ohio Law, 2016) and therefore was ineligible to run for office. In a later ruling, pursuant a second federal lawsuit filed by Hunter to regain her right to vote, the former head of Hamilton County's Republican Party, federal Judge Michael Barrett overturned the BOE's decision to not allow Hunter to vote, based on the fact that the conviction was still under appeal, and a federal stay had been granted in the case. Barrett did not rule in her favor when Hunter filed a second lawsuit, requesting to be included on the ballot to retain her seat as a judicial candidate. This effectively prevented her from running to retain her seat.

Democratic Party Chair, Tim Burke has a history of allowing judicial seats to go unchallenged (Burke, 2004), or of selecting Republicans to fill seats. Instead of supporting Judge Hunter, at the realization that she had been railroaded by a prominent member of the Republican Party, Burke chose to endorse Darrel Payne, a Black male attorney who stated publicly that he was the close friend of Republican judge, John Williams, who had previously lost the 2010 election to Judge Hunter.

Payne had never held a public office and was virtually an unknown to the community. He had previously lived in Cincinnati, but had relocated to Louisiana to take a position as an Athletics Director at a college. On the campaign trail, when he was accused of not having a heart for the real issues children faced and of trying to split the

vote in the Black community, Payne mimicked Judge Hunter's campaign platform as a historical candidate. If Payne won, he would have been the first Black male judge on the Juvenile Court bench. Without touting any experience in working with children, Payne was calling himself a Champion for Children, echoing the theme that had been constructed around Judge Hunter's historic win and heroic efforts on the bench. On the campaign trail, Payne admitted that he had only come back to Ohio because he had not been able to sell his home in Cincinnati. Payne did not run an aggressive campaign, and inevitably lost to Former Hamilton County Assistant Prosecutor and experienced White Republican female judge, Melissa Powers, putting the juvenile court back into the hands of the all white Republican court.

Serving in the Judiciary & Removal From the Bench

While serving as judges, the focus of all three judges in my study was on rehabilitation of offenders, restoration of families, and ensuring that those they served had access to a fair trial. Their shared interests in these areas were exactly what made them different from the other judges within the majority Republican courts where they served. Squire, Stokes, and Hunter also experienced similar challenges while on the bench. All of them believed that they were targeted for removal, they were also all denied adequate resources and staffing to run their courts effectively, and each of them experienced over-reach at the hands of the administrative judges of their courts. They were also all denied the rightful authority of their offices. Court documents and newspaper articles also revealed that each of them were subjected to smear campaigns by the media, all three had their judicial temperament called into question. And, each of

them expressed that they were retaliated against and targeted for removal after making formal complaints against the individuals who targeted them.

Despite spending long hours working well into the evening, Stokes was accused of not ruling on her cases in a timely manner. In response to the allegations that became the impetus for her removal from the bench, Judge Stokes notes that “I do not have a full time personal bailiff, a staff person which every other judge in the Cleveland Municipal Court has” (Alkire, 2014). Shortly after Stokes won her bid for re-election in 2011, Administrative Judge Ronald Adrine removed all criminal cases from her docket after alleging in a 119-page affidavit the possibility that Stokes suffered from a mental illness and engaged in misconduct, his complaint included the following: In that same court filing, Stokes explains that the Administrative Judge, Ronald B. Adrine unconstitutionally removed all of the criminal cases from her docket and assigned her a disproportionate number of civil cases.

Her attorney writes:

It should be noted that the grievance, giving rise to Disciplinary Counsel's investigation of Judge Stokes, was brought by Judge Adrine within days of her reelection to the 2012 term which she currently is serving. (Stokes' First Aff., para. 8) Indeed, it was in May of 2011 when Judge Stokes caused an ethics investigation into a personnel matter which involved Judge Adrine. (Stokes' Third Affidavit, para. 4.) Further, Judge Adrine supplied an Affidavit in connection with Disciplinary Counsel's attempt to cause a prehearing psychiatric examination of Judge Stokes. In apparent retaliation in what can only be described as a personal vendetta by Judge Adrine, he has chosen to impose an interim disciplinary and/or mental illness suspension upon Judge Stokes in connection with all her criminal, quasi-criminal and traffic matters while her aforementioned disciplinary complaint remains pending.

Adrine claimed he had received hundreds of complaints against Judge Stokes. Despite the allegation that he had received hundreds of complaints, Adrine had been the Presiding and Administrative Judge since 2008, and since Stokes began practicing law in 1984 and subsequently taking the bench in 1995, there had been no record of any disciplinary complaints filed against Judge Stokes (Alkire, 2014). Furthermore, according to court filings at the time, Judge Stokes was never made aware of any of these allegations (Alkire, 2014). Paul Daiker, Stokes' attorney in the disciplinary case said that taking away her cases were Adrine's attempt to circumvent the election process (Naymik, 2015).

The Ohio Supreme Court issued an Alternative Writ of Prohibition on September 3, 2014, which determined that Judge Adrine exercised judicial power unauthorized by law, when he transferred and reassigned all of the pending criminal misdemeanor, criminal minor misdemeanor, and traffic matters from Stokes' docket. After Adrine refused to restore Stokes' cases after the issuance of the Alternative Writ of Prohibition, Stokes filed an action against Adrine requesting that the court make Adrine show cause why he should not be held in contempt as a consequence of his continued exercise of judicial power unauthorized by law in defiance of the court's order and to show cause why he should not be charged with contempt for deliberately disobeying the order to restore her cases (Alkire, 2014). The action filed by Stokes stated that,

Judge Adrine makes allegations, some of which have not been brought to my attention, to my recollection. He does mention the time frame of "middle of 2011." It was in May 2011, perhaps not so coincidentally, that I contacted then Deputy Chief Bailiff Gregory Sims, asking him to investigate a personnel matter involving Judge Adrine, when a court employee, Diane Richardson, e-mailed an invitation to Judge Adrine's campaign fundraiser to all judges of the court and to all judges in the Northern Ohio Municipal Judges' Association using the Court's e-mail

servers. I asked Bailiff Sims to have this matter investigated in accordance with the Court's Ethics Policy. As a result, Ms. Richardson and one other employee - Judge Adrine's personal administrative assistant, Coleen Radeff- received an unpaid suspension from work. Apparently, this action on my part did not improve my relationship with Judge Adrine (Alkire, 2014).

Stokes goes on to explain (Alkire, 2014),

It is clear that Judge Adrine has made decisions about my behavior as a judge without affording me any opportunity whatsoever to explain my conduct, confront specific allegations about it and adjust my behavior, if appropriate. In other words, Judge Adrine has ignored all the dictates of due process under the law as it relates to his imposition of unilateral discipline, which can be the only interpretation of what he has done in connection with my personal docket and Session Assignments. That it has been punitive is beyond dispute.

In a subsequent law suit filed by Judge Stokes, she sought relief in that the Administrative Judge and Visiting Judge had taken over her office and its duties by presiding over her entire criminal docket (Alkire, 2014). Judge Adrine requested the assistance of the visiting judge, Mabel M. Jasper from The Ohio Supreme Court to take over Stokes criminal cases.

Ohio courts routinely appoint visiting judges who have reached the statutory age of 70, and are constitutionally no longer eligible to serve as active judges. Visiting judges are used across the state of Ohio in cases where the originally assigned judge has been disqualified, or for various reasons when a judge is unable to preside over his or her cases for purposes of vacations, sickness, and maternity leave. Judges in Ohio are elected for a fixed six-year term; they are constitutionally protected from the abridgement of their term and compensation in office. Additionally, judges have the constitutional right to exercise

the power of their office as directed by law. The constitution also sets forth the parameters by which a judge can be removed from office as follows:

Judges may be removed from office, by concurrent resolution of both houses of the general assembly, if two-thirds of the members, elected to each house, concur therein; but, no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard (The 1851 Ohio Constitution with Amendments to 2015).

Stokes experience of being relegated to only certain types of cases was shared by Squire and Hunter. During her tenure on the bench, Judge Squire was prevented from hearing certain types of cases. In her August 27, 2004 letter to the Chief Justice, she noted:

During the entire three and a half years of my present term as judge, I have not been afforded the opportunity to hear permanent commitment cases (PCC's) assigned to me, due to Judge Mason's "directive", a majority of the court's avoidance of the issue of equalization of workload and the assignment of visiting judges to all PCC's. PCC's are cases involving mothers' and fathers' fundamental right to parent being permanently terminated. PCC's are among the most important cases handled by our court.

Squire pointed out that she had been prevented from hearing her assigned juvenile and neglect cases, "Oft times, by the dawn of election day, political operatives have already manipulated the process sufficiently to have confidence that the majority of judges at a particular court will support the status quo..." (Squire C. , 2010). She further explains:

The judges who opposed my efforts had all been appointed to the bench. I alone had not been appointed to the bench. An appointment to the bench is a political process. I had run a grassroots campaign. I had no self-serving interests to protect that would lead me not to support reform in the

best interest of the people. I had only to follow the law and vote my conscience (Squire C. , 2010).

The courts' policy, which was set by Administrative Judge, Jim Mason was to only allow judges to hear juvenile cases one day per week, and to allow only visiting judges to hear both PCC's and abuse, neglect and dependency cases. In the Report of Misconduct, dated August 27, 2004, sent by Judge Squire to Chief Justice Moyer she detailed her concerns:

In violation of state law, elected Franklin County Judges were not presiding over juvenile cases, that in violation of state law retired or visiting judges were being utilized to perform duties that voters had elected sitting judges to perform, that Judge Lias stated she was aware that Franklin County Domestic Relations judges were "shirking" their responsibility to hear juvenile cases, and that Administrative Judge Mason was giving unlawful instructions to court staff to interfere with former Judge Squire's docket and staff (Squire P. , 2009).

Squire was tremendously concerned about the policy of not allowing the five judges of the court the ability to hear juvenile cases. In a letter written to the Assignment Commissioner, Cinda Nichols, Squire wrote:

While the administrative judge has the authority under the Rules of Superintendence 4 (B) to assure the efficient allocation of cases and resources among the judges, that is not tantamount to the power to encroach upon my inherent right to control my docket or the obligation conferred upon me by a vote of the people of Franklin County to decide both juvenile and domestic cases...A scarcity of resources should not either unfairly or disproportionately impact juvenile cases only...Finally, I am convinced that my handling juvenile cases twice a week need not interfere with the efficient allocation of resources among the judges (Squire C. , 2003).

Squire goes on to explain that, "Judge Mason stated that his concerns included the strain on resources including security, stenos, and transporting youth from the JDC to the

Courtroom and back. Judge Lias confirmed that the juvenile dockets had been set with one Judge having a docket one day a week to conserve resources” (Squire C. , 2003). In response to this explanation on the part of Judge Mason and Judge Lias, Squire states, “I am not persuaded by the argument advanced by any judge in this court that conservation of resources is the primary motivating factor behind having only one day per week per judge set aside for the hearing of juvenile related matters by the assigned judge” (Squire C. , 2003). Squire argues the point that, “The unilateral decision, by the present administrative judge of this court, and his predecessor, to have visiting judges handle PCC’s, a critically important work of this court, does not involve either significant security issues or transporting youth from the detention center. I submit it does, however clearly demonstrate that the court needs additional judges” (Squire C. , 2003).

During her tenure on the bench, Squire suspected that Judge Jim Mason was intentionally excluding her from meetings where important decisions were being made (Squire C. , 2016). After disciplinary actions were filed against her, she learned that in violation of the Code of Judicial Conduct, Judge Mason had been giving legal advice to assist attorneys that were practicing in her courtroom to circumvent her authority. Mason admitted that he met with attorney Lorie McCaughan on several occasions to advise her on issues pending before Judge Squire (In Re: Complaint Against Honorable Carole Squire, 2006). The advice that Mason offered was improper, but also incorrect and in violation of several Canon’s of the Judicial Code, including one which prevents a judge from giving legal advice (Squire C. , 2016). Ms. McCaughan’s testimony conflicted with Mason’s testimony. He admitted that he had met with McCaughan several times, while she lied under oath and said they only met a couple of times and she could not recall what

they discussed (In Re: Complaint Against Honorable Carole Squire, 2006). No disciplinary action was taken against Mason, after being caught lying under oath.

According to Squire's lawsuit, she was considerably concerned that the actions of Judge Mason, Administrative Judge of Franklin County Court of Common Pleas, Division of Domestic Relations, was a deliberate attempt to target her for re-election defeat (Squire P. , 2009). Her requested discovery evidence would have uncovered the extent to which Chief Justice Moyer and Judge Mason might have collaborated or conspired to target her for disciplinary action in response to her Report of Misconduct. Judge Mason and Chief Justice Moyer were both Republicans. Squire's lawsuit succinctly explained the relationship between Moyer and Mason as follows;

These two have a long history. In point of fact, under Justice Moyer's administration, for years Judge Mason served as Secretary to the Ohio Board of Commissioners on Discipline and Grievances. The two were also colleagues on the Ohio Tenth District Court of Appeals. During his deposition in this action Judge Mason stated that he served on several committees with the Chief Justice. Suffice it to say, Judge Mason's judicial career has been materially aided by Chief Justice Moyer. The two men are well-acquainted with one another. (Squire P. , 2009).

Even though by law (ORC 4113.52) Chief Justice Moyer was obligated to take corrective action within 24 hours on the Report of Misconduct filed by Squire, Moyer did not acknowledge ever having received the report (Squire P. , 2009). The civil suit filed by Judge Squire noted the following:

It came to light during the actual hearing and deposition testimony of Judge Mason, that he had actively encouraged the attorneys who appeared before former Judge Squire and provided the impetus for the October 1, 2004 investigation, to file disciplinary complaints against former Judge Squire (Squire P. , 2009).

From 2000 to 2001, court documents show that Judge Squire's caseload was double that of her colleagues. In her letter to Ohio Supreme Court Chief Justice Thomas Moyer dated August 27, 2004. Squire requests that the Chief Justice intervene in an effort to have the work load evenly distributed. An excerpt from that letter is as follows:

Notwithstanding Judge Preisse's agreeing, as set forth in the January 12, 2004 letter, Re: Supreme Court Case No. 03-AP-101, addressed to Your Honor, to cooperate with equalization of the caseload and my repeated requests of two administrative judges to equalize the workload, no efforts have been undertaken to address my disproportionately higher number of CSEA cases. (Exhibits P-S)-compilation of Court statistics reflecting my more than 10,000 signings incident to CSEA Terminations, thousands more than two fellow judges). Furthermore, in reference to Judge Preisse's January 12, 2004 letter, I hereby take exception to Judge Preisse's mischaracterization of the work effort necessary to manage CSEA cases, including the signing and processing of termination entries and processing of motions prior to said terminations...During the first three months of my term on the bench, from January-March 2001, double cases were wrongly assigned to me, allegedly accidentally. Despite numerous inquiries and my persistence endeavoring to ascertain the reason for my caseload being disproportionately higher than the other judges of our court, it was not until I personally and repeatedly visited our data processing center that my being assigned double cases was finally acknowledged and the practice discontinued. While I acknowledge efforts have been made to equalize the caseloads of the judges of our court, I have reason to doubt that this has been accomplished (Squire C. , 2004).

Judge Hunter and Judge Squire shared similar experiences of having the independence of their judicial decisions questioned and in being prevented from ruling on cases. They both experienced being unfairly given an extremely large case loads, having visiting judges take over their court dockets, and being denied access to necessary court resources. Hunter, who took the bench later than Stokes and Squire, met with more intensified measures. The prosecutor's office sued her to prevent her from ruling on a pending discovery issue, then quietly dismissed the case (Amicus Brief In Support Of Appellant Tracie M. Hunter's in Support of Jurisdiction, 2016). By filing criminal charges

against Hunter, the prosecution could circumvent the disciplinary counsel in having her suspended from the bench, without due process and without providing a hearing as required by Ohio law, and the Ohio Constitution in order to remove a sitting judge from the bench. According to the code of judicial conduct, a felony conviction is an automatic suspension of a law license. In closing statements during her criminal trial, Special Prosecutor R. Scott Crosswell, III admitted that they did not want to send her to jail, but simply wanted her off the bench (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014).

According to Hunter's attorney, citing evidence from public records of the Ohio Supreme Court, Hunter had the highest caseload of any judge in the state of Ohio during the time she was on the bench. An excerpt from Gerhardstein & Branch law firm website reads as follows:

Despite having the heaviest caseload of all Juvenile Court Judges in both the county and the state, according to Supreme Court reports, Judge Hunter has handled her cases in a timely manner. Those who criticize Judge Hunter for delays often do not know the complexity of each unique case. Sometimes a party files a motion for more evidence, asks for more time to review transcripts, or files supplemental objections. In one custody case, a parent asked to have custody of his son instead of giving permanent custody to the government, his request must be given priority. Common to most of the contested cases is the fact that continuances were requested by parties for legitimate reasons. And, there are long delays in obtaining transcripts before the parties can argue. One case required transcribing nine hearings, which totaled over 1,100 pages of transcripts.

While on the bench, Hunter had been denied access to resources and staffing critical to carrying out her role as a judge. She was assigned employees that did not know how to properly prepare her entries, leading to her entries being backlogged in the system. Thereafter, the court hired multiple persons without experience and with poor

writing ability to prepare her entries (Hunter, 2016). Hunter did not have a Court Clerk and was provided a part-time Case Manager, Lisa Miller, who had three jobs with the court, performing case management duties in two courtrooms (including Judge Hunter's) and working as a Data Coordinator with the court. Court attendance records reflect that Miller worked only 32 hours per week with off days every Friday.

With 14,500 new cases per year on her docket, Hunter had twice as many cases than other judges across the state of Ohio and over 100 more hearings than Williams on her docket, due to more objections from the Magistrate's decisions (Branch, 2013). The resources and staff denied Hunter were essential and normally afforded every judge, to properly run their courtroom (Hunter T. , 2015). Despite having the heaviest case load of any juvenile court judge in the state of Ohio, Hunter was denied the right to hire a Court Administrator, even after the current Court Administrator, Curt Kissinger, refused to work for her (Hunter, Thomas, & Enoch, 2016; Hunter T. , 2015; Fox 19 Now, 2012). Hunter's case load was so large that upon her suspension her case load was divided among three judges. Retired Judge Tom Lipps was appointed as a visiting judge to handle her daily docket for adoptions, foster care placement and custody issues, while Judge John Williams and Sylvia Hendon (Prosecutor Joe Deters' mother in law and First District Court of Appeals Judge) shared her juvenile criminal cases (WLWT, 2014; Perry, 2014).

After only a couple of months on the bench, Hunter began experiencing daily backlash from Prosecutor Joe Deters, and his Republican friends and trusted colleagues (Amicus Brief In Support Of Appellant Tracie M. Hunter's in Support of Jurisdiction, 2016). When Judge Hunter issued a court order for the county human resources

department to hire a court administrator, “in an unprecedented act in the history of the county”, at the direct request of Prosecutor Joe Deters, she was sued by the Republican dominated Hamilton County Commissioner’s office, which oversees the county’s human resources and budget (Fox 19 Now, 2012). Upon suing her, Republican Commissioner Greg Hartmann said, “She ordered that one of our employees in human resources make this hire immediately so we had to take this action today because, conceivably, if we're telling one of our employees to ignore a judge's order, that employee could be thrown in jail,” said Hartmann (Fox 19 Now, 2012). The Ohio Revised Code Section 2151.13 gives Ohio Juvenile Court Judges the legal authority to hire all necessary personnel, but only Judge Hunter was sued when she attempted to make needed hires.

According to local court rules, judges have discretion in governing media access in courtrooms. However, Judge Hunter was subject to the appeals court’s ruling in determining whether media would have unfettered access to her courtroom. The media began suing Judge Hunter when she revoked the Enquirer’s permission to broadcast, televise, photograph, or record courtroom proceedings in a juvenile beating case involving 12 year old children. According to court filings, “Judge Hunter stated in the entry, the permission had been revoked based upon The Enquirer's violation of her September 17, 2012, order prohibiting the media from publishing the names of the juveniles and their parents ‘for all current and future proceedings regarding this matter’” (The Cincinnati Enquirer vs. The Honorable Tracie M. Hunter, Judge, Hamilton County Court of Common Pleas Juvenile Division, 2013). Judge Hunter’s initial order prohibited the publishing of names and faces of accused juveniles, after a white supremacist group staged a protest rally outside of the elementary/ junior high school of the accused Black

children in the alleged beating case of an adult White male (Amos, 2012). The order, according to Hunter, protected juveniles from harmful and racially disparate media exposure. Hunter's order also clearly applied the Ohio Rules of Superintendence and the Hamilton County local rules of Juvenile Court that specifically prohibited publishing the names of juveniles and their parents (Hunter, 2016). The First District Court of Appeals reversed her decision, requiring media access to her courtroom, which she only denied after they violated her original order. Although she complied with the order immediately, the Court of Appeals still held her in contempt for maintaining the restriction of publishing the children's identity, although her order complied with existing state laws, local rules and Supreme Court guidelines (*The Cincinnati Enquirer vs. The Honorable Tracie M. Hunter, Judge, Hamilton County Court of Common Pleas Juvenile Division, 2013*).

In less than 18 months on the bench, Judge Hunter became the target of almost 30 unprecedented lawsuits filed against her court by the Prosecutor's Office, Cincinnati Enquirer; WCPO; Public Defender's office and Board of Commissioners. Prosecutor Deters led the indictments and subsequent charges against Judge Hunter immediately after she reported him and three other prosecutors to the Ohio Supreme Court for ethics violations in their representation of her and for prosecutorial misconduct in the juvenile court cases wherein she was subsequently charged with crimes. Hunter's attorneys explained that the charges against Hunter amounted to malicious and vindictive prosecution (*State of Ohio v. Tracie M. Hunter: Court Transcripts, 2014*). A total of 26 of the lawsuits were filed by the Public Defender's office, accusing Hunter of having cases out of time. The court docket reflected that the Administrative Juvenile Court,

Judge John Williams reported 103 cases pending at the time, while Judge Hunter reported only 79 cases (Branch, 2013). The Public Defenders office sued Hunter a total of 18 times, alleging cases were pending beyond guideline. Despite Judge Williams reporting more cases “out of time” than Judge Hunter, according to Juvenile Court reports, no lawsuits were filed against him (Branch, 2013).

Judge Hunter also filed an extensive document with exhibits to the Ohio Supreme Court proving that her cases were not beyond deadline when the false accusations were made and the lawsuits were filed. Some of the cases had already been decided when the lawsuits were filed. Other cases were pending at the Court of Appeals and Judge Hunter legally couldn't rule on those cases because the Court of Appeals possessed the entire case files and total jurisdiction of those cases when the lawsuits were improperly filed against. The cases should have been dismissed by the Court of Appeals, but the prosecutors refused to file answers in the cases, which would have proven that the lawsuits should have never been filed. This allowed them to cover up the fact that the lawsuits were filed only to smear Judge Hunter and interfere with her ability to do her job while responding to dozens of frivolous lawsuits. Most of the lawsuits were dismissed (Hunter, 2016).

When later testifying about the incident, Public Defender Ray Faller admitted that “the Prosecutor’s office never filed answers in any of those cases”, and that “they all resulted in default judgments against Hunter’s court” (State of Ohio v. Tracie Hunter: Transcript of Proceedings, 2004). Faller also admitted that “although he had spoken with Williams about the cases he had presumed to have been ‘out of time’, he never spoke to Hunter about her cases prior to bringing suit”. He further confessed that “he was not

aware of the statute of limitations when his office filed the suits against Hunter”. His office simply “brought suit when he felt that enough time had passed and when she did not meet his arbitrary deadlines, he filed the suits” (State of Ohio v. Tracie Hunter: Transcript of Proceedings, 2004). When Faller was asked to read the Supreme Courts document that stated that Judge Hunter had 14,500 cases, and was questioned about his expectations given her heavy caseload, Faller said, “There is no way that a human being, as an attorney the years I have practiced, anybody could handle a caseload like that if there is that many cases open.” (State of Ohio v. Tracie Hunter: Transcript of Proceedings, 2004).

During Hunter’s criminal trial, Allison Hild an attorney with the Public Defenders’ office, admitted that she and her colleagues were forced by Ray Faller (the Public Defender, a former colleague and personal friend of Joe Deters) to file those writs against Hunter (State of Ohio v. Tracie M. Hunter: Court Transcripts, 2014). Hild was the attorney on the Anthony Chase (aka. the A.C. case, the juvenile defendants bind over case) and the D.M. case (another juvenile case). The A.C. and D.M. cases involved the prosecutions refusal to turn over evidence in police reports. These two cases led to the criminal charges against Hunter. Hild testified that the police did not arrest her client for weeks after the actual alleged crime, and she wanted to find out how they came by the evidence to link the juvenile A.C. to the crime. When Hild requested that the police report be handed over for discovery, the prosecutor refused and she filed a motion to compel in Judge Hunter’s court room (State of Ohio v. Tracie M. Hunter: Court Transcripts, 2014). Hild testified that Charles Lippert, the attorney with the Prosecutor’s

office, expressed in court that he feared that if he turned over the 527 B police report that he would lose his job.

The Prosecutor's office insisted on representing Hunter in the writs filed against her Court. They refused to allow her impartial and independent legal representation. During Hunter's trial, Commissioner Todd Portune admitted that the prosecutor's office and the attorneys they hired to represent her court in the 30 writ cases failed to respond to the writs, allowing them to go to default judgments (State of Ohio v. Tracie M. Hunter: Court Transcripts, 2014). After Hunter requested independent counsel from the Commissioner's office and finally sought the help of independent counsel from Attorney Jennifer Branch to respond to those writs, the Prosecutor's office initiated 9 criminal charges against her. Three of the charges were associated with the business use of the credit card in the amount of \$1100 to respond to those cases. The prosecutor's office admitted that they were responsible for paying those filing fees. In representing Hunter in the re-trial, after the jury was hung on eight of the nine charges, Branch presented evidence demonstrating that the charges were falsely brought, because the county did not actually pay the credit card charges. Those were paid by the juvenile court, which is partially funded by the State of Ohio, not the county (State of Ohio v. Tracie M. Hunter, 2016). As the statutory representative of the Juvenile Court, Hunter had the legal authority to use her credit card to transact any business of the court, including defending lawsuits brought against the Juvenile Court.

Four of the criminal charges filed against Hunter (2 counts of forgery, and 2 counts of tampering with evidence) surrounded the A.C. and D.M. cases that were handled by Hild. After Hunter ordered the prosecutor's office to turn over evidence to

determine if there was anything in those documents that might have exonerated the accused children (In Re. AC, a minor child, 2014), the Prosecutor filed criminal charges against Hunter accusing her of backdating court documents to prevent them from appealing the decision (State of Ohio v. Tracie M. Hunter, 2014).

During the first trial, Don Flischel a Proware software executive testified that Lisa Miller was the one who backdated court documents. Miller also admitted under oath that she was the one who backdated the documents, not Judge Hunter. According to Proware executive, Deters' office was privy to this information prior to charging Hunter with crimes. Prior to the start of the second trial, Hunter hired a forensics expert to analyze the computers at juvenile court where the alleged backdating occurred. Special Prosecutors Merlyn Shiverdecker and R. Scott Crowell, III dropped all remaining charges against Judge Hunter on the day that the second trial was set to begin. This announcement came after Judge Hunter's attorneys Jennifer Branch and Louis Sirkin filed court documents regarding the destruction of computer evidence that would have exonerated Hunter on the eve of the first day of trial. The Court filing reads as follows:

Defendant Judge Tracie Hunter moves to dismiss Counts 1 and 3 (Forgery) and Counts 2 and 4 (Tampering with evidence) on the grounds that the State failed to preserve exculpatory evidence, that is, evidence that would tend to be favorable to or exonerate the defendant. While the Grand Jury was taking evidence in this case the State failed to preserve material evidence. These counts deal with the alleged "backdating" of two judicial entries which Judge Hunter was accused of creating. At trial, it was clear that Case Manager, Lisa Miller, created the two entries. The State knew as early as August 2013, months before the grand jury took evidence, that Lisa Miller created the two entries on her work computers. Instead of preserving this critical computer evidence, the computer she used the most was wiped clean and sold in December 2013 and the other computer was not preserved. Defendant learned this recently in discovery. The State had a constitutional duty to preserve the computer evidence that was material to the issues in this case. When the state violates its constitutional duty,

these charges must be dismissed (State of Ohio v. Tracie M. Hunter: Motion to Dismiss Counts 1 through 4, 2016).

To date, the county has spent upwards of \$5,000,000.00 in persecuting and prosecuting Judge Hunter. The second trial was expected to cost over \$500,000. Special Prosecutors Merlyn Shiverdecker and Scott Crosswell, III, were recommended by Deters to prosecute Hunter in a million dollar no bid contract. According to Hamilton County Common Pleas Court Local Rule 41, the prosecutor could have retained Special Prosecutors from the State of Ohio at no cost through the attorney general's office. This Crosswell's law firm also represents Deters in his personal divorce case. He and Shiverdecker had never served as prosecutor's prior to Judge Hunter's case. Filing charges against Hunter was effective in keeping her off the bench for most of her entire six-year term leaving John Williams, a former prosecutor and past director of the Hamilton County Board of Elections to unilaterally control the Juvenile Court.

Deters has previously been embroiled in political corruption and ethical scandals. While serving as State Treasurer, his office was tainted by a campaign-finance scandal that led to the criminal conviction of Deters' former chief of staff, Matthew Borges, and his former fund-raiser Eric Sagun. According to Court documents, Borges gave preferential treatment to individuals who contributed to Deters' campaign. Sagun participated in a scheme to funnel money that was intended for Deters campaign through the Hamilton County Republican Party (Horn, Siegel, & Jim, 2004). Deters was also under investigation by a special prosecutor investigating whether Deters or anyone on his staff attempted to cover up a theft from the evidence room while he was prosecutor in

1996 (Horn, Siegel, & Jim, 2004). In 2013, with the help of Governor John Kasich, Matthew Borges became the Chairman of the Ohio Republican Party.

Statutorily, the Prosecutors' office is responsible for representing all county offices, including the Commissioner's office and even Judge Hunter as a Common Pleas Judge in Hamilton County, except in cases of a conflict of interest. Judge Hunter repeatedly requested independent counsel, but was refused, allowing prosecutors to control both sides of her cases and the adverse subsequent outcomes (State of Ohio v. Tracie M. Hunter: Court Transcripts, 2014). Judge Hunter was ultimately charged with 10 felonies, brought by Deters' friends and personal divorce attorneys, who had made multiple donations to his political campaign for Prosecutor (See Appendix III). Judge Norbert Nadel, who was also a contributor to Prosecutor Deters campaign for Prosecutor, oversaw Judge Hunter's trial.

Judge Nadel refused a motion for a retrial after he refused to poll the jury, in clear violation of the law, at the request of Hunter's Attorney, Clyde Bennett. At the close of trial, that same day, two jurors came forward and said that their true verdict was not guilty, and if Nadel had polled the jury, they would have said so (Motion for a New Trial Based on Court's Failure to Poll Jury , 2014). A third juror came forward two weeks later and admitted the same, adding that she was strongly pressured by the jury forewoman to convict Hunter, despite finding her innocent (Motion for a New Trial Based on Court's Failure to Poll Jury , 2014). Even after all three of the only Black jurors on the case filed affidavits after the trial to say that guilty was not their verdict, Nadel refused to change his decision. The First District Court of Appeals, also composed of friends and donors of the Prosecutor, upheld Nadel's decision, and the Ohio Supreme Court refused to hear the

case on discretionary appeal. Thirteen days after Judge Norbert Nadel sentenced Judge Tracie M. Hunter to six months in jail without bail, twelve months' probation, and court costs, for allegedly securing a public contract for a family member, who was hired by the court over five years before Hunter's election, (State of Ohio v. Tracie M. Hunter Trial Transcripts, 2014), the same judge sentenced Mark Glover, who was convicted of 6 very serious felonies of a six-month suspended jail sentence with three years' probation. Glover violently raped and held a young female college student against her will. Judge Hunter's sentence was comparatively harsher, as she awaited a six-month sentence with the threat of 23 hours per day of solitary confinement. Glover is the son of a prominent Republican Attorney in Cincinnati.

Hunter was convicted of having an unlawful interest in a public contract. She was charged with securing a public contract for her brother, although her brother had worked for the court since 2007, five years before Hunter became a judge. The Special Prosecutors alleged that Hunter secured documents on behalf of her brother to help prevent his termination. No such documents were ever produced or identified during the criminal trial. The prosecution also failed to mention that as judge of the Juvenile Court, Judge Hunter was the statutory employer, and was legally responsible for investigating allegations against the court. Hunter's brother faced termination after he had to subdue a juvenile during the intake process. Court documents demonstrated that no one came to his aid, as was required when a staff person called for assistance. During Hunter's criminal trial, her lawyer presented emails to demonstrate that Judge Hunter requested all investigatory reports surrounding that incident, as she had of all employees whenever an incident arose. She sent the exact same emails in each case, regardless of the employee

(State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014). The prosecutors failed to mention that court emails entered as evidence confirmed that Court Administrator Curt Kissinger contacted Hunter about her brother's termination, and a public records request was sent to Judge Hunter for personnel files, which legally required her response (Hunter, 2016). There was no evidence of her involvement in a termination hearing, nor of any communications with any employee of the court about her brother's termination hearing. Court testimony revealed that all of Hunter's communications about her brother's termination were about public records (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014). Public records are documents that anyone can request.

During the trial, Hunter's Attorney Clyde Bennett filed three Rule 29 motions, as there was no evidence to substantiate the charge. Additionally, according to the Bill of Particulars in Hunter's case, she was actually charged under statute 2941.42, which says "A convict removed as provided by section of the Revised Code shall be kept in jail subject to be taken into court for sentence or trial," a statute which has nothing to do with securing a public contract, which was the basis of the proceedings. The charge should have been dismissed.

Hunter was convicted of one of the 9 charges, which she appealed in the court where Prosecutor Deters' Mother-in-law, Sylvia Hendon served as presiding judge. Judge Hendon also simultaneously presided over Hunter's cases as a visiting judge in Juvenile Court.

Hunter's conviction was upheld by the First District Court of Appeals. The Ohio Supreme Court stayed Judge Hunter's sentence, which was to commence on Monday,

December 29th, after Hunter's attorney filed an emergency writ of mandamus and habeas corpus. As of June 12, 2017, Hunter's criminal case was still on appeal awaiting a decision at the U.S. 6th Circuit Court of Appeals. The trial court judge presiding over her case, Judge Patrick Dinkelacker, killed a Black female pedestrian after crossing a median a few days after Judge Hunter was sentenced to six months in jail. Dinkelacker, who is also a financial donor of Prosecutor Deters was assigned Judge Hunter's case after Judge Nadel became too old to be a judge. Dinkelacker plans to send Hunter to jail for six months if the case is not overturned by the Court of Appeals.

Hunter's attorney said the charges against her were retaliatory and vindictive in nature and were brought because Hunter sued the Board of Elections and won. Her attorney also explained that the charges came after Hunter became a whistle-blower, and began reporting unethical juvenile court practices; and because of the changes she was making to the Juvenile Court (State of Ohio v. Tracie M. Hunter, 2014).

Shortly after taking office, Judge Hunter began reporting inaccurate case data reporting by Juvenile Court to the Ohio Supreme Court; challenging unethical nepotistic hiring practices; and she began rectifying civil and constitutional rights violations within Juvenile Court. Most of the violations disproportionately impacted African American children in Hamilton County, who comprise over 92 percent of the children in the Juvenile Court system (Ohio Department of Youth Services, 2010). Hamilton County has the most children across the state being bound over to the adult system (Ohio Department of Youth Services, 2010), advancing a school to prison pipeline. After Judge Hunter exposed inaccuracies in the reporting system to the Ohio Supreme Court in 2012, the

Court began evaluating how it reports its caseload and completely overhauled and reprogrammed the juvenile court case management system.

Judge Hunter's rulings on the issue of discovery evidence changed Ohio case law, and required Prosecutors across the state to disclose evidence in police reports that might lead to the subsequent innocence of an accused criminal defendant. At issue in both the D.M. and A.C. cases were a child's constitutional right to discovery evidence, prior to a bind over probable cause hearing. Hunter ordered the prosecutors to provide these forms for in-camera inspection to protect the rights of accused children; however the prosecutor's office refused to turn over the discovery, which included the full Arrest and Investigation Report (Form 527), and the Incident Report (Form 301) (State of Ohio Hamilton County Prosecutor Joe Deters v. The Honorable Tracie M. Hunter, Hamilton County Juvenile Court, 2012). In the D.M. case, the Ohio Supreme Court upheld Hunter's ruling that all discovery evidence must be turned over and an in-camera inspection may be conducted if prosecutors believe any information in the reports would need to be redacted. The ruling affirming Hunter's decision to require the state to turn over police reports to juvenile and adult defendants is now law in all courts across Ohio.

After Hunter's suspension, the bench was returned to the control of The Republican Party. Community Courts, established years previously in several neighborhoods as diversion programs to help first time offenders avoid incarceration, began seeing a drop in their population. More children were being referred directly to criminal justice facilities, and innocent children were being incarcerated for over thirty days without receiving probable cause hearings. Based on data collected by Judge Hunter, and the resulting effect of people beginning to look at the juvenile court system

more closely, the Children's Law Center was able to ascertain that children were not being treated fairly, and brought a federal civil rights case against Judge John Williams and the juvenile court on behalf of youth in Hamilton County. A synopsis of the case found on the Children's law center website reads as follows:

Attorneys for the Children's Law Center filed a federal civil rights case on behalf of youth in Hamilton County, Ohio, who are arrested and detained without regard for basic due process rights. The lawsuit, filed in the Southern District of Ohio in Cincinnati on November 24th, 2014 alleges that juvenile court judge John Williams, in his administrative capacity, perpetuates policies and practices which fail to require probable cause before warrants are executed, or at detention hearings. The result, the complaint alleges, creates harm to youth who are arrested and incarcerated, disrupting their school, employment and family life unnecessarily, and violating their rights under the United States Constitution. More than 6000 youth were arrested and processed through the detention center in Hamilton County last year; of this number, African American youth were almost ten times more likely to experience arrest, and more than twice as likely to be detained. Also named in the complaint is Dwayne Bowman, director of the Hamilton County Juvenile Detention Center, and Hamilton County.

Judicial Appointments

The Governor of Ohio has the authority to appoint judges to the bench when a vacancy occurs in situations such as the death or the removal of a sitting judge. There are 7 Supreme Court seats, 69 Court of Appeals seats, 394 Court of Common Pleas seats, 215 Municipal Court seats, and 37 County Court seats across the state of Ohio. Over the course of his administration, from 2010 to 2014, and 2015 to now (his second term), Governor John Kasich has appointed one Supreme Court Judge, 5 District Court of Appeals Judges, 57 Common Pleas Court Judges, 7 County Court Judges, and 2 Municipal Court Judges. Kasich's appointments represent nearly 15% of all judicial seats at the Common Pleas level and above.

In 1992, five years after Republican Justice Thomas Moyer became Chief Justice, White Democrat Attorney Robert B. Newman challenged the partisan judicial appointment system as unconstitutional under the First and Fourteenth Amendments to the United States Constitution and Article I, Section 11 of the Ohio Constitution. Under then Republican Governor Voinovich, the judicial appointment process consisted solely of a recommendation of the Republican County Chairpersons (*Newman v. Voinovich*, 1993). The court held that the gubernatorial appointments of judges based upon political considerations were valid because judges were policymakers and the governor was therefore free to make judicial appointments based on political considerations. One of the claims Newman brought was under the Voting Rights Act. The United States District Court for the Southern District of Ohio dismissed Newman's Voting Rights Act claim because Newman lacked standing to bring such a challenge because he is not a minority or an "aggrieved person" covered under the Act. This particular portion of this holding raises the question of whether a challenge of the appointment process on the part of a woman or a minority under the Voting Rights Act would have prevailed at the US District Court.

In her first State of the Judiciary address on September 8, 2011, current Chief Justice Maureen O'Connor called for the initiation of discussions on improving the administration of justice to improve public trust and confidence in the judicial system. She was particularly concerned with judicial selection relative to public trust and confidence. She stated, "No matter what the basis for the public perception or the misperceptions of politics affecting the judiciary, we can and should examine the institution of judicial selection and discover ways to improve it (O'Connor, 2011)." She

praised the legal and judicial communities in Cleveland for having come together in effort to create a process “as free from partisan influence as is humanly possible” for filling judicial vacancies in Cuyahoga County. This was right around the same time Stokes came under attack in Cleveland. In the same speech, O’Connor also suggested moving to a nonpartisan judicial primary system, and nonpartisan appointment panels on a statewide basis, and for requiring the advice and consent of the Senate for Supreme Court appointments. Finally, she tackled the issue of diversity, first calling for a diverse bench in a very non-descript way, she said,

We have made progress in supporting diversity on the bench and bar, but we clearly have more work to do. And we can do better. Until we have a bench and a bar in Ohio that is truly representative of our diverse population, we have much more work to do in this area (O’Connor, 2011).

O’Connor then honed in on an issue that demonstrated a particular area of interest as it relates to diversity when she raised the question “Is age a diversity issue?” Answering her own question, she said, “I suppose it is.” O’Connor went on to explain the need for educating voters about Issue 1, which was a ballot initiative for raising the mandatory constitutional retirement age for judges to 75.

The Limits of Legitimate Power

In their quests to operate within the existing power structure, each of the three elected judges in my study met with significant opposition. Each of the Black female judges in my study came to the bench with a desire to improve the system in the interest of their constituents. In researching their cases, none of the three judges had an intent to subvert the system when they arrived on the bench. They believed, as they had been

taught that the system was just and fair, and that every American had the right to fair treatment within the justice system. They each exhibited a desire to be fair and impartial ministers of justice when they came to the bench, and all the way up to the time that they were strategically removed from the bench, each remained committed to her call to serve and to administer justice fairly. Each of the three judges had strong religious convictions, and felt that their being on the bench was their calling in life, rather than simply a vocation.

The primary focus for all three judges was the rehabilitation of the individuals who found themselves in trouble with the law. All three judges believed that rehabilitation would come through education and programs designed to empower those they were called to serve. Success for these judges meant a reduced recidivism rate and to know that those who appeared before them transformed their lives and became productive citizens. The work of these three judges, while on the bench, reflected their strong faith traditions and their belief in the ability of individuals, especially children to be rehabilitated (Hunter T. , 2015; Squire C. , 2010; Naymik, 2015).

Upon taking Cleveland Municipal Court bench, Judge Stokes worked to implement Project HOPE (Holistic Opportunities and Preventative Education). The program, which was designed to prevent recidivism, takes the approach that “offenders are victims in need of serious life changes”. The idea behind the program is that offenders will become positive, productive members in the community with legitimate gainful employment. Referrals are made, as part of the program, to various social service agencies in accordance with the specific needs of the offender. Project HOPE participants could receive assessments for various types of treatment and counseling, such as alcohol

and drug abuse, mental health, HIV and other STD, recovery support groups, vocational skills and training, GED classes, social services, and temporary housing services. Project HOPE also included a “Come and See” speaker’s bureau, where offenders can engage members of the community who served as volunteer speakers, and share valuable information in areas to improve their life outcomes. Speakers came from places like the child support agency, health related organizations, scholarship programs, and Dress for Success. Stokes undergrad degree was in Psychology, and a program design of this sort demonstrated the perspective she took on understanding and changing criminal behavior.

At the beginning of Stokes second term in office, she and judicial colleague Judge Mary Eileen Kilbane embarked on an effort to transform the lives of prostitutes, whom they understood to be victims long before they ever turned their first trick.

In a 1999 Plain Dealer news article, Kilbane said,

“Women who turn to prostitution often were victims of crime before they turned their first trick. Studies show that women who become prostitutes often have suffered abuse as children or adolescents, the judges said. Stokes said many of the women who appear in Cleveland Municipal Court are third-generation prostitutes - meaning their mothers and grandmothers also have a record for the crime.”

The article explains that the two women were so passionately committed to seeing the program implemented, that they first saw modeled in San Francisco and Chicago, that they were willing to pursue grant funding when court officials notified them that there was no funding available for the implementation of the program.

Disciplinary Counsels

Article IV of the Ohio Constitution articulates the provisions of the Ohio Constitution from which the power of the bench is derived. Section One states that, “The judicial power of the state is vested in a Supreme Court, Courts of Appeals, Courts of Common pleas and divisions thereof, and such other courts inferior to the Supreme Court as may from time to time be established by law”. In Ohio, the Constitution sets the provision that judges are elected to the bench, and in the cases of vacancies, the Governor has the power to appoint judges to fill seats until the next General Election. The appointed judge is then required to run to retain that seat. The Ohio Constitution also sets forth provisions for impeachment and removal of a sitting judge. Even the state’s high Court does not have the authority to remove a sitting judge. Section 17 states that,

Judges may be removed from office, by concurrent resolution of both houses of the general assembly, if two-thirds of the members, elected to each house, concur therein; but, no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.” Even in cases of impeachment, the Constitution provides that all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this State.

As outlined in Section 17, all three Black female judges in my study were elected officials and entitled to serve out their full 6 year terms in office without abridgement. The one power that the General Assembly was careful to retain in the second draft of the Ohio Constitution, ratified in 1851, was the exclusive right to remove a sitting judge from office, however in comparing the cases of the three of the judges in my study it appears that they all experienced unconstitutional strategic removal from the bench, as none of them were removed by General Assembly. The term “strategic removal” is used here to describe the processes that were employed to suppress the will of voters and effectively

unjustly remove their candidate from office, without following the constitutionally prescribed process.

Stokes was suspended from the bench under the auspices of disciplinary complaints brought by the Presiding/ Administrative judge. In the case of Judge Squire, she was removed from the bench after a complaint by the Administrative Judge. As elected officials, according to the constitution, the Administrative judges are peer judges as opposed to supervisors in terms of their respective powers. Hunter's suspension came as a result of the criminal prosecution, brought by the prosecutors who filed charges after she initially sued the Board of Elections and subsequently filed ethics complaints against the prosecutors for suing and representing her at the same time and for misconduct on juvenile court cases.

Each of the judges that were the subject of this study had been practicing law for 20 or more years, and none of them had ever had disciplinary complaints prior to the complaint that prompted their removals as judges. The accusations of misconduct for each of the three judges were extreme, unusual, outlandish, and extraordinary, as will be described below. The nature of their removals was all predicated upon their political leanings and the way that they went about the administrative duties of their jobs. In each case, it was demonstrated that the intent was to permanently remove the judges from their ability to serve on the bench as judges.

Even their judicial peers who engaged in extreme criminal behavior were not subject to the extreme cases of discipline that each of the judges who were part of this study were subjected to. The strategic removal of the three Black female judges in this study demonstrates the problem of hidden power structures incorporated in the design of

the judicial system in Ohio. These hidden power structures interfere with the right of the people (electorate) to elect judges of their choosing, and act as stop gaps in the process of democracy. The hidden power structures leave judges, who are supposed to be protected constitutionally, subject to the personal vendetta of their political adversaries. I posit that they also interfere with the “implicit” right of the three Black female judges to hold office. The right to hold office has always been extended to anyone qualified as an elector. Therefore, the right to hold office is simply implied, if one has the right to vote and meets all other qualifications to hold office. By denying the three judges the rights and privileges of the profession by which they’ve earned the right to practice, the disciplinary Counsel has essentially identified a backdoor to denying the right to hold judicial office.

This secretive process of filing complaints essentially affords the Counsel the power to selectively meet out justice and target judges for removal, even in the case of an elected judge selected by the people. The Disciplinary Counsel has the power to destroy a judge’s career, without regard to the basic rights afforded them as judges and as citizens under both the U.S. and Ohio Constitution’s. This process effectively circumvents the constitutionally prescribed removal process, which gives sole power of removal of a sitting judge to the General Assembly. The key to understanding the power that each of these judges wielded as members of the judiciary can be seen in Republican Party official’s willingness to spare no expense in the use of public funds in removing each of these three Black female judges from office, in total an estimated \$7,000,000 was spent collectively to remove Judge Stokes, Squire, and Hunter from office.

On December 18, 2014, The Ohio Supreme Court imposed an interim remedial suspension against Judge Stokes pending final disposition of the disciplinary proceedings, based on the allegations brought by Administrative & Presiding judge, Ronald Adrine. In response to Adrine's complaint accusing Stokes of causing serious public harm and posing a substantial additional and continuing threat of serious harm to the public and the administration of justice, Stokes' attorney insists that she never posed any threat or harm. According to filings in the disciplinary case, the harm Stokes was accused of posing was "keeping long courtroom hours, due to the mismanagement of her docket; repeated continuances; and rude and demeaning treatment of attorneys when they tried to place an objection on the record or discouraged their clients from accepting a plea offered by the prosecutor, and abuse of court resources" (Matter Related to the Practice of Law Authorized by S. Ct. Prac. R. Section 13, 2015).

In her defense, her attorney Larry Zukerman explains,

Judge Stokes is a uncommonly conscientious judge that spends considerable time and effort to ensure that the constitutional rights of defendants are protected, taking into account the rights of victims, as well as maintaining the goal of protecting the public...rather than quickly "processing" defendants before her by simply imposing fines to clear cases off her docket, Judge Stokes spends considerable time with defendants to ensure that their constitutional rights are protected and/or to determine whether defendants could benefit from mental health or social services through the Court's probation department. The time and care that Judge Stokes takes with the defendants before her allegedly resulted in her daily docket moving slower than other Cleveland Municipal judge dockets. The resultant slower moving docket, additional use of "human and material resources", and additional requests for mental health evaluations", have clearly led to the filing of the within matter.

Zukerman further explains, “Judge Stokes seeks to ensure that defendants are represented by legal counsel and seeks to craft appropriate sentences.” Zukerman explains that the accusations of misconduct directed at Judge Stokes amounted to nothing more than “abbreviated conclusory statements (without supporting documentation) that, taken out of context, completely misconstrued what actually occurred during the court proceedings” (Matter Related to the Practice of Law Authorized by S. Ct. Prac. R. Section 13, 2015).

Stokes and her defense counsel craftily demonstrate how her administration of duties properly aligns with the intent and language of the Ohio Revised Code by which a Municipal Court judge is responsible for abiding by (Matter Related to the Practice of Law Authorized by S. Ct. Prac. R. Section 13, 2015).

The overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the impact of the offense upon the victim and the need for changing the offender’s behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public.

In defense of the time that Stokes spends on cases, Zukerman says,

Stokes spends considerable time with defendants before her to comply with R.C. 2929.21 by determining the best way to protect the public from future crime and to change the behavior and/or rehabilitate the defendant... rather than simply and quickly disposing of the cases on her docket, Judge Stokes spends considerable time with each defendant to attempt to determine the best way to sentence a defendant to protect the public from future crimes of the defendant and to change the behavior of the defendant. These factors are the overriding purposes of misdemeanor sentencing. However, rather than the imposition of thoughtful sentences, it appears that the Administrative and Presiding Judges, Larry A. Jones and Ronald B. Adrine, have been and are more concerned with processing cases quickly and not using court resources when such resources are warranted (Matter Related to the Practice of Law Authorized by S. Ct. Prac. R. Section 13, 2015).

Providing over 500 pages of transcripts and exhibits, Stokes and her attorneys painstakingly disputed each instance of alleged wrongdoing. However, despite their efforts and the preponderance of evidence that demonstrates that Stokes had abided by the statutes in the administration of justice to all parties concerned, and that she was willing to spend the time necessary to distribute justice fairly and impartially, her efforts were in vain. According to the Disciplinary Counsel, under the policy governing the Disciplinary Process as outlined in the scope of Gov. Bar R. V (19) (C)(1), Stokes was not entitled to a defense to dissolve or modify a suspension order, but rather even though she did not agree with the terms of her suspension, she was required to prove that she no longer posed a substantial threat to the public. This implicitly implies that an admission of guilt is required to cure the suspension and for Stokes license to be re-instated.

The Disciplinary Counsel's summation of Judge Stokes behavior and whether she is entitled to reprieve or sanction hinged more on her willingness to admit to the accusations of wrongdoing, than on describing how those instances have disrupted the court as the initial complaint alleged. Her response to the accusations, according to the Counsel, "illustrates a severe lack of insight into her poor judicial temperament and administrative incompetence" (The Ohio Supreme Court Disciplinary Counsel, 2015). They also accused her of failing to appreciate the overall effect that her conduct has had on the Cleveland Municipal Court and the defendant's attorneys that appear before her. According to the Counsel, "the mere fact that she is unwilling or unable to acknowledge or accept responsibility for her actions leads them to believe that she will continue to engage in the same or similar conduct if she is permitted to handle a criminal docket" (The Ohio Supreme Court Disciplinary Counsel, 2015).

The Disciplinary Counsel summarily dismissed her response, and anything outside of an admission of wrongdoing is simply unacceptable. Quoting Judge Adrine, arguing against returning Stokes to the bench, the Counsel says that “Stokes might feel “empowered and emboldened” if returned to the bench she could become even more stringent” (The Ohio Supreme Court Disciplinary Counsel, 2015). The Counsel here is asserting that as judge, Stokes does not have the authority to act as a stringent judge. Stokes points out the unfairness of the disciplinary process in not disciplining Judge Adrine for not reinstating her case load. In later filings, she also points out the unfairness of the disciplinary process in general.

In particular, it is clear that Judge Adrine has made decisions about my behavior as a judge without affording me any opportunity whatsoever to explain my conduct, confront specific allegations about it and adjust my behavior, if appropriate. In other words, Judge Adrine has ignored all the dictates of due process under the law as it relates to his imposition of unilateral discipline which can be the only interpretation of what he has done in connection with my personal docket and Session Assignments. That it has been punitive is beyond dispute (Alkire, Merit Brief of Relator, 2014).

Stokes attempts to invoke her constitutional rights by asking for a post-suspension hearing, as she would be entitled to under Section 17 of the Ohio Constitution, which affords the accused “an opportunity to be heard.” under the prescribed process for removal. Stokes also invoked her U.S. constitutional right to due process, the Counsel also rejected this argument, explaining that due process in the disciplinary matter simply means that the accused is only entitled to “a notice of action” and “an opportunity to present their objections” (The Ohio Supreme Court Disciplinary Counsel, 2015). Even more intriguing is the Counsel’s response to Stokes equal protection claim, where she argues that she is being unfairly treated as compared to her judicial peers. Stokes asserts

her claims of discrimination based upon the fact that never in the Ohio Disciplinary Counsel's history have they ever sought an interim remedial suspension against a sitting judge who has been accused of non-criminal conduct. Dismissing her claims, the counsel reasons that, "there has never been a case where a judge's conduct has had such a profound effect on an entire court's ability to function". The Counsel further expresses discontent at having to schedule multiple hearings to accommodate the number of witnesses that would be required to testify due to Stokes unwillingness to admit to wrongdoing.

In Stokes' response, she argues that "six other Ohio judges, who are white, did not lose their law licenses after being accused of similar or worse violations of judicial conduct or court rules not involving criminal activity". Stokes provided a detailed description explaining her rationale and defense of the allegations in each of the cases for which she was accused of wrongdoing, arguing that "unprepared and impolite attorneys - and defendants who fail to follow probation rules -have sparked problems in her courtroom such as long delays and repeated appearances before her" (The Ohio Supreme Court Disciplinary Counsel, 2015).

Under the both the state and federal constitutions, Stokes should have been entitled to judicial immunity based on the nature of the claims against her. In the case of rulings and administrative duties carried out in the course of her duties as judge, Stokes should never have been subjected to disciplinary proceedings. The appeals process should govern instances where a judge has operated unfairly or impartially in a case. In this instance, Stokes was subjected to a system which has no checks or balances, subject only to the power of the dominant political authority and powers of the accusers/ political

adversaries. The strategic removal and subsequent forced retirement of Judge Stokes in her third term on the bench, nullified the votes of 35,700 electors. Despite the budgetary constraints that were constantly complained of by Cleveland's Municipal Court, as court officials complained of Stokes "liberal" use of court resources, and when she attempted to implement programs to reduce the recidivism rate for offenders, the City of Cleveland expended well over a million dollars to remove Stokes, an elected judge from office. That figure does not include the amount paid by the State of Ohio. A Cleveland 19 News article pointed out that, "that is enough money to put 18 more police officers on the street for a year" (Orlousky, 2015). Stokes has agreed to retire from the bench and never seek election again.

The deal struck between Stokes and the disciplinary counsel gets to the heart of what the counsel really desired of Stokes. The Disciplinary Counsel agreed to drop the entire 2013 complaint against her and to not oppose Stokes' request to have her law license reinstated, in exchange for her agreement to retire immediately, voluntarily, and irrevocably, and to "never run for, seek, accept appointment to or hold any judicial position in any Ohio state court, excluding federal court positions" (Naymik, 2015).

What About the Children: Judge Squire's Story

When Judge Squire initially came to the bench in 2001, she was keenly aware that her mission was to institute a fairer and more just system for the children of Franklin County (Squire C. , 2010). As judge, Squires' primary concern was to seek justice for all and to relieve suffering. She used a problem-solving approach to help with the juvenile caseload at the court. Squire explained, "I wanted to use my experience as a Magistrate in juvenile court, a defense attorney in juvenile court and as an assistant prosecutor with

abuse, neglect, and dependency cases to advance justice, help families and neighborhoods, and to improve the juvenile court system” (Squire C. , 2010).

Squire was proud of her above average record with the Ohio Tenth District Court of Appeals, her meticulous attention to her assigned cases to properly apply the law and reach just results, and her determination to respect all who entered her courtroom (Squire C. , 2010). However, the politics of the court got in the way of Squire’s attempt to bring more meaningful reform to the juvenile court in Franklin County, during her term as an elected judge. Squire described the experience at the Court as “a hostile political environment”. She further explained:

I expected common decency and respect, if only for the position I’d been elected to occupy. I’m sure the citizens who elected me to serve believe that the issue of an elected judge having input and exercising authority in his/her assigned domestic and juvenile cases is a settled issue after a particular judge is elected to serve on the bench. This is a reasonable expectation. However, it was not the day-to-day reality I experienced during my term as judge at the Court. The extent to which partisan politics interfered with my service to the citizenry was beyond belief (Squire C., 2010).

Squire’s case load was so large that two years into her term she had yet to have taken a break. She explained, “The double case load that greeted me and my staff when my term as judge began, and the learning curve with which all new judges have to contend to familiarize themselves with the Court culture, were contributing factors in my decision not to take many vacation days” (Squire C. , 2010).

Prior to finally taking a much-needed break to celebrate her 25th wedding anniversary in March of 2003, she found herself engaged in a heated discussion with her judicial counterpart, the Administrative Judge, Republican Jim Mason. Mason was originally appointed to Franklin County Court of Appeals in 1999 by then Governor

Voinovich, after losing the bid to retain the seat, he was appointed to Domestic Relations and Juvenile Court in January 1999 by interim Governor, Nancy Hollister. He was able to retain his seat in 2000, and was re-elected in 2006 and 2012. The nature of the discussion between Squire and Mason was surrounding her frustration with attorneys, who had enlisted the assistance of Judge Mason to circumvent her authority concerning cases for which she alone had managerial responsibility as the assigned judge (Squire C. , 2010). Since Mason began serving as the Administrative Judge in 2003, Squire found that she was not rendered the basic respect and common courtesy extended to other elected judges. In one instance, her personal secretary was discharged without her knowledge (Squire C. , 2010).

Even after meeting with Mason to discuss her discontent, Squire noticed that she was being excluded from judge's meetings, and was not being notified of important Court programming changes. After being excluded from one meeting, Squire sent notice to Judge Mason in writing on August 2, 2005, the text of the letter began as such, "It has come to my attention that a special judges' meeting, of the judges of our Court, was held on July 14, 2005. Neither I, nor any member of my staff, was notified by either you, as Administrative Judge, or any member of your staff, of the scheduling of the meeting..." (Squire C. , 2010).

The letter goes on to explain, "It is your responsibility to notify all judges before conducting Court business which allows input and a vote, prior to taking action, such as appointing an interim superintendent of the JDC, voting regarding a \$300,000 + expenditure of court funds and decision regarding new programming (Squire C. , 2010). She requested that any and all business decisions be set aside and reconsidered at a future

judges' meeting. She ended the letter by stating that "Unfortunately, this appears to be one more egregious example of your continuing practice of abuses of your authority as Administrative Judge" (Squire C. , 2010).

The other judges did not agree to reopen or reconsider any of the decisions made at the meeting Judge Squire missed. It was hard to ignore the fact that prior to August 27, 2004, she had an average of one grievance per year filed against her, none of which amounted to disciplinary action. But, after hand-delivering her letter, asking that visiting judges discontinue hearing her PCC cases, a few attorneys began to file grievances against her in what appeared to have been an orchestrated effort and a witch hunt against her. By October 10, 2005, she was facing allegations in a formal complaint filed by the Disciplinary Counsel that she had engaged in judicial misconduct. Despite the Ohio Supreme Court's policy to provide accused judges and attorneys the opportunity to respond to allegations against them, prior to making allegations public, Judge Squire first found out about the complaints when the document was made public.

The Disciplinary Counsel charged Squire with, "four counts of misconduct involving 40 violations of the Code of Judicial Conduct and 12 violations of the Code of Professional Responsibility" on March 2, 2006. In determining her punishment, "The panel noted that Squire had no prior disciplinary record, has generally cooperated in the disciplinary process, and generally enjoyed a reputation for good character in the community and among her friends and acquaintances". Still they recommended a sentence that was harsher than her white judicial peers who had committed crimes. The Counsel recommended that Squire be suspended from the practice of law for 12 months, with six months stayed on condition of no further disciplinary violations within the one

year period of suspension. The board accepted the panel's findings of misconduct as to all counts, but recommended that respondent be suspended from the practice of law for a period of two years with one year of the suspension stayed.

In an unprecedented move on the part of the federal court, after Judge Squire appealed her disciplinary action to the federal court, Judge Sandra Beckwith went on record as having also dismissed Judge Squire from the practice of law with the federal court, when Squire petitioned the court to overturn the effort to suspend her law license on the part of the state. Judge Beckwith's order further required that Squire could not reapply for admittance to practice with the federal court until she provides proof that the suspension has been lifted with the state court.

During her disciplinary hearing on August 22, 2006, Mason denied having excluded Judge Squire from Judges' meetings. The transcripts of the hearing read as follows:

Q. Have you, as the Administrative Judge, made any efforts to exclude Judge Squire from any decision-making processes at the Court?

A. No ma'am.

Q. Have you made any efforts to exclude Judge Squire from your staff meetings?

A. You mean judges' meetings?

Q. Yes

A. No ma'am

The Disciplinary Counsel's reference to the "judges' meetings" as "staff meetings" demonstrates a lack of regard or understanding of Squire's status as an elected

official and not an employee. Despite her best efforts to serve with the highest integrity, her license to practice law was suspended in October 2007 by the Ohio Supreme Court under Republican Chief Justice Moyer's administration.

Judge Hunter-The Criminal Justice System

Unlike judges Stokes and Squire, Judge Hunter experienced the various aspects of hidden power built into the systems design of the criminal justice system, when she was suspended from the bench on accusation and subsequent conviction of a criminal offense, brought by the County Prosecutors office.

As the senior judge and the only judge elected by the people, Hunter would have been the administrative Judge. Within five months of Hunter's swearing in, Republican county officials in the Prosecutor's office, Commissioner's office, Public Defenders office, the Cincinnati Enquirer, and WCPO TV began filing law suits against Hunter. The Cincinnati Branch of the National Association for the Advancement of Colored People ("NAACP"), Greater Cincinnati Chapter of the National Action Network ("GCCNAN"), the Urban League of Greater Cincinnati, The Coalition For a Just Hamilton County, and other civil rights groups described "the government's actions against Judge Hunter to be a modern day Witch Hunt, designed to remove her from the bench after she fought for 18 months just to have all the votes counted so the true will of the voters would be known After the votes were counted, Judge Hunter had to fight for another 18 months the attempts to disrespect her judicial competence". They go on to explain, "When that did not dissuade her from doing her job, ten felony charges were filed against her, nine of which were eventually dismissed. We believe these charges were filed for one purpose: to remove her from the bench. It seemed the Special

Prosecutor admitted this in closing argument. This tactic worked, because she has not been on the bench for over two years” (Amicus Brief In Support Of Appellant Tracie M. Hunter's in Support of Jurisdiction, 2016). In a brief filed with The Ohio Supreme Court, they describe the law suits as follows:

Within five months of taking the bench, the Hamilton County Prosecutor (“prosecutor”) filed a writ of prohibition seeking to prohibit Judge Hunter from ruling on a pending discovery issue, then quietly dismissed the case. At the same time, the prosecutor filed a second writ of prohibition case seeking to stop Judge Hunter from appointing a court administrator, even though prior judges each had separate court administrators. The prosecutor voluntarily dismissed this case, too. The prosecutor also filed a third writ of prohibition case against Judge Hunter involving her order to the prosecutor to turn over discovery. The case was eventually dismissed on the merits. These cases filed by the prosecutor started a pattern of lawsuits seeking writs filed against Judge Hunter in her official capacity as Juvenile Court Judge. In all, five suits were also filed by the media and 18 writs of procedendo suits were filed by the public defender. Most of the media cases filed against her were eventually dismissed or resolved in her favor. It seemed that every week there was another media report about one or more of these cases filed against Judge Hunter. But when she won her case or it was dismissed there was no media coverage. This left the impression with the public that Judge Hunter was under siege by the prosecutor, public defender, and media. (Amicus Brief In Support Of Appellant Tracie M. Hunter's in Support of Jurisdiction, 2016).

An unprecedented 30 lawsuits were filed against her in less than 9 months on the bench. She was subsequently charged with 10 felony charges after only serving as a juvenile court judge for 18 months. Hunter was charged with theft for using her judicial credit card to appeal the lawsuits that had been filed against her, after Joe Deters and lawyers James Bogen and Firooz Namei, hired by Deters, failed to file answers in the cases. The county admitted that it was responsible for paying all the court fees, including those appeals costs in those lawsuits that were all filed against Judge Hunter in her

official judicial capacity. The county paid Bogen and Namei approximately \$80,000 to represent Judge Hunter. Neither attorney had experience in juvenile law.

Prior to the start of Judge Hunter's criminal trial, Prosecutor Joe Deters accused her of murder based on the ruling of a 15-year-old child, who came before her the year prior on a marijuana charge. Nearly six weeks prior to her trial, the child died in a double homicide in an unrelated event, and Deters chose to make a statement that she was guilty of murder because he felt the child should have been locked up until he was 21. The marijuana charge carried a maximum sentence of only six months, which is the sentence that Hunter issued. When Deters made the accusation of murder three days before her trial, it effectively tainted four jurors who admitted during voir dire that they felt Judge Hunter was guilty based on what they had seen in the media. Judge Norbert Nadel allowed them to serve on the jury in her trial.

Judge Hunter faced a jury composed of friends, neighbors, attorneys, and wives of her political foes. One juror worked for WCPO TV, the station that sued Hunter in collaboration with the city's only daily newspaper. The law suit was filed against Hunter after she barred media from publishing the names and faces of accused children. Court testimony revealed that Hunter made this decision after the KKK threatened 12-year-old children and their families in front of North College Hill Elementary School. An attorney from the law firm that represented WCPO was in the jury pool, and the spouse of one of the firm's attorneys became the jury foreperson. When it was uncovered that the jury foreman had lied on her jury questionnaire, Hunter's attorney Clyde Bennett filed a motion for a retrial (*Motion for a New Trial Based on Juror Misconduct*, 2014), but Judge Norbert Nadel, who bragged that he would get Hunter's case before she was indicted,

denied the motion. This was critical to Hunter's case as Juror Sandra Kirkham falsely stated that she was not a victim of a crime, yet she failed to mention that she was sexually abused by a pastor as a teen and admittedly distrusts pastors to this day. Kirkham is also the agency representative for child victims of clergy abuse, with the non-profit organization Hope for Survivors, Inc. and other organizations (Motion for a New Trial Based on Juror Misconduct, 2014).

Kirkham, who became the jury foreman on Hunter's criminal case, contributed \$500 to State Senator Bill Seitz, the father of Hamilton County Jury Coordinator, Brad Seitz, who was responsible for compiling the panel of jurors. The composition of the jury pool and other jury improprieties uncovered in Hunter's case raise considerable suspicion.

The jury pool was composed primarily of jurors from predominantly Republican districts in the County, with very few in the pool from the larger city of Cincinnati, which is highly Democratic and composed of over 51% people of color. The jury pool also included a White male employee from the treasurer's office, who lied during the voir dire process and said that Judge Hunter hugged one of the Black jurors (Gwendolyn Blevins) in the courtroom. Ms. Blevins became upset at the accusation, because she had never interacted with Judge Hunter. She and Judge Hunter's attorney requested to see the court video recorded on the day of the alleged incident and rather than release the video, the judge decided to dismiss the juror based on her being visibly frustrated at having been falsely accused of hugging Judge Hunter (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014). Blevins was so angry that after she was dismissed from the jury,

she went on the local radio station to discuss how she had been falsely accused in the prosecutions effort to dismiss her from the jury.

The mother of one of the police officers from the community where the KKK threatened the children was on the jury. An employee of the television station that sued Judge Hunter was also on her jury; along with the best friend of Assistant Prosecutor Katie Pridemore, who testified in the case. The jury also consisted of the neighbor of peer judge Heather Russell; and the best friends of Judge John Williams, who lost the election to Judge Hunter; and the best friend of Curt Kissinger, the Court Administrator who refused to work for Judge Hunter while she was on the bench.

The egregiousness of Judge Hunter's trial did not end with the fixed jury in her case. During trial, evidence was presented that one of Judge Hunter's judicial rulings, which was used to charge her with crimes, was illegally changed in the system (Transcript Of Proceedings, 2014). Judge Hunter was denied evidence in violation of the Brady Rule (Amicus Brief In Support Of Appellant Tracie M. Hunter's in Support of Jurisdiction, 2016) and her appeals attorney found over 51 instances where the special prosecutors violated her right to a fair trial (Hunter v. Ohio Attorney General of Ohio, 2016).

The Ohio Supreme Court refused to hear Judge Hunter's appeal. Her sentence is currently stayed by order of the federal court pending resolution on her writ of habeas corpus. The political takedown of Judge Angela Stokes of Cleveland, Judge Carol Squire of Columbus, Ohio, and Judge Tracie Hunter of Cincinnati, Ohio required the cooperation of various government entities throughout the state and all the way up to the federal courts.

BACKLASH

During Judge Hunter's criminal trial, Katie Pridemore testified that one of her primary responsibilities when she was promoted as an assistant prosecutor in April 2013 was to "safeguard my prosecutors before Judge Hunter, and I needed to safeguard my cases that were in front of Judge Hunter". Pridemore goes on to explain that essentially, she had been sent to the juvenile court to watch Judge Hunter. "I was directed by the Ohio Supreme Court to watch those dockets and to give them information on the judge and anything that were -- anything that was --(interrupted)" (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014). Pridemore became very hostile while on the stand, explaining that she secretly prepared a fifty-page report for the Ohio Supreme Court on Judge Hunter. Addressing Judge Hunter's trial attorney, Pridemore stated "Mr. Bennett I lived and breathed your client". Pridemore expressed that everyone in the Prosecutor's office hated "that woman!" (State of Ohio v. Tracie M. Hunter, Transcript of Proceedings, 2014). During pre-trial hearings leading up to Judge Hunter's retrial, Hunter's attorneys, Lou Sirkin and Jennifer Branch presented evidence demonstrating that the Ohio Supreme Court denied that they ever authorized or requested an investigation of Judge Hunter (Sirkin, 2016).

In a Call & Post editorial dated November 7, 2007, the columnist explains that targets against Democratic judges in Ohio are not uncommon. They cite the case of former Common Pleas Judge Deborah O'Neill in 2004, who was targeted in a fashion similar to the three judges in this study. The editorial explains that in O'Neill's case there was "more of a record of questionable conduct to attack", but "in Squire's case in particular, there was nothing" (The Call & Post, 2007). They go on to explain that while

Squire was accused of having engaged in intemperate behavior, despite sworn testimony of several witnesses who denied that she had done anything wrong and that Judge James (Jim) Mason, the Supreme Courts key witness admitted on the record that he had counseled the attorneys who were acting in concert against Squire on how to proceed in their cases (The Call & Post, 2007). The editorial explains that this is a clear violation of Squire's right to set her calendar. The article also explains that prior to Squire being accused of misconduct that Mason told another person that he intended "to get Squire", this man's testimony was either disregarded or the Supreme Court refused to hear it (The Call & Post, 2007).

Each of the three judges' in this study had a propensity towards social change and advocated for programs, processes, and procedures that introduced reform measures to their respective courts. In each case, their efforts towards reform were often unwelcomed and even rejected by their courts. For example, when Squire attempted to hear more juvenile cases, such as permanent commitment cases (PCC's) and abuse, neglect and dependency cases, she met with opposition which she noted was of a partisan nature. In her letter to the Court's assignment commissioner, she noted:

I regret that my concern about this very important aspect of our work has created the opportunity for partisan bickering, a lack of civility and injudicious behavior among some of my colleagues. Your professionalism and courtesy are greatly appreciated by me, and in light of that I am hopeful that this response makes it clear to you that I in no way have ever desired to create a dilemma for you (Squire C. , 2003).

The striking thing in the case of all three women is that in each of their cases the number of allegations seemed excessive. Similarly, each of three judges meticulously demonstrated that the allegations were false and unfounded, according to the evidence presented in their cases. The three judges could all identify and prove that the source of

the complaints and allegations were orchestrated by specific individuals who encouraged others to file complaints. In Judge Hunter's case, her detractors filed their complaints in the form of law suits and through the criminal justice system, rather than through the traditional Disciplinary Counsel procedure. But, like Squire and Stokes whose suspensions were solely through the disciplinary counsel, the number of complaints appear to be extreme and over a brief period. The complaints were all associated with their judicial decisions or associated with the administrative duties of their role as judges.

Judge Stokes greatest challenges came at the hands of two African American male judges, Administrative and Presiding Judges, Larry A. Jones and Ronald B. Adrine, who as Stokes attorney says, "have been and are more concerned with processing cases quickly and not using court resources when such resources are warranted" (Alkire, 2014). The administrative judge admitted that he began enacting several "court-wide" rules, to deal with her behavior prior to taking all criminal cases away. He enacted rules enabling court staff the ability to refuse to do mental health and substance abuse screenings when requested. Eventually, Judge Adrine redistributed all her criminal cases to himself and a visiting judge, diminishing her power and authority over cases as an elected judge.

Judge Stokes' responsibility for criminal misdemeanor, criminal minor misdemeanor and traffic matters previously assigned to her personal docket, along with her supervision of all criminal defendants maintained on probation on her personal docket and all status review of criminal defendants sentenced to incarceration by her were transferred to Judge Adrine who in turn reassigned such matters to other judges within the Cleveland Municipal Court (Alkire, 2014).

Squire, Stokes, and Hunter each described instances where they felt they were being treated differently due to their race, gender, and political ideation. Judge Hunter believed that her detractors targeted her for removal from the bench because she was the

first African American and the first Democratic juvenile court judge in Hamilton County. She also believed she was targeted because she represented a turn from what the county had been accustomed in terms of her political ideology and the fact that she thought differently in that she was interested in reforming the broken areas of the system, such as reporting errors, nepotistic practices, and rehabilitation of juvenile offenders (Hunter T. , 2015). Hunter also believed she was targeted because the seat was extremely powerful and that it impacted the way the system made money. She said she was pressured to place children in detention facilities based on the need for “heads in the beds” (Hunter T., 2015). Hunter explained that during the time that she awaited the decision on her election challenge, that John Williams (her contender), immediately began making changes to ensure that her role did not hold the power that she was legally entitled to. One such change was to immediately privatize the juvenile facilities (Hunter T. , 2015). County records dated April 18, 2012, demonstrate that the county entered a contract with Rite of Passage, Inc. a private Nevada based company to operate the juvenile detention center, Hillcrest Training School. The contract guarantee’s that 56 beds per day will be filled. This equates to a contractual amount of \$4,100,000.00 per year. Judge Hunter also noted that she was the first black judge in the history of Hamilton County to ever have direct control over personnel, multi-million dollar service contracts, and a budget as large as hers (Hunter, 2016).

Squire agreed that she was targeted and noted that “there were different rules for me and my judgeship, than for other judges who had served at the court prior to my election” (Squire C. , 2010, p. 29). In explaining the intricacies of why she was targeted, she goes on to explain, “I challenged a ‘sacred cow’; the now late Chief Justice

Moyer's visiting judge system...before I knew it, a fake reality was being created concerning my judicial service. A straw man was constructed, deceptive stick upon deceptive stick, to discredit me" (Squire C. , 2010, p. 31). She went on to explain, "There are so many pieces of the puzzle that I may never know concerning the deceptive politics behind my ouster from the bench...the political scheming, unethical plotting or to brace for orchestrated, staged contemptuous events that unfolded in my courtroom during the second half of my term as judge" (Squire C. , 2010, p. 31).

Squire described herself as a "whistleblower", whereby her "best efforts to render honorable service were reduced to responding to false allegations". "Most of the allegations were dismissed, after an investigation by the Supreme Court of Ohio's Office of Disciplinary Counsel," Squire says. She explained that, "there were more grievances filed against me the 12 months after I became a whistleblower than had been filed against me during my entire then twenty-five-year legal career" (Squire C. , 2010, p. 32).

Squire noted that the late Democratic judge Honorable George Twyford, upon his retirement and the start of her term as a newly elected judge, reminded her that, "You were elected by the people and have been entrusted with the right, power, and authority to serve as any other judge" (Squire C. , 2010, p. 29). Squire explained, "I challenged the status quo concerning the court's failure to make abuse cases a priority and its failure to hear abuse and neglect cases expeditiously. I stepped on a few toes" (Squire C. , 2010, p. 31).

As in the cases of Hunter and Squire, Stokes attorney, Richard Alkire denied all the allegations against her. He described the experiences that she endured in the course of removing her from the bench, "a witch hunt" (UrbanNews.com, 2014). Alkire

explained that some of the allegations that were brought up during the disciplinary procedures against Stokes had already previously been dismissed by the high court. Kathy Wray Coleman, who leads the greater Cleveland grassroots group the Imperial Women Coalition and is editor-in-chief at Cleveland Urban News.Com, Ohio's leading digital Black newspaper said regarding the allegations against Stokes, "It appears to be racist and sexist, and is certainly politically motivated" (UrbanNews.com, 2014). Coleman who was an investigative reporter for the Call & Post for 17 years prior to branching out on her own, compared Stokes' case to White Republican judge, Harry Jacob who got paid his six-figure salary until he was found guilty on five misdemeanors counts in early 2014 by county judge Brian Corrigan in a bench trial. According to Coleman, "Corrigan also conveniently dismissed all felony counts against Jacob, with support from county prosecutor Tim McGinty, a former county judge himself" (UrbanNews.com, 2014). She explained the "rarity, if at all that a state supreme court would suspend the license of a judge without a hearing while he or she waits a disciplinary ruling, and without an accusation of a crime, particularly if it is to prejudice the disciplinary forum" (UrbanNews.com, 2014). Coleman says, "Under state law Ohio judges charged with a felony crime are automatically suspended with pay as the proceedings ensue, but simply taking a law license as the mere internal disciplinary proceedings get underway is unprecedented' (UrbanNews.com, 2014).

The cases of these three African American female judges certainly begs the question of whether the Republican stronghold in Ohio affords African American female Democratic judges the right or the authority to be judges. A similar conceptualization can be seen in the Republicans refusal to accept Barack Obama's policies and even his

nomination of a Supreme Court justice. Even when he chose a supreme court justice that suited their conservative ideologies, they rejected his choice. Essentially, the actions taken to prevent these three judges the ability to act independently in the capacity for which they were elected made them all question the legitimacy of the systems that prevented them to act in the manner that the constitution and the selection by the electorate afforded them. The three African American female Democratic judges were not part of the establishment, or the established order of things and did not do things the way the establishment did them.

The Power to Change the Rules at Will to Suit the Powerbrokers

Significant policy changes and changes to standard operating procedures took place over the 18 months that Hunter's Judgeship hanged in the balance awaiting a decision on her 2010 election challenge. From the time Hunter was declared the real winner in the election, there were rumblings of swift changes to policy, which appeared to be aimed at disempowering Hunter in her role as judge.

On May 14, 2012, approximately 11 days before Hunter was sworn in, Judge Williams released a new personnel employment manual for the Juvenile Court, which had not been updated in over 19 years. The Ohio Supreme Court also changed Rules 3 & 4 of the Rules of Superintendence for the Courts of Ohio, prior to December 2012, when Hunter and Williams would have voted on who would become the new administrative judge. Under the old rules, Hunter should have legally become the the administrative judge in accordance with when she was elected to her seat. This change modified the service date interpretation to mean who was in the judicial seat first as opposed to who

was elected to the office first. What this meant is that even though Judge Williams appointment came after Hunter was elected Judge, he would automatically assume the role of Administrative Judge if he and Hunter could not agree on who would be Administrative Judge. Prior to Judge Hunter being the first elected Democrat, the rule had always had a rotating provision saying that whichever judge was the Administrative Judge the previous year; the judges would rotate the following year.

The new rules omitted the rotating clause, so that Judge Williams would always assume the role of Administrative Judge, which according to the previous rule of seniority should have rightfully belonged to Judge Hunter, since she was elected to her seat in November 2010 and Williams was appointed to the other seat in November 2011. A change of this nature to the Rules of Superintendence generally requires a public comment process prior to being implemented. This policy change, however, did not go through the public comment process, nor was it a change made by judges at the Ohio Supreme court level. Staff members of the Supreme Court issued an advisory opinion, determining that since Williams' appointment began in November 2011 that this gave him seniority. As an elected judge, Hunter's official statutory term began in January 2011, so she should have been rightfully entitled to the administrative judge role.

The Juvenile court employee manual had not been updated since 1992. Of the several changes to the manual, most of them gave more authority to Williams', as Administrative Judge. The new manual gave the Administrative Judge and the Court Administrator complete control, and decision-making power. According to the new manual, final decision would fall in the hands of the judge with the most seniority.

By rearticulating the definition of the term 'service' by Supreme Court Staffers, Williams would become the Administrative Judge. In a final move to remove the power of the judgeship from the hands of Judge Hunter, Hamilton County voted to privatize Hillcrest Training Center, the Juvenile Detention Center in Hamilton County. The for-profit organization, Rite of Passage, Inc. filed to operate in Ohio on November 22, 2011, six months before Hunter was sworn in. Hamilton County Commissioners voted to privatize the Training Center on April 20th, only five days before Hunter's swearing in.

Nepotism, Cronyism, and Political Patronage

In May 2013, Hunter attempted to impact the traditional nepotistic hiring and firing practices in the county when she refused to sign off on Judge Williams Chief of Security selection. Hunter was concerned that the process had not been open to other suitable candidates. The hiring was delayed for only a brief time frame. In January 2014, immediately after the prosecutor filed nine charges against Hunter on what the respondent called, "several trumped up charges", which included a charge for backdating cases", Hunter was removed from the bench. Judge Williams told her to remove her things from her office and to turn in her keys; within days, the decision was made to move forward with the hiring of the sole candidate for Chief of Security.

During Hunter's criminal trial, the prosecution attempted to make the case that Judge Hunter engaged in nepotism when her brother, a juvenile court corrections officer, worked 4.9 hours of non-compensated comp time in her courtroom due to safety concerns (State of Ohio v. Tracie M. Hunter Trial Transcripts, 2014). Hunter's bailiff, Avery Corbin stated under oath that he requested to have a juvenile court officer work on her

floor that day, given the large docket with lots of witnesses and multiple defendants in a gun-related case. Corbin said that the court was short staffed and had inadequate security that day (State of Ohio v. Tracie M. Hunter Trial Transcripts, 2014). He admitted that that he had acted independently and did not inform Judge Hunter of that decision.

While Hunter was accused of nepotism and it was proven in court that she neither hired her brother nor secured a contract on his behalf, two newspaper articles released in April 2017, uncovered the extent to which the prosecutor and other members of the court system have engaged in a long history of nepotistic practices. The article entitled *The Hamilton County courthouse clings to the ancient practice of hiring people on the basis of family, political and business connections*, details the nature of political patronage, nepotism and favoritism in hiring in Cincinnati Courts (McNair, 2017). Although McNair admits that his list was not exhaustive, he was able to verify 63 employees in the Hamilton County courthouse that were related to other county officials, employees, and local attorneys. Of the 186 employees that work for Prosecutor Deters, 31 were related to past or present county officials or employees or had political or business linkages with Deters at the time of their hire (McNair, 2017). Among those employees was Nicolas C. Crosswell, the son of the special prosecutor R. Scott Crosswell, Deters divorce attorney who tried the Hunter case. Nicolas was hired the week Hunter's first trial began, possibly as a favor, in exchange for his father taking the case. Nicolas may also have served as a liason between the Prosecutors office and his father while the case proceeded. There were and three others who carry Deters last name (Appendix II contains the complete list, which appeared in the paper) (McNair, 2017). Hamilton County is not isolated in Ohio, in terms of its nepotistic practices. In 2009, the Cleveland Plain Dealer mentioned that there

were 350 relatives working for the Cuyahoga Sheriff's Department (Puentes, 2009). And, although such a report was not found for Franklin County, Squire spoke of nepotism in the court (Squire C. , 2016) and several current and former employees mentioned it on employment reviews on Glassdoor.com.

Chapter V: Conclusions, Discussion & Recommendations for Further Study

In my research study, I situated race, gender, and political orientation at the center of my analysis. Based on what I understood from my review of the literature, I expected to find backlash against the three judges in my study. I also expected a counterrevolution due to the change in the political environment after the election of the nation's first Black President, and an increase of Black women on the bench, however my research uncovered three unexpected and significant findings that emerged as a result of my intersectional analysis. These findings add to an understanding of the specific experiences of Black Female Democratic judges on the bench in Ohio.

When I utilized a critical race lens, I found that there was backlash as had been explained by Derrick Bell, however my results were inconclusive because, some blacks were not treated the same as the judges in my study. When I utilized an intersectional Black feminist/ Womanist lens, I found that there were commonalities among my research subjects that fit nicely. I also found the existence of backlash against the three judges in my study, but these results were also inconclusive, because some women were not treated the same as the judges in my study. It was only after I coupled this approach to the understanding I gained through my historical analysis that some important insights began to emerge.

In applying an intersectional lens, which included race, gender, and political orientation, unique findings became obvious. The most significant findings that emerged

were that 1) Partisanship, nepotism, and cronyism rules the judiciary in Ohio; and 2) There are hidden power structures/ stop gaps that provide veto power that are built into the policy design of both the Ohio and US Constitution's, the judiciary, and overall criminal justice system in Ohio. These stop gaps operate to the advantage of the elite power structure. Hidden stop gaps can be found within the disciplinary counsels. The stop gap systems also exist within the judicial appointment system, in the power to control the jury process, within the visiting judgeship system, the power to change the rules and policy provisions; 3) Finally, I found what I have termed stacked decks and loaded bases which are also a form of hidden stop gaps within the judiciary in the State of Ohio that deserve special attention and explanation in my results.

Partisanship, Nepotism, and Cronyism

In Ohio, partisan politics were the vehicle by which the gender and racial control mechanisms were employed. When looking at the bench from a composition standpoint, there is no way that Courts in Ohio can claim impartiality, with family members and political cronies upholding trial Court rulings at every level of the appeals process all the way up to the federal court. Sustaining a two-party system that also controls the Board of Elections, Democratic and Republican Party leaders determined which votes got counted, who could run for office, and who could be appointed to certain offices.

When it came to retaining power, and keeping power out of the hands of Blacks, Democrats and Republican party leaders were willing to lay party affiliation aside to retain power for Whites. Republican political leaders used their veto power through hidden systems designed to eliminate judges who they determined were a threat to the system. In some cases, at the Board of Elections, an elite group of bipartisan party leaders

came together (Democrat and Republican) to ensure that power was denied the Black female judges in my study.

Hidden Power Structures/ Stop Gaps

Hidden power structures in Ohio interfere with the right of the people (electorate) to elect judges of their choosing, and act as stop gaps in the process of democracy. The hidden power structures leave judges, who are supposed to be protected constitutionally, subject to the personal vendetta of their political adversaries. The original designers of the Ohio and US Constitutions built stop gaps into the system to ensure the continual perpetuation of a system that favors the elite (i.e. The electoral college system and the 13th Amendment which allows for slavery as long as individuals are incarcerated). These structures significantly impacted the African American female judges in my study, because they enabled adversaries the ability to take away power from the judges, which should have been their constitutional right.

Judicial Appointments & Visiting Judgeships

There is an ongoing argument in the political discourse about where power should be concentrated...with the people or with the elites. The power elites in Ohio have continually proposed doing away with judicial elections. This case study demonstrates that this solution would further lead to the sustainment of a partial bench, chosen solely based on one's political persuasion, thus eliminating the will of the people and the opportunity for the emergence of the minority opinion. The judicial appointment process must be changed, to make room for shared power and the best ideas to emerge, which might lead to more fair governance.

Much like the loophole in the 13th Amendment, which allows slavery in instances of criminalization, The Ohio Constitution Article 4, Section 5(B) provides a loophole in allocating the Ohio Supreme Court the power to enact rules governing practice and procedure of lower courts, and the ability to admit individuals to practice law and the right to selectively discipline individuals who have been admitted. This provision establishes the limitation that the rules should not abridge, enlarge, or modify any substantive right (defined by Merriam-Webster as: life, liberty, property, or reputation; a right held to exist for its own sake and to constitute part of the normal legal order of society). It was through this power that the concept of the visiting judge came into existence.

The visiting judge system is being used in Ohio to limit the number of judgeships on the court. Having visiting judges ensures that power brokers maintain control of the bench, in that only visiting judges who have been assigned by the Ohio Supreme Court get to hear certain types of cases; especially cases which continue the flow of money into the system. Political insiders are routinely appointed as visiting judges in cases of disqualifications, illness, and when a judge is unable to preside over his or her cases for purposes of vacations, sickness, and maternity leave once they reach the statutory age of 70.

Disciplinary Counsels

Unlike the criminal justice system, Ohio's Disciplinary process is a non-Democratic dictatorial pseudo-tribunal or quasi courts of law, with total and absolute authority to selectively destroy any judge, based solely upon their differing philosophical or political points of view, and the way in which the elected official carries out their

duties on the bench. The entire disciplinary process is carried out like a criminal trial proceeding; where there is the filing of a formal charge or complaint, a response of the accused, a trial, and then a determination of guilt, except unlike criminal trials the accused has no rights as would be afforded in a criminal proceeding.

Disciplinary counsels enable political adversaries to subvert the constitution and the will of the people, who vote to elect judicial representatives to the court in Ohio. This gives disciplinary counsel's unchecked power. This secretive process of filing complaints essentially affords the Counsel the power to selectively meet out justice and target judges for removal, even in the case of an elected judge selected by the people.

Complaints that were filed against each of the judges in this study were all in retaliation and all associated with their judicial decisions or associated with the administrative duties of their role as judges. Issues concerning judicial rulings should have been handled through the appeals process, through the courts, and administrative duties should have been dealt with at the administrative level, not through the disciplinary counsel. The disciplinary counsel was instead employed and the judges were disciplined by removing them from their judgeships.

In his defense of Judge Squire at her disciplinary hearing, former Sixth Circuit U.S. Court of Appeals judge, Nathaniel Jones raised three issues concerning Squire's disciplinary case, as follows:

- 1) Should decisions and rulings of a judge of a specialized court, such as a domestic relations court, on issues that lie within the sound professional and personal discretion of said judge be subject to ethical sanctions?
- 2) Where there are disputes over the correctness of the rulings and decisions of a judge of a specialized court, is it within the province of a non-appellate ethics body to pass on a manner in which such discretion was exercised?

- 3) Does the conduct of a judge in passing on issues presented to the court, and the judge has exercised judgment which the law reposes to the personal and professional discretion of such judge become subject to ethical sanctions? (Disciplinary Counsel v. Judge Carole H. Squire, 2007)

Using the Model Code of the American Bar Association's Judicial Conduct, Jones expressed that the sanctions should have been rejected. Jones argued that "converting decisions made by a judge of a tribunal who has discretion, and in the exercise of that discretion to have that considered to be ethical violations" is fundamentally wrong (Disciplinary Counsel v. Judge Carole H. Squire, 2007). He argued that the remedy for the conduct that was complained of relative to Judge Squire should have been handled through the appeals process, in order that the independence of judges in making judicial decisions are not imposed upon. Jones said that in fact, 2 of the 4 cases were appealed. Jones went on to explain that the purpose of the electorate is to determine which judges should not be retained on the bench. He further questioned applying the same standards of conduct used for lawyers to a judge (Disciplinary Counsel v. Judge Carole H. Squire, 2007). Lori J. Brown representing the Disciplinary Counsel explained that Judge Squire's case did not meet the standard for official removal of a judge from office, so the standards imposed on a lawyer was all that was available to the Disciplinary Counsel in determining a course of action in dealing with the behaviors they had identified relative to Squire.

Disciplinary counsels have the unmitigated power to destroy an attorney or a judge's career, without regard to the basic rights afforded them as citizens under both the U.S. and Ohio Constitution's. The disciplinary counsel process in this way was abused in the removal of the judges. For judges and attorneys who are not part of the power elite or for those that cross the system, the ability to abuse the disciplinary counsel process is

concerning. The process is used as a stop-gap system to punish political foes by taking away their livelihood for the sake of punishment, this system is designed to protect the integrity of the illusion that the system is fair and just. Judge Hunter, Judge Squire, and Judge Stokes all lost their licenses in this system. Not because they engaged in criminal acts, but rather as a stop gap measure because they were not part of the status quo, or the power elite and because they were willing to challenge what they believed were aspects of the unfair system.

The Jury System

The jury system in Ohio is governed by political partisanship. There was evidence that the criminal justice system with the interconnections and relations at every level of the court, was also being abused in much the same way as the disciplinary system. This was evident in the ability to fix the jury in Hunter's trial. There were usually no more than three Blacks and one Asian, if any, being assigned to various courtrooms.

The jury commissioner's office in Hamilton County had the ability to determine who would be dismissed prior to ever coming to the court room, as well as the order at which prospective jurors would enter the courtroom. The administrative assistant and the jury coordinator had the ability to manipulate the system in numerous ways, for example, the system lacked transparency. There is no way of tracing who is actually called for jury duty (this information is confidential) and the disposition of those calls to serve. The jury commission has complete discretion over whether to excuse a juror prior to them ever being in the jury pool. The juror questionnaires asked which areas of the city jurors lived in, which could easily identify the jurors' party affiliation and political ideology, since communities in Cincinnati tend to be segregated by race and consequently political

ideology. In this way, the jury selection process operates as a stop gap system that ensures a specific outcome in cases that go through the criminal justice system.

Rules Changes & The Right to Hold Office

Each of the three judges experienced political actors changing rules, which were specifically designed to take power out of the hands of each of the individual judges to impact areas where the court typically makes money or derives some financial benefit, such as in criminal cases, hiring authority, juvenile placements, and divorce proceedings.

The study unveiled that the stop gaps also interfered with the “implicit” right of the three Black female judges to hold office. The right to hold office has always been extended to anyone qualified as an elector. Therefore, the right to hold office is simply implied, if one has the right to vote and meets all other qualifications to hold office. These systems significantly impacted the African American female judges in my study, because they enabled political adversaries the opportunity to take away power that should have been the constitutional right of each judge. By denying the three judges the rights and privileges of the profession in which they have earned the right to practice, the Disciplinary Counsel has essentially identified a backdoor to denying the right to hold judicial office. The expectation was that the elected judges fall in lock-step with the operations as already prescribed by the establishment.

The intersectionality of race, gender, and Democratic political ideologies determined who stayed on the bench and which judges would be removed.

Stop-gaps ensure that individuals which the power elite deems subversives do not attain power. Without administrative rules changes, Judge Hunter would have had total control over the court’s \$30,000,000 budget, putting an end to this unjust system, which

has traditionally rewarded and still rewards political patronism by giving large contracts, jobs, and benefits to partisan powerbrokers.

Loaded Bases & Stacked Decks

The true power inherent in sustaining corrupt systems of governance, as are found in systems with “loaded bases” and “stacked decks”. I created the concepts and analogies of loaded bases stacked decks, to better explain my observations. My study found that “Loaded Bases” and “Stacked Decks” were built into the design of the Ohio and U.S. Constitutions, and are sustained by a series of illusions, including the illusion of inclusion. Through the function of political parties, power structures can exist without questioning, because everyone can freely choose his or her (team) alliances by selecting their political party. The concept of loaded bases can be best described using an analogy from the game of baseball. In the game of baseball, loaded bases provide the advantage for the team that is up to bat, and gives them a better chance of scoring multiple points by ensuring that all the bases are covered with their players.

The strategic design of the constitutional framework provides an offensive strategy, which utilizes the political partisan system to ensure that the political elites always win. This is done by first ensuring that the political elite are always on the offensive (or up to bat). A key element is that the power elite must also always control the rules, and the rules can change at any time. Having loaded bases gives the strong party (Republicans) the advantage of ensuring that they will score the most points and stay in control by loading the bases.

Getting Elected

Both Hunter and Squire experienced election irregularities and sued to have votes counted properly. In Squire's case, expert witness Dr. Rebecca Mercuri identified numerous discrepancies including inappropriately configured voting machines and major errors in the vote count. Mercuri recommended that Squire should have been entitled to a recount which conformed to the Ohio Revised Code and the Secretary of States' policy directives.

Hunter won her election challenge, when it was found that votes cast in majority Black and Democratic precincts were improperly thrown out due to poll worker error. An analysis of news articles demonstrated that Stokes faced a smear campaign in her election and won anyway.

In all three instances, the media was used to feed negative stories about each judge to the public, in an effort to sway public opinion against them. Such attacks were not made against their counterparts. In the case of Judge Stokes, the major media outlets actually came together on a panel that aired on television to discuss what to do about her.

On The Bench

My research revealed that none of the three judges had an intent to subvert the system when they arrived on the bench. Each of the three judges expressed a desire to improve the system in the interest of their constituents.

While on the bench, all three judges were accused of using too many court resources. Rules were passed in Stokes' court to limit the number of mental health evaluations and drug tests she could order. Squire was told that inadequate court resources prevented her from hearing certain types of juvenile cases. Hunter was refused

her legal right to hire a court administrator, as all previous white judges before her had done. County commissioners claim that their refusal to allow her to hire a court administrator was due to budgetary constraints. The court administrator would have been paid \$107,000 a year, but in all the county has spent nearly \$7 million in legal costs to keep her off the bench (Weingartner, 2012). In all three cases, no less than one million dollars was spent removing them from the bench. Approximately \$10,000,000 was spent collectively in their removals from the bench, and the tab for Judge Hunter's case is still rising.

Each of the three judges in my study were treated differently from their peers, they all complained of having larger caseloads than their peers, and each of them experienced accusations of misconduct that were extreme, unusual, outlandish, and extraordinary.

Strategic Removal

In the cases of each of the three judges in my study, there was evidence that there was secret, orchestrated, and coordinated efforts on the part of their Republican adversaries to build cases against them in an effort to have them removed from the bench. In each case, it was demonstrated that the intent in bringing disciplinary and criminal charges was to permanently prevent the judges from the ability to serve on the bench as judges.

The only legal and constitutionally prescribed way to remove an elected sitting judge from office is by the General Assembly. Tactics were used that were contrary to and circumvented this process. The Disciplinary Counsel's process of suspending an attorney was used to remove Judge Stokes and Judge Squire from the bench. In Judge

Hunter's case, the legal system, which normally affords judges immunity was used to circumvent her immunity by criminally charging her with crimes. The Ohio Supreme Court subsequently suspended Hunter's law license based upon the criminal conviction.

The study found that in each judge's case the issues that were raised against them were never brought to the attention of any of the three judges, prior to either taking disciplinary or legal action against them. Under similar circumstances, and instances where other judges were accused of the same things or worse things than Squire, Stokes, and Hunter were accused of, they did not lose their licenses, nor were there disciplinary complaints on file.

The nature of the accusations against the judges, and subsequent suspension of their law licenses, were based upon their political leanings, and the way that they went about performing the administrative duties of their jobs, rather than any actual findings of fault or wrongdoing. The initiation of all three of their removals came as a result of them filing disciplinary complaints against their peers. Judge Squire challenged the visiting judge system. Judge Hunter filed a complaint against the prosecutor for conflict of interest for suing her and representing her at the same time. Judge Ronald Adrine retaliated against Judge Stokes after she filed a complaint against him in May of 2011, which caused an ethics investigation into a personnel matter which involved Judge Adrine.

CONCLUSION

In this study I analyzed the specific cases of three African American female judges who had all been strategically removed from the bench, including how they positioned themselves as a result of either being excluded or having the perception of

being excluded from the ability to operate with the full judicial authority for which they were elected. I also examined how their positionality impacted their ability to make a difference within the judicial system.

The three judges in my study were all well-known, well-regarded, and well-respected as leaders in the community prior to coming to the bench. They positioned themselves as guardians of the rights of all people. They were keenly aware of their positions as elected judges, and were incensed at the idea that their authority was undermined and that the system did not treat them as equals to their judicial peers. In fact, the system expected them to bow down and take positions of subservience, even to the point that the Special Prosecutors in Judge Hunter's case actually posed the question during court proceedings, "Who does she think she is?" In answering this question, each of the women in my study challenged the status quo and fully expected the system to protect them in the same way that all other judges were protected. Instead they were met with resistance, even in the court system.

As a result of their removal, they were denied the honor of being held in the high esteem as the other judges on the bench. Judge Squire's license was taken away by the federal court, which was outside of the norm and even unprecedented, when she attempted to have her case reviewed by the higher court. Squire insists that she was only seeking to be treated fairly by the Ohio Supreme Court's disciplinary body, which had unjustly taken her law license at the state level. In federal court, Squire faced an Ohio Republican loyalist, Judge Sandra Beckwith who had become a federal judge. Judge Hunter was illegally denied the right to her judicial back pay (Article IV, Section 6 of the Ohio Constitution holds that a judges pay cannot be diminished during their term of

office). She was also denied the right to run for judicial office, even at the point where her right to vote had been restored. Party leaders denied her right to vote and used the fact that her law license had been suspended to prevent her from running for re-election. Judge Stokes was denied the right to ever run for judgeship in Ohio again. In exchange for getting her law license restored, she was required to attest in writing that she would never run again.

All three judges were denied ascendance within the judiciary. The three women expected that the Courts and disciplinary proceedings would acknowledge their status as judges, rather than ignoring that they were elected officials and instead revoke their law licenses for upholding the rule of law and their interpretation of the law as judges are expected to do. Each of the three judges demonstrated empathy, care, and concern for those they served from the bench.

The judges in my study were concerned with effectiveness of the court. They each felt the need to touch the heart of those who came before them, and to get to the root of the problem by simply caring enough to dig deeper. The three judges in my study approached the courts as though they were social institutions, rather than a business. They were concerned with how to improve the outcomes for the accused by reducing the potential for the court system to be a revolving door, where individuals continued to commit crimes.

The experiences of the three judges in this study exposed the injustices in the system and enabled the opportunity to see how power can be used to marginalize, and through Judge Hunter's experience even convict innocent people. Her case exposed

tainted jury processes, cronyism, nepotism, and government corruption in ways never seen in the history of the systems.

Although all of their life experiences were different, the three Black female judges were subjected to the same systems that sought to keep power in the hands of the political elite. The judges were all committed to institutional transformation, and because of their shared experiences of oppression, the three judges in my study had moral agency, and they were committed to seeing structural change and institutional fairness.

The two judges interviewed acknowledge that they each entered the system knowing that the system did not favor women of their racial background. They knew that success for them meant that they upheld their commitments to their constituencies rather than attempting to appease the old boys network. Much like the sacrifices of the civil rights leaders who risked everything in the fight for justice, this type of conviction could be seen in each of these judges. The choice to stand firm on their convictions was costly for the three judges, and ultimately victory could not be weighed on principals of self-preservation. To persevere through all that they endured, their willingness to continue to fight had to be weighed against right and wrong, and by what was right for the greater good. This sentiment was also echoed by the two judges who were interviewed.

Understanding the plight of individuals caught up in the system should be the first step to judicial reform. When the crack epidemic hit the streets in the U.S. in the 1980's, the issues of drug addicted African Americans were dismissed and they were criminalized, leading to the current problem of mass incarceration. Flash forward to current times when whites began experiencing drug addiction as a result of heroine abuse, white prosecutors and white judges began to demand treatment for the addicted and

punishment for dealers. A better understanding of the drug crisis came for whites when their relatives and friends began to experience addiction related problems, and only then could they clearly see addiction as a health-related problem in need of treatment.

Significant systemic judicial reform is needed in Courts across Ohio. This case study revealed the hidden sources of power built into the governing documents and policy designs that give the illusion of a democratic system, when in actuality the systems designs are predicated upon sustaining systems that foster an abuse of power over the poor and minority groups. Historically, the only thing that mitigated the abuse of power was good governance, this was because of the government's ability to impose, and because of the illusion of the checks and balances system. The concept of stacked decks demonstrates that there is a need to truly place the power of governance and self-determination into the hands of the people. The current design is weak in that it allows the potential for abuses and the ability to remove political adversaries without the protection afforded all Americans in the constitution.

In looking at the cases together of the three judges in my study, a better understanding of the system begins to emerge. Several instances of backlash as described by Kenney (2013) can be seen. This was especially apparent in the significant rules changes that impacted all three judges. All the rules changes were specifically designed to take power out of the hands of each of the individual judges to impact areas where the court typically makes money or derives some financial benefit, such as in criminal cases, hiring authority, juvenile permanent custody placements, and divorce proceedings. This is important relative to mass incarceration, whereas typically judges have the authority to determine the severity of punishment and in some instances rather than sentencing

offenders to facilities in places where court officials have signed contracts to put heads in bed, judges had the option to send them elsewhere where they can get better treatment. Rehabilitating offenders means putting an end to the revolving door, where unrehabilitated offenders leave the system only to return at some point in the near future. The State of Ohio has amassed a substantial amount of money for commitments and adjudications of black boys over the past few decades.

At the time this study was conducted, mass incarceration is one of America's greatest problems. In looking at mass incarceration as a systemic problem, and understanding the impact that judges have in determining who is incarcerated, in the interest of fairness, it is important that the bench is reflective of the population being served. Especially where the potential exists to interject individual bias and engage in nepotism, cronyism, and partisanship. Impartiality must be applied to the bench as a whole, to ensure that intersectional differences such as race, gender, and political orientation are constitutionally guaranteed and protected.

While on the bench, Judge Hunter discovered that children can languish in jail for 30 or more days before ever having the opportunity to plead. In 2014 the Children's Law Center of Northern Kentucky sued the juvenile court in Hamilton County for violating the rights of children. The statistics below are a representation of the number of adjudicated and committed children from each of the major counties where the three judges that are the subject of this study were on the bench. The absence of African American female judges on the bench in these counties, especially when considering the deliberate disempowerment of these judges and their subsequent suspension from the practice of law, begs the question of whether the bench in Ohio is a fair and just system.

Table 1

Source: (Ohio Department of Youth Services, 2010)

Locale	Adjudications	% Children of Color	% Boys	Commitments	% Children of Color	% Boys
Cuyahoga County, Cleveland	1001	83%	89.3%	260	91.2%	94.2%
Franklin County, Columbus	738	84%	92.7%	171	83%	94.7%
Hamilton County, Cincinnati	700	79%	89.3%	116	94%	97.4%

Each of the three judges at a point where they were either running for re-election or during their initial elections suffered smear campaigns, Judge Hunter and Squire both had to fight against election fraud and irregularities. And, all three judges experienced retaliation. Retaliation against Hunter came as a result of her Board of Elections challenge, complaints about unfair practices of the court, and misconduct on the part of the prosecutor's office. Hunter, Stokes, and Squire reported problems with the procedural practices of the courts. All three judges filed individual complaints of wrongdoing on the part of their colleagues.

Backlash is also evidenced in the deliberate intent to ensure the permanent removal of the three judges from the bench:

- The permanent barring of Stokes from the bench, and the act of pressuring her to commit to never running for state judgeship again.
- The unusual allocation of the cost of the disciplinary proceedings to Judge Squire and the refusal to allow her the ability to practice law, to support herself and to afford her the ability to cover the cost of the debt.

- The criminal charges against Judge Hunter, which will effectively mean that she will spend time in jail, but may also never be able to recover her law license if the conviction is not overturned.

The three African American female judges in my study exhibited a form of what I will refer to as hyperwomanism. This form of hyperwomanism was driven by empathy and a sense of moral agency, which enabled them to stand up for what they believed in no matter the cost. Each of the women came from strong two-parent family backgrounds, exhibited extremely high moral values, were ministry leaders, pastors, and associate pastors as well as leaders in their respective communities before coming to the bench. They were all concerned with ensuring that all people were treated fairly in the court system. The type of backlash that is commonly directed at women and black men was clearly seen in the cases of Hunter, Stokes, and Squire. However, there was also evidence of an extreme nature that invokes me to seek out new language to distinguish what actually happened to these women-hence the terms hyperwomanism and counter-womanism. I refer to this dynamic as counter-womanism because it far exceeded the nature of backlash that Kenney and Bell describe (Kenney, 2013).

Counter-womanism involved the collusion of numerous powerbrokers across several systems working in concert to ensure the exclusion of African American women on the bench. An interesting dynamic emerged that was prevalent in all three cases, which included inter-gender and inter-racial conflict as white women and black men actively participated in bringing about the demise of the three black female judges. Derrick Bell identifies the concepts of divide and conquer (Kenney, 2013) and interest convergence (Tyson, 2006), which might best describe the dynamic Stokes, Squire, and

Hunter faced. In the case of Judge Stokes, two Black males were the face of dominance that ensured her ultimate suspension, and in Squire and Hunter's case white women were instrumental in orchestrating their suspension from the bench. This double-whammy effect is an intersectional difference that distinguishes the experiences of black women from her black male counterpart and her white female counterpart, as both of them battle for positional authority under the white dominant structure. The black male and white female converge as they act in concert against black female interests enabling them to maintain their own positions of power above the black female in the proverbial food chain.

TRUE POWER WITHIN THE JUDICIARY

The court system has adopted a design which allows for loaded bases and stacked decks, which significantly impacted the African American female judges in my study. The entire objective of stop-gaps in the system is to ensure that Black people and poor people do not attain power. Blacks who are willing to sell out other Blacks are easily used as overseers of other Blacks. These individuals, because of the illusion of inclusion attain the benefit of reward when they follow the rules set forth by the power brokers, because the power brokers have both reward power and coercive power, through the threat of punishment.

In my case study, the Black Administrative Judge was given reward power through his position over the municipal court, where most Blacks judgeships are situated. Coercive power was used with Judge Hunter's attorney when he was threatened that he would not get any more plea deals in his other clients' criminal cases after he vigorously

argued a Motion to Dismiss against Prosecutor Joe Deters for malicious and vindictive prosecution of Judge Hunter.

Attorney Clyde Bennett, Hunter's trial attorney at the time of the writing of this dissertation analysis is currently facing disciplinary proceedings before the Ohio Supreme Court in a different case. The power to discipline attorneys and take away their livelihood is always a threat looming over every judge or attorney. In my study, it became obvious that those individuals who were willing to toe the line and act in ways approved by those in charge, reaped the benefits of escaping discipline, whereas those who challenged the fairness and constitutionality of the system, such as the judges that were the subject of my study, were subject to being set up and subjected to fabricated charges and harsh discipline. After Judge Hunter took the bench, for instance, there was evidence that the criminal justice system with the interconnections and relations at every level of the court, was also being abused in much the same way as the disciplinary system. This was evident in the ability to fix the jury in Hunter's trial.

Another way that powerbrokers control the courts and the outcomes of cases is through keeping the bench small and rather than hiring more judges when the need has clearly been demonstrated in every major court across Ohio, instead visiting judges were used to handle larger caseloads. This enables the Republican stronghold to withhold power from elected officials and to ensure that there is the ability to hand select the judges who would hear certain types of cases.

The Court system in Ohio is essentially an economic system where money is made off the incarcerated population. While it costs an average of \$202,502 annually to house an adjudicated juvenile (Callahan, 2014). Educating a juvenile on average costs

about \$9,518 annually (Ohio Department of Education, 2015). This means a child is worth more to the criminal justice system than providing them with an education. Money is made from adults in the system by making them work (or produce goods and services) for slave wages.

Since children cannot work, they earn their equivalent through the tax system which provides vouchers to house them. This produces an entire economy, and the people who benefit the most in this type of an economy are lawyers and judges, and in a privatized prison situation the investor and corporations which provide goods and services to the court and to prisons.

Loaded Bases

The true power inherent in sustaining corrupt systems of governance are found in the systems of loaded bases and stacked decks. Power lies in the hidden spaces at the pinnacle of the “pyramid”, or the top of the power structure, where not all participants are allowed to function. The top of the structures is reserved for the wealthy power elite, where they control systems and wield underlying veto power. The aristocracy created a structure which made it appear that Blacks in the North, were escaping to what they believed was a ‘sanctuary city’ or a ‘city of refuge’, when in actuality the idea of Cincinnati being a sanctuary was nothing more than “an illusion of inclusion”, and rather than protecting Blacks from the cruelties of slavery, Blacks in Cincinnati were walking into a redesigned system of marginalization that was more of a refuge for the power elite and for the protection of the status quo than a refuge for former Black slaves. Blacks were relegated to the bottom and were not accepted nor welcomed at the table of

brotherhood and prosperity. Instead, they were prevented from living in certain neighborhoods, subjected to an unfair system of Black codes, and other laws that were unfairly applied only to freed Blacks. When the three judges in my study came to the bench, they found themselves in a similar situation as the newly arrived free Blacks to the North. They were not protected, but rather they discovered that the rules they believed were designed to protect their status as judges were circumvented and hidden systems were employed to exclude them from the bench.

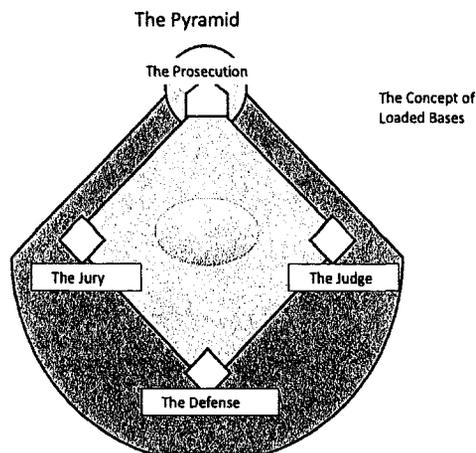


Figure 1

This study found that in Ohio, the prosecutors control the jury, the judge, and the defense. Controlling all of these factors ensures that they are able to avoid losing cases. The system is set up in such a way that even if a judge is elected that power is easily redirected out of their hands through judge shopping, allocating cases to visiting judges, and strategic placement of friends, relatives, and political cronies throughout the system and on appeals courts.

A court system loaded base scenario usually involves a poor or African American person facing trial in a criminal case...Both the Prosecutor and the Public Defender in Hamilton County are white male Republicans. The Judge is usually also a white male Republican (who first comes to the bench through the appointment system). Establishment judges are first reared in the prosecutor's office, which ensure that they have the acceptable judicial mindset, in accordance with the status quo. Judges who do not have the acceptable status quo mindset are only allowed to sit on menial courts (Municipal Courts) as judges and are generally prevented from being in positions of authority...or lording over cases in criminal courts. Judges who are not part of the power base, or the non-political elite are easily prevented from attaining seats on higher courts, because these judges are generally not given judicial appointments, which prevents them from gaining name recognition. Additionally, through stop gaps such as the ability to deny the validity of signatures at the board of elections, or the advantage of controlling which votes get counted these judges are summarily denied the opportunity to serve on the bench. If they happen to find their way to the bench, the disciplinary process which can remove any judge for any reason awaits them. The system acts to rid itself of judges that do not comport to the status quo by any means necessary, even if it means using prosecutorial veto power by bringing charges against them, as was the case with Judge Hunter.

Judge Hunter was a wild card in the system of stacked decks. She won because she fought the system in her election law suit. Her win demonstrated a crack in the system, because she filed her case in federal court, where the party does not control all the bases. Judge Hunter, although denied, also insisted on selecting independent

attorneys, not affiliated with the prosecutor's office to represent her, due to Deters' conflict of interest. Hiring her own attorney, or someone from outside the system would not have guaranteed a specific outcome, therefore Hunter was denied even the right to free representation. Attorneys from the outside are required to apply to practice in each respective district, and for an attorney from outside the state of Ohio to practice within a district in Ohio, they are required to align with a local law firm. Local firms who cross the system face the threat of disciplinary action or potential criminal charges on the part of the prosecutor. This prevents Ohio firms from being willing to align with outside firms.

In a court scenario where there is a judge who is not part of the power structure—a Republican, the possibility of judge shopping exists. In 2015, a white male Democratic judge, J. Patrick Foley, was initially assigned to hear the high-profile murder case of a white police officer, Raymond Tensing who killed an unarmed Black motorist, Samuel DuBose, during a routine traffic stop. Foley won his seat to the Common Pleas bench in 2014 on the pledge of a "fair and decisive judiciary" and "equal justice for all" (McNair, 2016). Within 24 hours after the case was assigned to Foley, it quickly disappeared from his docket. The Republican politically connected court clerk, Tracey Winkler cited a clerical error, as an explanation about how the case ended up on his docket, and why it was quickly removed (McNair, 2016). The case was subsequently assigned to Megan Shanahan, a Republican insider and a former Municipal Court judge who was appointed to the higher Court of Common Pleas in March 2015. Shanahan had to run to retain her seat in November 2016. The high-profile Tensing case enabled her to gain name recognition for the upcoming election. Upon acquiring the case Shanahan purchased an

extra-large name plate for her bench. Judge shopping is only possible when you have a cooperative Clerk of Courts, who is willing to be controlled.

The Prosecutor is always at the top of the pyramid structure (or at bat) because he is controlling the outcomes of every case. The Prosecutor is the most powerful, because he has the power to bring criminal charges (his veto power) and to ensure the win. Everyone in the system is beholden to the Prosecutor, and to demonstrate their loyalty judges give political donations to the Prosecutor. The donation is the signal that demonstrates who the team players are (See Prosecutor Joe Deters Donations Appendix III). The team uniform is the Red tie (symbolic of the Republican Party). Cincinnati is the central authority on the structure, because this is where the strategy was devised, hence the (Cincinnati RED's) tie. This is also why Ohio is considered a political powerbase, or the heart of it all, and why more presidents come from Ohio than all but one state, which ties Ohio.

When Judge Hunter was denied representation, this gave the prosecution an advantage in her case, because they were able to choose and control who would represent her. Controlling her attorneys enabled the prosecution to control what was said in the courtroom. The reality of the situation is that attorneys within the system are subject to the Prosecutor, who they rely on for deals for their clients. In not allowing the defendant to speak, in a representation scenario, it ensures that the client does not say anything that might hurt their case. If a defendant is deemed by the public as a menace to society, a trained attorney knows what to say in order to ensure that their client is either convicted or not convicted of the crime. In this scenario, much like a representative form of governance, it is very difficult to ensure that the person that is a representative will

substantively represent you. Sometimes this means that the person that sits in the seat as a representative is nothing more than a figurehead, as is the case with Tim Burke the Democratic Chair in Hamilton County.

In the bases are loaded scenario, the potential factor that is most uncontrollable are the potential jurors. Judge Hunter faced the legal system. She experienced firsthand the partisan control of the jury system. Republican Party loyalists had complete control over the jury, even though Ohio law requires that there be two jury commissioners (from two different parties). Jury Commissioners are only figureheads, with no real power (one of the jury commissioners was 96 years old...she died a jury commissioner). Having two Commissioners of opposite parties gives the appearance of fairness, however they are not active participants in the process and are appointed by the Presiding Judge, who is usually a Republican. This ensures that the jury commissioner's office is always run by Republican's. In Hamilton County, the Jury Coordinator is Brad Seitz, the son of Republican Ohio Senator (Bill Seitz). Jurors are required to identify the neighborhoods they live in, which are racially and politically divided. Jurors are chosen from politically conservative neighborhoods. In Hunter's case, the prosecution excluded diverse jurors who were not Black conservatives or who could not be easily influenced or confused. Wild card jurors, whose political ideologies were difficult to ascertain according to the responses on their questionnaires were asked what radio or television programs and news programs they are interested in. Certain life experiences were also used to determine whether these jurors might have conservative ideologies, such as whether they were educated in Catholic schools. Swing voters were wild cards, who the prosecution went to great extents to make sure they were well-vetted and removed from the jury for cause

(the for cause and peremptory challenges are hidden veto power systems, which allows the judge to eliminate jurors based on the perception that they weren't in favor of the prosecution). In Judge Hunter's case, Judge Nadel helped the prosecution eliminate numerous Black jurors, and all jurors that the prosecution opposed. Judge Hunter's attorney was instead held to the requirement of excusing jurors through his limited four peremptory challenges. No white jurors were removed for cause.

Juries are a type of deliberative democracy and decision-making body, which requires a consensus or majority rule. In the case of a tie in a jury system, the jury is hung. This requires a stop gap system, or the ability to retry, for appearance sake in some cases, in other cases it is the opportunity for the prosecutor to have another time at bat in the instance that an enemy of the state escapes the judicial system.

Stacked Decks

In the City of Cincinnati, the emergence of a new gambling casino in tandem with our world famous Major League Baseball team provides for an excellent analogy of the operations of the courts across Ohio as a loaded base and a stacked deck scenario. Major League Baseball and gambling produce a winning combination for tourism and economic success, in much the same way as loaded bases and stacked decks operate to bring about a winning formula in court systems in Ohio. The concept of stacked decks demonstrates how hidden systems of power operate in court systems across Ohio to ensure that systems of power are sustained.



Figure 2

The concept of stacked decks can be likened to a game of poker, where the cards are illegally arranged to give an

advantage to one or more players. The way that this is achieved in poker is to arrange the cards favorably for a specific player by the dealer before the start of the game. A system such as this could not be set up during actual play, because it would make it too obvious that the other player is cheating. A “stacked deck” requires the cooperation of at least one other player in the game in cooperation with the dealer.

A “stacked deck” scenario is usually gained through deception of the losing player, who originally believes because his hand appears to be very strong, they place high stakes on the potential that they will win. This is illusory because the winning player, whom the deck is set up for, has already been dealt an even stronger hand, and is pushed an enormous pot.

Previously in this paper, I used the concept of loaded bases to better explain how the prosecution maintains the advantage in the court system. Similarly, the concept of stacked decks operates based on the idea of cheating to ensure that systems of power are maintained. The jury and the appeals system utilize a stacked deck as a stop gap to guarantee the advantage is in favor of the prosecutor. Like the concept of loaded bases, the concept of stacked decks relies on illusions. The illusion in the case of the jury is that there will be a jury of one’s peers to provide the perception of fairness in the system, however the process of only using the list of registered voters to determine who will sit on juries is already problematic at its core, because many blacks and poor people are systematically excluded from the pool of jurors by virtue of criminal conviction or self-selection by not participating in the voting process. Beyond this, by controlling what neighborhoods are included in the pool, who makes it on juries, the order that they enter

the court room, and questionnaires that eliminate Blacks, women, and individuals who do not ascribe to a particular way of thinking provides the advantage for the prosecution.

One by one, six Black jurors were eliminated by either the Prosecutor or the Judge on the Hunter trial. The current jury selection process gets rid of wildcards and the cards the Prosecutor does not want deciding cases. Like the judicial appointment process, this makes the jury selection process anything but random, fair, and impartial. This system subjects citizens to a process that determines guilt or innocence in accordance with the extent of a juror's bias for or against a defendant. In this same way, by selecting jurists (or judges) that ascribe to a certain way of thinking, the bench as a whole is also anything but impartial. Because the judge is in a position to help the prosecutor rid the jury of undesirables who think differently, the Prosecutor is under no pressure to use his own peremptory challenges.

In Judge Hunter's case, her jury was more like a jury of the peers of her Republican adversaries. Among those on Hunter's jury were the following individuals:

- The neighbor of Judge Heather Russell (who signed off on the non-compete multi-million-dollar public contract for Prosecutor Joe Deters personal divorce attorneys) was on the jury. Legal insiders said Russell illegally released the verdict before it was published.
- Also on Hunter's jury was the best friend of Assistant Prosecutor Katie Pridemore (who testified against Judge Hunter's in the criminal trial).
- A man who described himself as a friend of Juvenile Court Judge John Williams and Juvenile Court Administrator Curt Kissinger was on the jury.
- An employee from WCPO television (which sued Judge Hunter for not allowing them to show the names and faces of accused children in the media).
- An attorney from the law firm that represented WCPO television station in the law suit against Judge Hunter was in the jury pool.
- The spouse of one of the WCPO attorneys was a juror.
- There was an employee of Hamilton County Treasurer's office in the jury pool. He falsely accused a black female juror of hugging Judge Hunter in the courtroom.

- Four of the jurors on Judge Hunter's case said they could not be fair, long before the start of the trial, and Judge Nadel allowed them to stay on the jury after he encouraged them to try to be fair and they gave him their assurance that they would try.
- There were three black jurors retained for Hunter's jury; the significant thing is that they were all under the age of thirty, while their white counterparts were all an average of 50 and older. These Black jurors were probably thought to be easily influenced or pressured.

The Jury Coordinator, Brad Seitz runs the entire jury process and has the ability to determine who gets on the jury. As a participant observer, I witnessed Black jurors in Judge Hunter's criminal trial being dismissed because of the radio stations they listen to, the television shows they watched, and organizations they belonged to. This was supposed to be in the interest of eliminating bias. Instead, jurors were simply selected based on the biases of the prosecutor and the judge. After Judge Hunter appealed her conviction to the federal court, Judge Patrick Dinkelacker, who presided over her second criminal trial, was allowed to join the case as a party against Hunter. During the trial, Dinkelacker refused to recuse himself from the case, claiming that he was an unbiased party or an impartial jurist. Anytime you enter a case as a party to a suit, you must elect to be a biased party on one side or the other. Dinkelacker's rulings against Hunter, included him holding her in contempt, were used as evidence against Hunter during her first criminal trial. The judicial code of conduct prohibits a judge from presiding over a case in such instance.

The only three black jurors in Judge Hunter's case signed affidavits in the case stating that their verdict was not guilty, on the only charge that Judge Hunter was convicted of out of the 10 brought against her. Judge Norbert Nadel, who presided over the case, refused to poll the jury (effectively silencing the dissenters). Nadel's refusal to

poll effectively suppressed the voices of jurors who did not agree to convict Hunter. The verdict was not unanimous as required by Ohio law.

This judge and jury scenario, composed of friends and colleagues of Hunter's Republican foes, best demonstrates the concept of a stacked deck. Stacking the deck with individuals that are certain to bring about the likelihood of a certain outcome is a form of hidden power that relies on cheating. This form of cheating or "stacking the deck" is prevalent on juries, and within the judiciary across federal and state judiciaries, and throughout all government systems to ensure a guaranteed win.

The system in Hamilton County for example begins with basic training of attorney's in the prosecutor's office, where all fraternal elite judges are groomed. These judges begin their practice in the juvenile court. Children are easy targets in Ohio, because they are not entitled to the same rights as adults. After cutting their teeth in juvenile court, assistant prosecuting attorneys can go into the court system as judges who have now been trained to represent the elite group of Reds on the bench (meaning Red tie wearing Republican loyalists). More seasoned judges or those who are being rewarded are fast-tracked through the system to higher positions of authority and power (as Common Pleas Judges and Appeals Judges. Supreme Court judges are the guardians of the system with the highest form of veto power. They derive power from experience. They have attained the level of expert power. These roles are reserved for individuals who are either already of a higher nobility, or those who sometimes earn the right through particular deeds towards the oppressed.

Patrick Fischer and Patrick DeWine who were two of the judges who denied Judge Hunter's appeal now serve on the Ohio Supreme Court. Fischers daughter is an

assistant prosecutor, who practiced before Judge Hunter. Patrick DeWine is the son of the Ohio Attorney General, Mike DeWine. After Dennis Deters lost his bid for re-election after his short stint as an appointed Hamilton County Commissioner, in less than one month after his term ended, he was appointed to the First District Court of Appeals as a first-time judge. Deters was rewarded for signing off on the non-compete contracts for his brother, Prosecutor Joe Deters. Republican Maureen O'Connor, the Ohio Supreme Court Justice, who was up for re-election this year, ran unopposed.

Strategically placing “Red’s” or Republicans throughout all levels of the court is a form of “stacking the deck”. This is another hidden system of veto power, so that when a judge rules at the trial court, and someone appeals that decision, they must face one of the systems guardians (who are relatives, cronies, and partisan friends of the Republican Prosecutor). The Ohio Supreme Court is a discretionary appeals process, which has ultimate veto power. A case is only heard at this level if somehow there is a break in the loaded bases scenario, and if the case also slips through the cracks and makes it out of the First District Appeals process.

Judge Michael Barrett, formerly the head of the Hamilton County Republican Party, the former head of the Board of Elections and now a federal judge heard Judge Hunter’s election lawsuit. He was the stop gap at the federal level that determined that her right to vote could be restored, but even after restoring her right to vote based on the fact that she was granted a stay of the penalties of conviction pending the outcome of her federal appeal, Judge Barrett determined that Hunter could not run for re-election in the 2016 General Elections in contradiction to the law and precedent cases involving white

judges who were allowed to pursue re-election while their criminal cases pended. This demonstrates the extent to which the deck is stacked throughout the entire court system.

In the concept of stacked decks, the top roles within the court system are reserved for the power elite, because they have demonstrated their craft and willingness to engage in tactics necessary to gain the advantage for the political elite, in much the same way as described below:

In the very skilled acts of slight-of-hand techniques, like false shuffles, dealing seconds, and other methods of illegally manipulating the deck, including manipulating the shuffle. A dealer who is skilled at manipulating the deck without being detected is called a "Mechanic." Some mechanics are so skilled that they can place cards at certain positions within the deck while shuffling, without anybody noticing or suspecting anything. They often use the same slight-of-hand techniques magicians' use, and can be very deceptive, even in super slow motion. In short, the manipulation of a deck of cards has been elevated to an art form, albeit a lost art...It takes an enormous amount of practice to be able to be able to accurately and undetectably place cards in the deck. There are only a handful of people in the world who genuinely have these skills...Very few have the ability or desire to cheat effectively without getting caught...A dealer who is caught cheating faces the permanent loss of both their job and their dealing license, as well as the possibility for criminal charges (Knight).

The disciplinary system acts as a stop gap for judges and attorneys who are not part of the power elite or for those that cross the system. It is used to punish them by taking away their livelihood, and to sustain the illusion that the system is fair and just. Judge Hunter, Judge Squire, and Judge Stokes all lost their licenses in this system. Not because they engaged in criminal acts, but rather as a stop gap measure because they were not part of the status quo, or the power elite and because they were willing to challenge what they saw as unfairness in the system, and due to their rulings which impacted the flow of money.

Justice vs. Impartiality

No one who puts on a robe sheds their history and life experiences when they come to the bench. Judicial diversity should be rooted in the composition of the bench, and in recognizing the myriad of ways that life experiences contribute to one's sense of fairness and the nature of the approach to the way they carry out their duties and responsibilities. Voters across the state of Ohio have long been informed about the problem of mass incarceration of Blacks in Ohio; undoubtedly the messages of judicial reform that Stokes, Squire, and Hunter brought to the bench resonated well with the electorate across the state of Ohio. The statistics concerning Black children, who are all too often the victims of the broken system of injustice across the state are troubling and are an indication that there is something desperately wrong with the system.

The Doctrine of Impartiality is one of the primary tenets of the overall system, because it presents the illusion of a fair system, and encourages ordinary citizens to believe in the fairness of the system based upon the fact these judges take a sacred oath of impartiality, and are presumably color blind. Shannon Sullivan challenged the idea of colorblindness and unconscious bias. She points out that, "although big booted forms of conscious oppression still exist, in the early twenty-first century white domination prefer silent tiptoeing to loud stomping". She further points out that, "White privilege goes to great lengths not to be heard. Habits of white privilege are not merely nonconscious or preconscious. It is not the case that they just happen not to be the object of conscious reflection, but could relatively easily become so if only they were drawn to one's attention" (Sullivan, 2006).

By holding the nations judges in high esteem, the system encourages us to see them in an almost majestic pope-like manner. And now, ordinary men become 'Your Honor'. The idea of colorblindness also extends to other government systems, because in articulating the blindness of the system, one is to presume that the system is fair. By advancing the concept of color-blindness, the system can rid itself of diversity, because who needs diversity if the representatives do not see color. Therefore, the Doctrine of Impartiality is built into the Constitution.

The concept of impartiality is both a deceptive term and a misnomer. We all bring our own life experiences and bias to every environment we enter. The bench will never be completely impartial, but through having a more diverse bench, taking into existence varying aspects of substantive diversity (including the intersectionality of race, gender, and political orientation difference) in the communities that are being served on the bench. The composition of the bench needs to reflect the communities being served.

The strategic removal of black judges is a direct violation of the rights of black defendant's due process to have judges on the bench who understand their plight. Since it is impossible to separate the person from their partiality, the only way to institute a fairer system is to change appointment systems to allow access to the bench to individuals of various difference and to protect judges with varying perspectives by protecting the rights of all judges to be able to hold political office, including female African American democratic judges. Selection of judges needs to be through elections only and should eliminate the appointment system or require an appointment system that provides for representation by race, gender, and varying political persuasions. Being careful to ensure that everyone has equal access to serve in accordance with their

representative population in the community. Race and gender must be considered intersectionally and in conjunction with diversity according to political orientation. Impartiality cannot be ascribed to an individual. Hiring practices to offices such as the jury commission must be taken out of the hands of political partisan judges.

The Media

The cases of the three Black female judges in my study demonstrated the way in which cases are fought and won by the court of public opinion, not in the court room, prior to juries ever being selected. Control of the media is a very important tool that is vital to the concept of loading bases. It is a tool of the corporate elite to maintain power by deception. The media deceives the populace by way of propaganda and only allowing messages that are filtered through the lens of the corporate elite. The power of the media is also derived from the constitution through the freedom of the press. In Cincinnati, the media sues more people than most other entities. So, maintaining powerful alliances with judges means that not only do they control the message, but they also ensure that rulings are consistently in their favor. Since media is controlled by the corporate elite, it is important that the corporate elite also control judges, so that their interests are always protected. The media outlets controlled whether or not to distribute certain stories statewide and nationally or keep them confined to local markets; so even in the cases of the three judges their stories did not make news in other markets in Ohio, let alone in markets across the country.

After the Cincinnati Enquirer and WCPO sued Judge Hunter, Prosecutor Joe Deters represented her. Rather than fight the suit in Court, the Prosecutor simply allowed the case to go to default judgment. How could the prosecutor be expected to

have defended her against the media, when the Prosecutors office benefitted from showing the names and faces of the children who were accused of beating the adult white male, because it could sway public opinion and ensure that his office won his case?

Gannett, the company that owns The Cincinnati Enquirer is a corporate giant. They are an international media company focusing on broadcast TV, print and Web content. with over \$5.2 billion in 2012, owning \$2.95 billion in media revenue. Gannett is the same company that owns USA Today, the country's second largest publication by circulation, and many other publications: such as, the Detroit Free Press and The Indianapolis Star, which makes it the largest publisher in the United States. Gannett also owns over 23 local television stations with various NBC, CBS and ABC affiliates owned in different states, 93 daily newspapers in the US, and 400 other non-daily publications. It also owns more than 150 properties in the UK, within its Newsquest unit. ZenithOptimedia, which had almost \$200 million in cash at the end of 2015. In 2015, Gannet bought Romanes Media Group, the 59.4% it did not already own of Texas-New Mexico Newspapers Partnership, and Journal Media Group. Their print publications include over 600 magazines and other non-daily print publications;

The Need for a New Design

This study demonstrates that in Ohio, where partisan politics rule the bench, there is no such thing as individual impartiality. Results of this case study necessitates that the concept of impartiality as it currently exists be replaced in favor of a model of justice, that opens the opportunity for African American female democratic judges to serve on the bench. The intersectionality of race, gender, and democratic political ideologies determined who stayed on the bench and which judges would be removed. The

Republican political leaders used their veto power through hidden systems designs to eliminate judges who they determined were a threat to the system.

The power elites in Ohio have continually proposed doing away with judicial elections. The outcomes of this study demonstrate that this solution would rather further lead to the sustainment of a partial bench, chosen solely based on one's political persuasion, thus eliminating the opportunity for the emergence of the minority opinion and the will of the people. It is the appointment process that must be changed, to make room for shared power and the best ideas to emerge, which might lead to more fair governance.

The Batson Policy Challenge

In 1986, in the *Batson v. Kentucky*, 476 U.S. 79 (1986) case, the U.S Supreme Court ruled that eliminating Black jurors based on race is a violation of the Equal Protection clause of the Fourteenth Amendment. The case gave rise to what the legal community now calls the Batson challenge. The Batson Challenge is an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. When black women are eliminated from Court systems, it has the same effect as eliminating Black jurors. It eliminates the fairness of the process and leads to higher race-based convictions. The United States has a mass incarceration problem, and Blacks disproportionately make up a larger percentage than their representative population. The historical analysis presented in this study about the intended design of the constitution to sustain the system of white privilege and ensure the continual existence of a marginalized Black population, combined with the results of the case study that show how the system

was used as a stop gap to nullify the will of the voters in Ohio, one can easily understand how mass incarceration happened.

The outcome of this study demonstrates the intentional elimination of the three Black jurists in my study. The study provided a critical understanding of the philosophical difference the three Black female Democratic judges made on the bench, in exhibiting a care perspective in carrying out their duties on the bench, while their Republican counterparts were more concerned with efficiency and preserving relationships with judicial colleagues. Just as in *Batson*, the system of eliminating Black judges must be challenged! The process of removal of these three judges and the elements which can be seen in the case of the three judges are consistent with Sally Kenney and Derrick Bell's assessment of the existence of backlash. I can therefore conclude that backlash existed. However, as an MLK Scholar, I am deeply troubled by my findings of hidden stop gaps within systems designs that emerged as a result of studying the cases of Judge Hunter, Squire, and Stokes.

I am challenged with extending the legacy of Dr. Martin Luther King Jr. Dr. King understood the idea of backlash and advanced many ideas to combat racist tendencies towards backward politics. King advanced the concept of non-violent revolution and continual resistance. My study revealed hidden forms of racism that tends to operate covertly, and are harder to detect than what Blacks were aware of in the 60's. King's legacy of non-violent resistance is still as relevant as it was in the 1960's, but in understanding backlash as it exists today, it is important to invoke offensive strategies that critically weaken loaded bases and stacked decks.

In the tradition of Dr. King, those of us who are agents for change must continue to demand change in the face of resistance. As prescribed by King (1968) we must demand structural change to disparate systems that preserve the status quo as they become visible to us. We must demand transparency in terms of the complaint process. With visibility, the people can decide which actors are truly playing by the rules of fairness.

In many instances, media articles have been altered and court documents previously attained for this study have been locked or removed from public spaces altogether to protect the system from scrutiny and accountability. This is also true of articles which identify the acts of bad actors.

At the start of this dissertation research, Hamilton County Prosecutors Joe Deters brother, Dennis Deters in his capacity as the Hamilton County Commissioner signed off on a contract that secured additional money towards a million-dollar public contract for his brother's friends and personal divorce attorney's firm, Crowell and Adams LPA to bring charges against Judge Tracie Hunter. Dennis Deters signed off on this contract, against the recommendations of the other two commissioners. They believed that this was unethical, but Dennis Deters refused to abstain from the vote. In less than one month after voters elected to remove Dennis Deters from the Commissioner's office in the next election, Republican Governor John Kasich appointed Dennis Deters to the First District Court of Appeals, where he currently serves as a guardian of the court in place of Joe Deters mother-in-law Sylvia Hendon. Hendon was previously serving on all three Courts (as a visiting judge at both the trial court and Supreme Court level) in violation of the rules of ethics, which prohibits judges from large counties from serving on two courts.

Judge Beth Myers who signed off on the contract to hire Prosecutors Deters personal divorce attorneys at his recommendation has gained reward power, and is also now serving on the First District Court of Appeals. Judge Myers was quietly elected to the bench in November 2016 to replace Sylvia Hendon, who aged out of the system after 33 years of service.

Using a baseball analogy, Hendon says this about serving on a trial court as a visiting judge, after Hunter was removed from the juvenile court, “When all of that happened, they just asked me if I would come in and pinch hit for a week and I said of course,” Hendon said. “Well, as all part-time jobs go, it became week after week after week, and I could not be paid because I was a sitting judge and you can't get two sources of compensation” (WCPO Staff, 2017). Despite the fact that Hendon said she was volunteering on the juvenile court, this should not negate the fact that having her serve on all three courts serves as a conflict of interest and should consequently demonstrate a violation of the rights of citizens to a fair trial.

Power and Authority

In the case of the three Black female judges in my study, legitimate power should have been derived by virtue of their position as elected judges, however because of hidden power structures the constitutional rights of each of the Black Female Democratic judges in my study were subsequently not protected. According to the Constitution, power should ultimately rest with the people to determine who serves on the bench, and the length of service through the election process. The Constitution sets forth provisions that are designed to empower judges, protect their decision-making authority by

providing them with certain immunities, and to protect them from the powers of other governing authority.

The three Black female Democratic judges in my study upon coming to the bench were committed to serving the community. They were all met with organized and venomous resistance, and were never accepted by their judicial colleagues. They each demonstrated a commitment to implementing best practices in their administration of justice, and all came under attack for carrying out the prescribed judicial and administrative functions of their roles as judges. Hunter, Stokes, and Squire were not afforded the same protections as their white judicial colleagues. In fact, their definite and indefinite permanent removals from the bench demonstrates far worse treatment than any of their judicial colleagues. Their colleagues committed criminal acts, such as fixing tickets, sexual harassment, and even heinous acts such as vehicular homicide, yet none of their punishments were as harsh as the three Black female judges in my study. In most cases, such acts on behalf of their judicial colleagues were systematically ignored.

The rights of Blacks and women were never supposed to be protected by the federal or the state constitution. The intentions of the founding fathers were clear, Blacks were not to be accepted into certain areas of society, and built into the constitution and policy designs were hidden plans to ensure that the power structure would remain in place. The very design of both the Ohio Constitution and the U.S. Constitution was invariably created with stop gaps that were put in place to protect the existing hierarchy at the time of the drafting of both constitutions.

As Michelle Alexander points out, “the institution of slavery never really ended in America...it was simply redesigned” (Alexander, 2012). Alexander was shocked to find

the existence of a new invisible racial caste system within the United States, that as she believes was implemented swiftly after slavery. In looking at the history of the drafting of the Ohio and U.S. Constitutions, there is considerable evidence that the framers of both Constitutions were considerably influenced by slavery and the fear of sharing power and space with Blacks. In crafting the Constitutions, legislators were simply doing what they've always done, and that is designing systems that would ensure the continual existence of the power structure through preserving the status quo. The designs were strategically planned and inherent at the very drafting of both the U.S. and Ohio constitution's.

The Need for the Substantive Representation of African American Female Democratic Judges

In 2008, after a class-action lawsuit was filed against the State of Ohio's Department of Youth Services, a fact finding report compiled by the Anne E. Casey Foundation found numerous areas where the system is failing Ohio's children, among them were inadequate education services (Mendel, 2011). In 2009, the ACLU, Children's Law Center, and the Ohio Public Defender's Office released a similar report detailing some of the inherent problems with the juvenile justice system in Ohio. The report identifies five key areas of concern with the juvenile court system, which includes: waiver of counsel, shackling of juveniles, juvenile transfers to adult court, rates of juvenile detention and confinement, and disproportionate minority confinement. The report noted that, "in 24 of Ohio's 88 counties, more than 90 percent of children charged with crimes do not receive legal representation." (American Civil Liberties Union, 2009). They also reported that, "Ohio

detains and incarcerates a greater percentage of its children than most other states in the nation and that a disproportionate number of those incarcerated are children of color” (American Civil Liberties Union, 2009). The detailed report, stated that “Ohio is one of 15 states that takes the decision out of a judge’s hands by mandating that children charged with certain offenses be tried as adults, whether or not a child is capable of rehabilitation” (American Civil Liberties Union, 2009).

The rights of Blacks and women were never supposed to be protected by either the U.S. or the Ohio constitution, moreover the struggle of ascendance to higher levels of the bench has been even more difficult to attain. The highest court in the land has made room for every major racial and ethnic group in America, except Black women. Even with Barack Hussein Obama’s historical lead in appointing Black men and women to the federal bench, the nation’s first Black president, when given an opportunity to appoint the first Black female to the Supreme Court, he instead chose to appoint the fourth white female and the first Latina to the bench. 19% of the Obama’s appointed and confirmed federal judges were African American, the highest percentage of Blacks than any other presidential appointments (The White House, 2016), and undermining the considerable progress made for Black judges, appointing a Black female to the U.S. Supreme Court bench would send the message that Black female judges matter.

In selecting two women, one Black and one Latina to serve on the U.S. Supreme Court, Obama clearly recognized that race and gender diversity were important on the bench. Where diversity thus far relative to the courts in America has only formally appreciated race and gender issues separately, it is important to note that everyone brings their own set of life experiences and differences to the bench.

The judges in this study understood that it was time for reform in the areas of education for confined youth, the issue of shackling, ensuring that youth had proper representation, youth bindovers to adult court, and ensuring that the right to a fair trial was protected for all who came before them. The issue of representation on the bench cannot solely be about one's racial or ethnic group, opposition for the judges in my study often came from other Blacks and white women, which for one reason or another did not share the Black female judges sense of care and concern. Often in the game of politics, Black political actors are pitted against one another. Given the circumstance of the strategic removals of each of the judges in my study, there was evidence that similar incidents occurred in the cases of at least two of the judges in my study. Attorneys are forced to either build alliances with the power structure, or risk losing their law license, or the ability to have their clients treated fairly. Such was the case with Clyde Bennett who in a text message to Judge Hunter, stated that he had received threats from Prosecutor Joe Deters office that if he vigorously pursued her case he would not receive any more deals (Appendix IV).

Being that they themselves have experienced life growing up as Black children in Ohio and in some cases as parents of Black children, Black females have a unique understanding of the plight of other Blacks and have a lot to offer the bench. There is no substitute for life experience in terms of understanding. Judge Carole Squire explains this best when she says,

there is a cultural sensitivity and uniqueness that black female judges bring to the bench that is sometimes misunderstood in the legal community and dominant cultural...Some attorneys and judges quite simply do not understand the unique cloth from which a Black female judge is made, in America. It's a mistake to exclude from the judiciary the voices of African American judges; especially at a time when more Black

children than ever before in our country's history are in need of caring authority figures who appreciate, understand and respect the positive and unique cultural experiences of African Americans. Life experiences of the disproportionately higher number of children of color in the U.S. court system may be more easily understood by adults of color. Being Black in America is a unique experience. Isn't cultural sensitivity what diversity on the bench is supposed to be all about (Squire C. , 2010).

By excluding Black Female Democratic judge's, like the three in my study, who attained a high level of respect and honor before ever coming to the bench, and for the work that they did while on the bench, it exposed the hypocrisy of the judiciary in Ohio. The three judges in my study demonstrated the high moral ethics and character that society values. In exhibiting proven care and concern for children, and distributing justice fairly by not rushing to judgment and by ensuring that rights of all are protected are things that we value as a nation.

The three Black females' in my study managed to avoid trouble and lived model lives' worthy of honor, prior to coming to the bench. Each held deep religious convictions and held places of honor in their perspective houses of worship. Judge Hunter is the Senior Pastor of her church, Judge Squire is an ordained Associate Youth Minister at the nearly 150 year old Shiloh Baptist Church, and similarly Judge Stokes has a deep connection to the church and has an education in Biblical Studies. Removing Black female judges from the bench who have been known to have served in honor in households of faith, and determining them unfit to serve in the social order, based solely upon their desire to be fair, exposed the judiciary as an institution that bears closer scrutiny.

In examining one case it would have been nearly impossible to understand how it was possible to devise and carry out such a sinister strategy to prevent the ascendancy of

an African American judge. However, in comparing the cases of the three judges, I was able to better see numerous hidden sources of power that work together to maintain systems of control, and how throughout the state similar strategies and techniques were used in a well-coordinated effort to remove each of the three Black female judges in my study. I was also able to see how resistance and a well-informed citizenry could bring about change in non-violent ways.

The judges in this study through their own moral agency rejected the notion that the best approach to solving the problem of criminality was through maintaining systems as they currently were. If it were not for their heroic efforts in attempting to make change to the system, things invariably would simply have stayed the as they were.

Judge Hunter's efforts and resistance brought significant policy changes to the Board of Elections, the juvenile court, and the criminal justice system across the state of Ohio. Her efforts instituted change to the way provisional votes are counted; she protected the right to vote for individuals who have been granted a stay pending final outcome of a case; she changed rules of evidence across the state of Ohio, eliminating prosecutor's ability to hide evidence, which might exonerate innocent children. Judge Hunter's work in the courts prompted lawsuits that implemented change to protect the rights of accused children languishing in juvenile detention centers for 30 days without ever having a probable cause hearing. She was the first judge to eliminate shackling in her courtroom, leading to the elimination of shackling across the state of Ohio without a court order providing the necessity. Her case brought awareness to the community surrounding the biased nature of the court. Judge Hunter's sacrifices opened the eyes of many in the community about how the system of mass incarceration has been able to

exist almost unnoticed, and about how so many African Americans have been innocently convicted and incarcerated. Her efforts changed the political climate in Hamilton County, encouraging more people of color and ethically minded individuals to run for office and the citizens of Hamilton County was encouraged to support that change, bringing the first Democrat and person of color to ever become the Clerk of Courts in Hamilton County, Aftab Pureval.

RECOMMENDATIONS FOR FURTHER STUDY

It became obvious in this study that Judges Hunter, Stokes, and Squire were significant threats to the status quo, which prompted Republican Party officials to employ stop gaps in order to veto the power of the electorate to protect the system of mass incarceration. This study uncovered the existence of several stop gaps hidden in the Ohio and the U.S. Constitutions.

The researcher hopes these findings will contribute to an understanding of the importance of having diverse perspectives and a more diverse judiciary, and the importance of removing the impediments to success of African American female judges. This study aimed to expand the literature on American female jurists and to unveil the complex reality of the intersectionality of race and gender dynamics on the bench. This study should aid judicial educators in developing effective education programs to promote access to the bench and high moral and ethical standards in judging. It will also help to better understand the operationalization of the intersectionality of racial and gender politics, especially as it relates to a democratic political orientation in Ohio. The

study also sheds light on the nature of backlash that ensues when judges are elected to the bench that are not chosen or sanctioned by the political establishment.

Future studies should research the lived experiences of African American female Democratic judges in other cities and states across the U.S. Such studies will contribute to the research by providing an understanding of how Ohio might differ from other states. It might also be beneficial to look at whether the experiences of Black female Democratic judges are different in environments where judges are appointed, rather than elected. Similar intersectional studies on African American female judges who hold Republican political orientations should also be done. Studies that compare and contrast experiences of Democratic and Republican female judges would also make for an interesting study.

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Appendix I: Questions Asked of Jurists

The following are questions that were asked of the jurists during my individual interviews:

1. Can you tell about your experience as a candidate for judgeship? What challenges, if any, did you face?

Possible Probes: *What motivated you to run for judge? How was your candidacy received (by your peers, the media, and the community)? Did you face any challenges raising funds? If so, what were they (counting the votes, glitches, etc). Were any of your qualifications lacking or challenged? Did you face any adversity in the course of trying to get elected? What did your candidacy mean to the community, your family, etc. (historical, first woman, first black, first democrat)?*

2. To what extent did you institute any changes while on the bench. For example, this could include administrative, policy, or procedural changes. What happened when you instituted the change?

Possible Probes: *1) Did your interpretation of any policies bring about the change in any laws or statutes? 2) Has anyone else implemented similar changes, if so what were the outcomes of such changes? 3) Do you feel that other judges been treated differently from you? If so, do you feel that you were treated differently because of your race, gender, or political persuasion?*

3. Has there ever been a time that you strongly disagreed with a law or a policy (while deciding a case, or a courtroom or courthouse policy)? If so, what did you do? Did you feel that you had the power to change things with which you disagreed?

Possible Probes: *1) Can you give me an example of the types of policies you disagreed with? 3) Were there policies that were shocking to your conscience? How did these policies impact a fair and just judiciary?*

4. Do you feel you were treated fairly and as an equal on the bench and in exerting your authority? Did you ever feel that your authority was undermined?

Possible Probes: *1) Do you feel you were treated fairly and as an equal on the bench and in exerting your authority? If not, do you feel that others were treated differently?*

5. Tell me about your relationship with the media. Do you feel your story was accurately represented in the media? If not, is there some other source where your story is accurately represented?

Possible Probes: *1) Did the media endorse your candidacy during your election? 2) In what ways did the media support or not support your efforts as a judge? Do you feel that the media coverage of your candidacy and judgeship was fair? Please explain.*

6. In your view, what were the circumstances that led to your suspension or removal from the bench?

Possible Probes: *1) What was your perception of what happened and why it happened? 2) How did you respond to the circumstance? 3) Why did you respond in the ways that you did? 4) Why did others respond in the ways that they did? 5) Was there another decision you could have made, why didn't you take that course of action? 6) Did you believe your race, gender, and political persuasion was a factor for your suspension or removal? 7) Was their conflict with other judges or officials? 8) What was the media's approach to reporting on your suspension or removal; did the media's reporting impact your suspension or removal?*

7. How has the legacy of being an elected black female democratic judge made you think about those coming behind you? What opportunities would you like for them?

Possible Probes: *Did you find your experience different than you expected? What might help improve conditions for black female democrat judges in the future? Were the limitations you experienced specific to you or were they general and could have been directed to others similarly situated.*

8. What else would you like me to know that I didn't ask about your judicial experience?

Possible Probes: *The possible probes in this question can come from what they say. I would ask for clarity surrounding any points they make.*

Appendix II: Nepotism

The following Hamilton County courthouse employees were hired when they had a relative already in elected office or currently or formerly on the public payroll							
Employee name	Office	County hire date	Job title	2016 Salary	Relative	Relationship to employee	Relation's job or office at time of hire
Jonathan R. Bauman*	Clerk of courts	8/3/2015	Fiscal officer	56,662	Tracy Winkler	Brother's mother-in-law	Clerk of courts
Carolyn C. Brinkmeyer**	Clerk of courts	3/1/2016	Clerk 2	27,352	Tracy Winkler	Husband's cousin	Clerk of courts
Kenneth J. Brinkmeyer	Clerk of courts	11/18/2014	Bailiff	36,238	Tracy Winkler	Cousin	Clerk of courts
Mark A. Caldwell	Clerk of courts	4/7/2014	Bailiff	36,238	Jeffrey L. Caldwell	Brother	Clerk of courts
Paul D. Cordray	Clerk of courts	5/21/2012	Bailiff	36,631	Bobby G. Cordray	Brother	Clerk of courts
Mary Elyse Deters***	Clerk of courts	5/20/2013	Clerk 2	7,488	Joe Deters	Father	Hamilton Co. prosecutor
Ryan J. Glandorf	Clerk of courts	10/31/2011	Office supervisor	36,926	Tracy Winkler	Aunt	Clerk of courts
					Roger Glandorf	Father	Common Pleas Court
Karen L. Kellums	Clerk of courts	7/28/2014	Courtroom clerk 1	27,443	Tracy Kellums	Husband	Republican precinct executive
Percy J. Milton Jr.	Clerk of courts	5/19/1993	Supervisor of opns.	44,878	Melba Marsh	Stepsister	Municipal Court judge
Jeffery W. Prem	Clerk of courts	1/18/1990	Admin. Asst.	34,441	David L. Prem	Brother	Prosecutor's office
Rachel L. Schoenling	Clerk of courts	1/15/2016	Clerk 2	24,830	Joe Deters	Uncle's brother	Hamilton Co. prosecutor
Ragen R. Schrimpf	Clerk of courts	12/26/2012	Clerk 2	24,830	Robert W. Schrimpf	Husband	Prosecutor's office
Sandra A. Segbers	Clerk of courts	8/23/2016	Clerk 2	24,830	Melissa L. Segbers	Sister-in-law	Clerk of courts/former precinct exec.
Randall F. Slocum	Clerk of courts	3/23/2015	Clerk 2	24,830	Lee Slocum	Father	Prosecutor's office
John J. Trimble***	Clerk of courts	6/12/2015	Clerk 2	24,830	Tracy Winkler	Aunt	Clerk of courts
Christopher Wagner	Clerk of courts	1/30/2017	Chief of compliance	87,500	Tim Burke	Father-in-law	Chairman, Hamilton Co. Dem. Party
Joyce L. Wilburn	Clerk of courts	1/22/2013	Bailiff	36,631	Jim Neil	Brother	Sheriff
					Robert Winkler	Brother-in-law	Common Pleas judge
Tracy Winkler****	Clerk of courts	10/12/2011	Clerk of courts	100,779	Ralph "Ted" Winkler	Husband	Common Pleas Court judge
Emily M. Albrinck	Common Pleas	1/1/2015	Constable	37,614	Jeff Albrinck	Father	Evendale City Council
Carl H. Blackwell	Common Pleas	9/13/1993	Bailiff	56,000	Kenneth Blackwell	Brother	Former mayor, Bush appointee
Mitchell A. Gillen	Common Pleas	6/1/2004	Bailiff	46,000	Andrew James Gillen	Father	Asst. Munic. Court administrator
					Ray Gillen	Late grandfather	Former bailiff
Roger J. Glandorf	Common Pleas	5/29/2001	Bailiff	72,145	Ralph "Ted" Winkler	Brother-in-law	Municipal Court judge
Bradley J. Seitz	Common Pleas	12/16/2002	Jury coordinator	49,184	Bill Seitz	Father	Ohio state senator
Judith A. Walters	Common Pleas	9/2/2004	Bailiff	51,000	Robert Ruehlman	Brother	Common Pleas judge
Joseph N. Kunkel	Dom. Rel. Court	6/2/2008	Deputy clerk	29,043	Jerome A. Kunkel	Father	Prosecutor's office

					Pamela J. Sears	Stepmother	Prosecutor's office
Mary T. Schulz	Juvenile Court	10/5/1992	Magistrate	53,901	Simon Leis Jr.	Uncle	Hamilton County sheriff
Jeremy T. Cordray	Municipal Court	9/25/2014	Assignment clerk	27,235	Bobby G. Cordray	Father	Clerk of courts
Andrew J. Gillen	Municipal Court	2/6/1986	Asst. court admin.	62,598	Ray Gillen	Father	Bailiff
Elizabeth A. Sunderman	Probate Court	9/1/1998	Magistrate	71,050	Hal Sundermann	Father	Former Court of Appeals judge
Brittany Nurre Aug	Prosecutor	6/12/2000	Asst. prosecutor	63,754	Thomas Nurre	Grandfather	Common Pleas judge
Amy E. Bedinghaus	Prosecutor	8/8/2014	Asst. prosecutor	56,650	Bob Bedinghaus	Father	Former county commissioner
Andrea Boettcher	Prosecutor	1/12/2017	Admin. asst.	37,500	Tracy Winkler	Mother	Former clerk of courts
					Ralph "Ted" Winkler	Father	Probate Court judge
Cooper D. Bowen	Prosecutor	8/18/2015	Asst. prosecutor	53,666	Erica Deters	Fiancee	Prosecutor's office
					Eric Deters	Father-in-law to be	Joe Deters' private employer
Donald D. Clancy III	Prosecutor	8/8/2016	Law clerk	28,240	Patricia Clancy	Aunt	Former clerk of courts
					Donald D. Clancy Sr.	Late grandfather	Former Congressman
Nicholas C. Croswell	Prosecutor	9/2/2014	Asst. prosecutor	56,650	Scott Croswell	Father	Special prosecutor
Tatiana J. DeGraffenreid	Prosecutor	6/2/2014	Technical Typist 1	24,642	Stacey DeGraffenreid	Mother	Prosecutor's office
Caitlin L. Deters	Prosecutor	6/28/2012	Technical Typist 2	30,900	Joe Deters	Uncle	Hamilton Co. prosecutor
Daniel T. Deters	Prosecutor	5/31/2011	Asst. prosecutor	56,650	Joe Deters	Uncle	Hamilton Co. prosecutor
Erica C. Deters	Prosecutor	4/24/2015	Asst. prosecutor	56,650	Eric Deters	Father	Joe Deters' private employer
Leah M. Dinkelacker	Prosecutor	5/18/2005	Asst. prosecutor	56,650	Patrick Dinkelacker	Father	Common Pleas Judge
Kathleen C. Fischer	Prosecutor	5/9/2011	Asst. prosecutor	63,754	Pat Fischer	Father	First District Court of Appeals
Michael J. Friedmann	Prosecutor	5/16/2011	Asst. prosecutor	54,169	Roger E. Friedmann	Father	Prosecutor's office
Steven F. Gay	Prosecutor	1/3/2007	Asst. prosecutor	120,553	Simon Leis	Uncle	Sheriff
James S. Ginocchio	Prosecutor	8/20/2007	Asst. prosecutor	63,754	James S. Ginocchio	Father	Prosecutor's office
Jonathan M. Groppe	Prosecutor	4/25/2016	Asst. prosecutor	53,666	Rebecca Prem Groppe	Aunt	Former recorder
					Mark Groppe	Uncle	Dom. Rels. Court, finance & HR dir.
					David Prem	Aunt's brother	Prosecutor's office
Thomas E. Grossmann	Prosecutor	11/2/2009	Asst. prosecutor	119,480	David Grossman	Father	Former Juvenile Court judge
Jeffrey M. Heile	Prosecutor	10/1/2002	Asst. prosecutor	49,126	William Peter Heile	Father	Prosecutor's office
Christopher T. Lipps	Prosecutor	7/6/2010	Asst. prosecutor	63,754	Thomas Lipps	Father	Juvenile Court judge
David H. Mclwain	Prosecutor	5/17/2010	Asst. prosecutor	63,754	Harry Mclwain Sr.	Grandfather	Former muni judge
					Carol Mclwain	Aunt	Former muni judge
					Vicki Mclwain	Mother	Clerk of courts
Mark J. Meckstroth	Prosecutor	1/15/2013	Clerk 1	13,671	John R. Meckstroth	Father	Prosecutor's office
Allison B. Oswald	Prosecutor	12/23/2013	Asst. prosecutor	60,684	William F. Oswald Jr.	Husband	Delhi Twp. Trustee
Nicole M. Otto	Prosecutor	10/29/2015	Technical Typist 1	24,642	Virginia M. Otto	Mother	Prosecutor's office
Joseph J. Prem	Prosecutor	9/7/2011	Asst. prosecutor	53,666	David L. Prem	Father	Prosecutor's office
David L.	Prosecutor	11/23/1988	Asst.	105,06	Calvin Prem	Father	Former prosecutor

Prem			prosecutor	0			
Pamela J. Sears	Prosecutor	12/18/1995	Asst. prosecutor	89,610	Jerome A. Kunkei	Husband	Prosecutor's office
Adam C. Tieger	Prosecutor	6/10/2013	Asst. prosecutor	53,666	Seth S. Tieger	Father	Prosecutor's office
Mark C. Vollman	Prosecutor	12/19/2002	Asst. prosecutor	87,332	Carl Vollman	Father	Prosecutor's office
Matthew C. Wallace	Prosecutor	5/5/2003	Asst. prosecutor	56,650	Vincent E. Wallace	Father	Common Pleas Court
(McNair, 2017)							
*Terminated Feb. 17							
**Terminated March 31							
***Left job Dec. 28							
****Terminated March 31							
*****Left office Jan. 2							
The following employees were hired as they held non-county elected offices or political party positions							
Employee name	Office	County hire date	Job title	2016 Salary	Position		
Jeffrey D. Baker*	Clerk of courts	4/21/2014	HR supervisor	51,511	Former Cheviot City Councilman/President, Colerain Republican Club		
Anthony P. Rosiello**	Clerk of courts	11/14/2011	Chief deputy clerk	87,154	Green Twp. Trustee-elect		
Clifford Bishop	Common Pleas	8/19/2016	Bailiff	46,000	Sycamore Twp. Trustee		
Michael Florez	Prosecutor	1/31/2005	Asst. prosecutor	119,480	Longtime HamCo Republ Party official/campaign treasurer		
Bruce K. Hust	Prosecutor	3/19/2015	Asst. prosecutor	53,666	Republican precinct executive		
*Terminated Feb. 17							
**Terminated Jan. 3							

Appendix III: Donations to Hamilton County, OH Prosecutor Joe Deters

SI-N
R.C. 1517.19(B)

Event Date: <u>9/6/2012</u>
Page: <u>18</u>

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Secretary of State 10/2

Name of Contribution to Date		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Deters for Ohio's Future							
Full Name of Contributor Chris Finney		Registration Number, if PAC					
Street Address	City		State	Zip Code	Form (Cash, Check, etc)		
2623 Erie Avenue	Cincinnati		OH	45208	Check		250.00
Full Name of Contributor John Wright		Registration Number, if PAC					
Street Address	City		State	Zip Code	Form (Cash, Check, etc)		
3839 Millsbraun Avenue	Cincinnati		OH	45209	Check		100.00
Full Name of Contributor Lee Czarwonka		Registration Number, if PAC					
Street Address	City		State	Zip Code	Form (Cash, Check, etc)		
10884 Fallington Court	Cincinnati		OH	45242	Check		100.00
Full Name of Contributor Lisa Wilkicker		Registration Number, if PAC					
Street Address	City		State	Zip Code	Form (Cash, Check, etc)		
6072 Gaines Road	Cincinnati		OH	45247	Check		500.00
Full Name of Contributor Judge Beth Mattingly		Registration Number, if PAC					
Street Address	City		State	Zip Code	Form (Cash, Check, etc)		
142 Palisades Point, #4	Cincinnati		OH	45238	Check		150.00
Full Name of Contributor Patrick Carrv		Registration Number, if PAC					
Street Address	City		State	Zip Code	Form (Cash, Check, etc)		
1019 Main Street	Cincinnati		OH	45202	Check		100.00
Full Name of Contributor Mark Krumbain		Registration Number, if PAC					
Street Address	City		State	Zip Code	Form (Cash, Check, etc)		
36 E. 7th Street, #2020	Cincinnati		OH	45202	Check		2,500.00

* Required for contributions from individuals over \$100 to statewide and general assembly candidates. If contributor is self-employed, the occupation and the date of the individual's business, if any, other than sundries should be listed. If two or more employees contribute via payroll deduction and exceed the aggregate of \$100, the name organization of which the employees are members, if any, must appear. (R.C. 1517.10(B)(4))

Fill in the boxes below only on the last page for this event.
Transfer the total contributions for this event to Form No. 33-A, Under full Name of Contributor and "Contributions from Form No. 33-A" and on the date of the event to the date column.

From contributions this event

Total expended from this event

Total Total \$ 3,700.00

Event Date 9/6/2012
 Page 16

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Sections 4312.07

Name of Contributor or Firm							
Details for Ohio's Future							
Full Name of Contributor				Registration Number, if PAC			
John Connelly							
Street Address		Employer/Occupational/Labor Organization*		M	D	Y	Amount
8165 Stirrup Road				0	9	07	500.00
City		State	Zip Code	Form (Cash, Check, etc.)			
Cincinnati		OH	45244	Check			
Full Name of Contributor				Registration Number, if PAC			
Judge Ralph Winkler							
Street Address		Employer/Occupational/Labor Organization*		M	D	Y	Amount
3353 Boomer Road				0	9	07	500.00
City		State	Zip Code	Form (Cash, Check, etc.)			
Cincinnati		OH	45247	Check			
Full Name of Contributor				Registration Number, if PAC			
Judge Russell Mock							
Street Address		Employer/Occupational/Labor Organization*		M	D	Y	Amount
5846 Wayside Avenue				0	9	07	250.00
City		State	Zip Code	Form (Cash, Check, etc.)			
Cincinnati		OH	45230	Check			
Full Name of Contributor				Registration Number, if PAC			
Greg Hartman							
Street Address		Employer/Occupational/Labor Organization*		M	D	Y	Amount
2560 Grandin Road				0	9	07	250.00
City		State	Zip Code	Form (Cash, Check, etc.)			
Cincinnati		OH	45208	Check			
Full Name of Contributor				Registration Number, if PAC			
Michaela Stagnaro							
Street Address		Employer/Occupational/Labor Organization*		M	D	Y	Amount
8247 Pine Run Drive				0	9	07	250.00
City		State	Zip Code	Form (Cash, Check, etc.)			
Cincinnati		OH	45244	Check			
Full Name of Contributor				Registration Number, if PAC			
Toby Shisler							
Street Address		Employer/Occupational/Labor Organization*		M	D	Y	Amount
2093 Berkshire Club Drive				0	9	07	250.00
City		State	Zip Code	Form (Cash, Check, etc.)			
Cincinnati		OH	45230	Check			
Full Name of Contributor				Registration Number, if PAC			
Amy Searcy (Judge)							
Street Address		Employer/Occupational/Labor Organization*		M	D	Y	Amount
6610 Parkland Avenue				0	9	07	250.00
City		State	Zip Code	Form (Cash, Check, etc.)			
Cincinnati		OH	45233	Check			

* Required for contributions from individuals over \$100 in proceeds and general membership categories. If contributor is self-employed, the occupation and the name of the individual's business, if any, rather than employer should be listed. If two or more employers contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employee are members, if any, must appear. (R.C. 4312.07(B)(4))

Fill in the boxes below only on the top page for this event.

Transfer the Total contributions for this event to form No. 31-A, Under full Name of Contributor, note "Contributions from form No. 31-E" and list the date of the event in the date column.

Total contributions this event

Total expenditures this event

Page Total \$ 2,250.00

Event Date 9/6/2012
Page 14

Statement of Contributions Received at a Social or Fundraising Event

Submitted by Secretary of State 3/12

Name of Contributor or Firm		Registration Number, if PAC	
Debra for Ohio's Future			
Full Name of Contributor Edward Connolly		Registration Number, if PAC	
Street Address 7905 Graylock Drive	Employer/Occupational Labor Organization*	M D Y 019 015 112	Amount 250.00
City Cincinnati	State Zip Code OH 45243	Form/Check, Check, etc) Check	
Full Name of Contributor Joan Tigro		Registration Number, if PAC	
Street Address 7398 Baywind Drive	Employer/Occupational Labor Organization*	M D Y 019 015 112	Amount 100.00
City Cincinnati	State Zip Code OH 45242	Form/Check, Check, etc) Check	
Full Name of Contributor Louis Strigari		Registration Number, if PAC	
Street Address 570 Laurelwood Drive	Employer/Occupational Labor Organization*	M D Y 019 015 112	Amount 75.00
City Cleveland	State Zip Code OH 43002	Form/Check, Check, etc) Check	
Full Name of Contributor Ron Springman		Registration Number, if PAC	
Street Address 6232 Sharlene Drive	Employer/Occupational Labor Organization*	M D Y 019 015 112	Amount 250.00
City Cincinnati	State Zip Code OH 45248	Form/Check, Check, etc) Check	
Full Name of Contributor Gale Noel		Registration Number, if PAC	
Street Address 173 Fox Hills Lane	Employer/Occupational Labor Organization*	M D Y 019 015 112	Amount 250.00
City Cincinnati	State Zip Code OH 45052	Form/Check, Check, etc) Check	
Full Name of Contributor Guy Guckenberger (Judge)		Registration Number, if PAC	
Street Address 1134 Herschel Avenue	Employer/Occupational Labor Organization*	M D Y 019 017 112	Amount 250.00
City Cincinnati	State Zip Code OH 45208	Form/Check, Check, etc) Check	
Full Name of Contributor Ginger Warner		Registration Number, if PAC	
Street Address 8830 Old Indian Hill Road	Employer/Occupational Labor Organization*	M D Y 019 017 112	Amount 10,000.00
City Cincinnati	State Zip Code OH 45212	Form/Check, Check, etc) Check	

* Required for contributions from individuals over \$100 at statewide and general assembly candidates. If contributor is self-employed, the contributor must do some of the individual's business, if any, rather than employer check to be listed. If two or more employees contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employees are members, if any, must appear. [R.C. 3117.15(1)(G)]

Fill in the boxes below only on the last page for this event.

Transfer the Total contributions for this event to form No. SI-A. Under Full Name of Contributor state "Contributions from form No. SI-E" and list the date of the event in the date column.

Total contributions this event

Total expended to this event

Page Total \$ **11,175.00**

Statement of Contributions Received at a Social or Fundraising Event

(Required by Section of State 117)

Name of Contributor (Full)		Registration Number, if PAC	
Deters for Ohio's Future			
Full Name of Contributor Rick Meyer		Registration Number, if PAC	
Street Address 6142 Woodlark Drive	Employer/Occupation/Labor Organization*	M	D
		0	8
		3	1
		1	1
		2	
Amount		50.00	
City Cincinnati	State OH Zip Code 45230	Form (Cash, Check, etc.) Check	
Full Name of Contributor Jake Sieber		Registration Number, if PAC	
Street Address 7331 Avers Road	Employer/Occupation/Labor Organization*	M	D
		0	8
		3	1
		1	1
		2	
Amount		100.00	
City Cincinnati	State OH Zip Code 45255	Form (Cash, Check, etc.) Check	
Full Name of Contributor * Marilyn Shiverdecker Special Prosecutor in Huntsville		Registration Number, if PAC	
Street Address 817 Main Street, 2nd Floor	Employer/Occupation/Labor Organization*	M	D
		0	8
		3	1
		1	1
		2	
Amount		250.00	
City Cincinnati	State OH Zip Code 45202	Form (Cash, Check, etc.) Check	
Full Name of Contributor Phyllis Brown		Registration Number, if PAC	
Street Address 25 Hampton Lane	Employer/Occupation/Labor Organization*	M	D
		0	8
		3	1
		1	1
		2	
Amount		250.00	
City Cincinnati	State OH Zip Code 45208	Form (Cash, Check, etc.) Check	
Full Name of Contributor Alan Stutzman		Registration Number, if PAC	
Street Address 3700 Carew Tower, 441 Vine St.	Employer/Occupation/Labor Organization*	M	D
		0	8
		3	1
		1	1
		2	
Amount		100.00	
City Cincinnati	State OH Zip Code 45202	Form (Cash, Check, etc.) Check	
Full Name of Contributor Michael Hirschfeld		Registration Number, if PAC	
Street Address 6878 Stenington Road	Employer/Occupation/Labor Organization*	M	D
		0	9
		0	4
		1	1
		2	
Amount		250.00	
City Cincinnati	State OH Zip Code 45230	Form (Cash, Check, etc.) Check	
Full Name of Contributor Kenneth Stevenson		Registration Number, if PAC	
Street Address 53 Mallard Point	Employer/Occupation/Labor Organization*	M	D
		0	9
		0	4
		1	1
		2	
Amount		200.00	
City Mt. Vernon	State OH Zip Code 43050	Form (Cash, Check, etc.) Check	

* Required for contributions from individuals over \$100 to state or local general assembly candidates. If contributor is self-employed, the occupation and the name of the individual's business, if any, rather than employer, should be listed. If two or more employers contribute on payroll deduction and exceed the aggregate of \$100, the labor organization of which the employees are members, if any, must appear. (R.C. 1517.10(C)(4))

If in the boxes below enter on the next page for this event:

Transfer the Total contribution for this event to form No. 11-A, Under Full Name of Contributor state "Contributions from form No. 11-B" and list the date of the event in the date column.

Total contributions this event

Total contributions this event

Page Total \$ 1,200.00

Statement of Contributions Received at a Social or Fundraising Event

Revised by Secretary of State 1/07

Name of Contributor or Full Name of Contributor		Registration Number, if PAC	
Detern for Ohio's Future			
Full Name of Contributor Cliff Coors		Registration Number, if PAC	
Street Address 4125 Hamilton Avenue	Employer/Occupation/Labor Organization*	M D Y 0 8 2 1 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45223	Form (Cash, Check, etc.) Check	
Full Name of Contributor Doug Brandamour		Registration Number, if PAC	
Street Address 6105 Park Road	Employer/Occupation/Labor Organization*	M D Y 0 8 2 1 1 2	Amount 1,000.00
City Cincinnati	State Zip Code OH 45243	Form (Cash, Check, etc.) Check	
Full Name of Contributor Judge Megan Shanahan		Registration Number, if PAC	
Street Address 1310 Ault View Avenue	Employer/Occupation/Labor Organization*	M D Y 0 8 2 2 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45208	Form (Cash, Check, etc.) Check	
Full Name of Contributor Mike Zicka		Registration Number, if PAC	
Street Address 7841 E. Kemper Road	Employer/Occupation/Labor Organization*	M D Y 0 8 2 2 1 2	Amount 1,000.00
City Cincinnati	State Zip Code OH 45249	Form (Cash, Check, etc.) Check	
Full Name of Contributor Margaret Lalley		Registration Number, if PAC	
Street Address 3 Grandin Riverview	Employer/Occupation/Labor Organization*	M D Y 0 8 2 2 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45208	Form (Cash, Check, etc.) Check	
Full Name of Contributor Karl Kaden		Registration Number, if PAC	
Street Address 415 Pintail Drive	Employer/Occupation/Labor Organization*	M D Y 0 8 2 2 1 2	Amount 25.00
City Loveland	State Zip Code OH 45140	Form (Cash, Check, etc.) Check	
Full Name of Contributor Larry Barbieri		Registration Number, if PAC	
Street Address 5300 Socialville Foster Road	Employer/Occupation/Labor Organization*	M D Y 0 8 2 4 1 2	Amount 1,000.00
City Mason	State Zip Code OH 45040	Form (Cash, Check, etc.) Check	

* Required for contributions from individuals over \$100 to statewide and general assembly candidates. If contributor is self-employed, the occupation and the name of the individual's business, if any, rather than employer, should be listed. If two or more employers contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employees are members, if any, must appear. (R.C. 341.102-102)

Fill in the boxes below only on the last page for this event.
Transfer the Ford contributions for this event to form No. 31-A. Under Full Name of Contributor state "Contributor from form No. 31-E" and list the date of the event in the date column.

Total contributions this event

Total expenditures this event

Page Total \$ 3,275.00

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Secretary of State 2/01

Name of Contributor in Full		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Deters for Ohio's Future Full Name of Contributor: Judge Norbert Nadel Registration Number, if PAC:							
Street Address: 3534 Clifton Avenue		State: OH Zip Code: 45220		0	18	2	250.00
City: Cincinnati		Form (Cash, Check, etc): Check					
Full Name of Contributor: Alvin Roehr Registration Number, if PAC:							
Street Address: 4765 Burley Hills Drive		State: OH Zip Code: 45243		0	18	2	250.00
City: Cincinnati		Form (Cash, Check, etc): Check					
Full Name of Contributor: Tim Best Registration Number, if PAC:							
Street Address: 1411 Apple Hill Road		State: OH Zip Code: 45230		0	18	2	100.00
City: Cincinnati		Form (Cash, Check, etc): Check					
Full Name of Contributor: Michael Valentine Registration Number, if PAC:							
Street Address: 1861 Dexter Avenue		State: OH Zip Code: 45206		0	18	2	5,000.00
City: Cincinnati		Form (Cash, Check, etc): Check					
Full Name of Contributor: Kay French Registration Number, if PAC:							
Street Address: 2412 Inglefield Avenue		State: OH Zip Code: 45206		0	18	2	2,500.00
City: Cincinnati		Form (Cash, Check, etc): Check					
Full Name of Contributor: Sheriff Simon Leis Registration Number, if PAC:							
Street Address: 6506 Werk Road		State: OH Zip Code: 45248		0	18	2	250.00
City: Cincinnati		Form (Cash, Check, etc): Check					
Full Name of Contributor: Judd Heitzman Registration Number, if PAC:							
Street Address: 7405 Del Mar Road		State: OH Zip Code: 45243		0	18	2	25.00
City: Cincinnati		Form (Cash, Check, etc): Check					

* Required for contributors from individuals over \$100 in statewide and general assembly card sales. If contributor is self-employed, the occupation and the name of the individual's business, if any, rather than employer should be listed. If two or more employers contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employer is a member, if any, must appear (R.C. 157.10)(D)(6))

Fill in the boxes below only on the last page of this form.

Transfer the Total contributions for this event to form No. 31-A. Under Full Name of Contributor state "Contributions from form No. 31-E" and list the date of the event in the date column.

Total contributions for this event

Total expenditures for this event

Page Total \$ **8,375.00**

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Sections 27, 29 and 30A

Name of Contributor in Full		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Detlev for Ohio's Future Full Name of Contributor: Darrin Nye Registration Number, if PAC:							
Street Address: 57 Orchard Knoll Drive		Employer/Occupation/Labor Organization*		0	4	2	150.00
City: Cincinnati	State: OH	Zip Code: 45215	Form (Cash, Check, etc): Check				
Full Name of Contributor: Elizabeth Miris Registration Number, if PAC:							
Street Address: 810 Sycamore Street, 6th Fl.		Employer/Occupation/Labor Organization*		0	4	2	150.00
City: Cincinnati	State: OH	Zip Code: 45202	Form (Cash, Check, etc): Check				
Full Name of Contributor: James Hider Registration Number, if PAC:							
Street Address: 6500 Carriage Hill Lane		Employer/Occupation/Labor Organization*		0	4	2	150.00
City: Cincinnati	State: OH	Zip Code: 45243	Form (Cash, Check, etc): Check				
Full Name of Contributor: Chris Huerkamp Registration Number, if PAC:							
Street Address: 3412 Brotherton Road		Employer/Occupation/Labor Organization*		0	4	2	300.00
City: Cincinnati	State: OH	Zip Code: 45209	Form (Cash, Check, etc): Check				
Full Name of Contributor: Edwin Drill Registration Number, if PAC:							
Street Address: 3380 E. Galbraith Road		Employer/Occupation/Labor Organization*		0	4	2	300.00
City: Cincinnati	State: OH	Zip Code: 45236	Form (Cash, Check, etc): Check				
Full Name of Contributor: Roger Boucheard Registration Number, if PAC:							
Street Address: 204 W. 8th St., #21		Employer/Occupation/Labor Organization*		0	4	2	300.00
City: Cincinnati	State: OH	Zip Code: 45202	Form (Cash, Check, etc): Check				
Full Name of Contributor: Scott Crosswell Registration Number, if PAC:							
Street Address: 1107 Center Street		Employer/Occupation/Labor Organization*		0	4	2	250.00
City: Milford	State: OH	Zip Code: 45150	Form (Cash, Check, etc): Check				

* Required for contributions from individuals over \$100 to statewide and general assembly candidates. If contributor is self-employed, the occupation and the nature of the individual's business, if any, rather than employer should be listed. If two or more employers contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employee are members, if any, must appear (R.C. 301.106(B)(4)).

Fill in the boxes below only on the 2nd page for this event.

Transfer the total contributions for this event to Form No. 31-A. Under Full Name of Contributor enter "Contribution from Form No. 31-E" and list the date of the event in the date column.

Total contributions this event

Total expenditure on this event

Page Total \$ 1,600.00

Statement of Contributions Received at a Social or Fundraising Event

Provided by Secretary of State X-09

Name of Committee or Ball		Registration Number, if PAC	
Deters for Ohio's Future			
* Full Name of Contributor Judge Ted Winkler		Registration Number, if PAC	
Street Address 8292 Daleview Road	Employer/Occupation/Labor Organization*	M D Y Amount	
City Cincinnati	State Zip Code OH 45247	04 23 12	150.00
Form(Cash, Check, etc) Check			
* Full Name of Contributor Hon. Tracy Winkler <i>Clerk of Courts</i>		Registration Number, if PAC	
Street Address 5560 West Fork Road	Employer/Occupation/Labor Organization*	M D Y Amount	
City Cincinnati	State Zip Code OH 45247	04 23 12	150.00
Form(Cash, Check, etc) Check			
* Full Name of Contributor James Boyen		Registration Number, if PAC	
Street Address 3643 Stettinius	Employer/Occupation/Labor Organization*	M D Y Amount	
City Cincinnati	State Zip Code OH 45208	04 23 12	150.00
Form(Cash, Check, etc) Check			
* Full Name of Contributor Elizabeth Berkowitz		Registration Number, if PAC	
Street Address 4013 Elsmere	Employer/Occupation/Labor Organization*	M D Y Amount	
City Cincinnati	State Zip Code OH 45212	04 23 12	150.00
Form(Cash, Check, etc) Check			
* Full Name of Contributor Judge Steve Martin		Registration Number, if PAC	
Street Address 3807 Miami Road	Employer/Occupation/Labor Organization*	M D Y Amount	
City Cincinnati	State Zip Code OH 45227	04 23 12	150.00
Form(Cash, Check, etc) Check			
* Full Name of Contributor Arthur Reckman		Registration Number, if PAC	
Street Address 6822 Marvin Avenue	Employer/Occupation/Labor Organization*	M D Y Amount	
City Cincinnati	State Zip Code OH 45243	04 23 12	150.00
Form(Cash, Check, etc) Check			
* Full Name of Contributor Elizabeth Igoe		Registration Number, if PAC	
Street Address 5055 Anderson Place	Employer/Occupation/Labor Organization*	M D Y Amount	
City Cincinnati	State Zip Code OH 45227	04 23 12	150.00
Form(Cash, Check, etc) Check			

* Required for contributors from individuals over \$100 to committee and general assembly candidates. If contributor is self-employed, the occupation and the name of the individual's business, if any, rather than employer should be listed. If two or more employers contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employees are members, if any, must appear. (B.C. 3517.00(B)(4))

Fill in the boxes below only on the last page for this event.

Transfer the total contributions for this event to form No. 11-A. Under Full Name of Committee enter "Contributions from Form No. 11-6" and list the date of the event in the date column.

Total contributions this event

33,350.00

Total expenditures this event

4,813.07

Page Total \$ 1,050.00

Statement of Contributions Received at a Social or Fundraising Event

Prepared by Secretary of State 157.10

Name of Contributor		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Name of Contributor: Detars for Ohio's Future							
Full Name of Contributor: Edward McTigue		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Street Address: 810 Sycamore Street, 6th Fl.		City: Cincinnati State: OH Zip Code: 45202		0	4	11	150.00
Form (Cash/Check/etc): Check		Registration Number, if PAC:					
Name of Contributor: Charles Isaly							
Full Name of Contributor: Charles Isaly		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Street Address: 4061 Clough Woods Drive		City: Batavia State: OH Zip Code: 45103		0	4	11	150.00
Form (Cash/Check/etc): Check		Registration Number, if PAC:					
Name of Contributor: Raymond Fuller Public Defender							
Full Name of Contributor: Raymond Fuller		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Street Address: 805 Ludlow Avenue		City: Cincinnati State: OH Zip Code: 45220		0	4	11	150.00
Form (Cash/Check/etc): Check		Registration Number, if PAC:					
Name of Contributor: John O'Shea							
Full Name of Contributor: John O'Shea		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Street Address: 7802 Keller Road		City: Cincinnati State: OH Zip Code: 45243		0	4	11	300.00
Form (Cash/Check/etc): Check		Registration Number, if PAC:					
Name of Contributor: Kelley Parrish							
Full Name of Contributor: Kelley Parrish		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Street Address: 3060 Spencer Hill Lane		City: Cincinnati State: OH Zip Code: 45226		0	4	11	150.00
Form (Cash/Check/etc): Check		Registration Number, if PAC:					
Name of Contributor: Edward Nou							
Full Name of Contributor: Edward Nou		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Street Address: 810 Sycamore Street, 4th Fl.		City: Cincinnati State: OH Zip Code: 45202		0	4	11	150.00
Form (Cash/Check/etc): Check		Registration Number, if PAC:					
Name of Contributor: John Keller							
Full Name of Contributor: John Keller		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Street Address: 2345 Kemper Lane		City: Cincinnati State: OH Zip Code: 45206		0	4	11	300.00
Form (Cash/Check/etc): Check		Registration Number, if PAC:					

* Required for contributions from individuals over \$100 in proceeds not given directly cashed-in. If contributor is self-employed, the occupation and the name of the individual's business, if any, other than employer should be listed. If two or more employees contribute via payroll deduction and exceed the aggregate of \$100, the labor organization to which the employees are members, if any, must appear. (R.C. 157.10(B)(2))

Fill in the boxes below only on the last page for this event.
Transfer the Total contribution for this event to item No. 31-A. List Full Name of Contributor state "Contribution from item No. 31-E" and list the date of the event in the this column.

Total contributions this event

Total expenditures this event

Page Total \$ 1,350.00

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Secretary of State, Ohio

Name of Contributor or Full Name of Contributor		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Deters for Ohio's Future Everett Rudisell				0	2	112	250.00
Street Address P.O. Box 424		State	Zip Code	Form (Cash, Check, etc.)			
City North Bend		OH	43052	Check			
Full Name of Contributor Joan Barrett				0	2	112	380.00
Street Address 9300 Shawnee Run Road		State	Zip Code	Form (Cash, Check, etc.)			
City Cincinnati		OH	45243	Check			
Full Name of Contributor Ross Evans				0	2	112	150.00
Street Address 10035 Wimbledon Court		State	Zip Code	Form (Cash, Check, etc.)			
City Cincinnati		OH	45242	Check			
Full Name of Contributor Cary Franke				0	2	112	250.00
Street Address 120 East 4th Street, #1040		State	Zip Code	Form (Cash, Check, etc.)			
City Cincinnati		OH	45202	Check			
Full Name of Contributor Promoting Our GOP Team PAC				0	2	112	250.00
Street Address 9856 Archer Lane		State	Zip Code	Form (Cash, Check, etc.)			
City Dublin		OH	43017	Check			
Full Name of Contributor Christian Schaefer (Asst. Prosecutor)				0	2	112	250.00
Street Address 425 Dayton Towers Drive		State	Zip Code	Form (Cash, Check, etc.)			
City Dayton		OH	45410	Check			
Full Name of Contributor Simon Groner				0	2	112	25.00
Street Address 119 East Court Street		State	Zip Code	Form (Cash, Check, etc.)			
City Cincinnati		OH	45202	Check			

* Required for contributions from individuals over \$100 in amount and general assembly candidates. If contributor is self-employed, the occupation and the name of the individual's business, if any, rather than employer, should be listed. If two or more employees contribute via payroll deduction and exceed the aggregate of \$100, the total distribution of which the employees are members, if any, must appear. (R.C. 3107.04)(B)(3)

Fill in the boxes below only on the last page for this event.

Transfer the Total contributions for this event to form No. 31-A Under Full Name of Contributor state "Contributions from form No. 31-E" and list the date of this event in the date column.

Total contributions this event

Total contributions this event

Total amount \$ 1,525.00

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Secretary of State, 2001

Name of Committee or Ball		Registration Number, if PAC	
Deters for Ohio's Future			
Full Name of Contributor Josh Goode		Registration Number, if PAC	
Street Address 3875 Paxton Avenue	Employer/Occupation/Labor Organization	M D Y Amount 012 110 112 1,000.00	
City Cincinnati	State Zip Code OH 45209	Form/Check/Check, etc. Check	
Full Name of Contributor Judge Karla Crady		Registration Number, if PAC	
Street Address 334 Hilltop Lane	Employer/Occupation/Labor Organization	M D Y Amount 012 110 112 1,000.00	
City Cincinnati	State Zip Code OH 45215	Form/Check/Check, etc. Check	
Full Name of Contributor Mary Aver		Registration Number, if PAC	
Street Address 7162 Reading Road, #730	Employer/Occupation/Labor Organization	M D Y Amount 012 110 112 1,000.00	
City Cincinnati	State Zip Code OH 45237	Form/Check/Check, etc. Check	
Full Name of Contributor Fifth Third Bancorp PAC		Registration Number, if PAC C00290502	
Street Address 550 East Walnut Street	Employer/Occupation/Labor Organization	M D Y Amount 012 110 112 1,000.00	
City Cincinnati	State Zip Code OH 45202	Form/Check/Check, etc. Check	
Full Name of Contributor Dennis Deters (Brother, Commissioner, 1st District)		Registration Number, if PAC	
Street Address 121 West High Street	Employer/Occupation/Labor Organization	M D Y Amount 012 110 112 1,000.00	
City Oxford	State Zip Code OH 45056	Form/Check/Check, etc. Check	
Full Name of Contributor Frost Brown Todd LLC PAC		Registration Number, if PAC OH 783	
Street Address 2200 PNC Center, 201 E. 5th St	Employer/Occupation/Labor Organization	M D Y Amount 012 110 112 500.00	
City Cincinnati	State Zip Code OH 45202	Form/Check/Check, etc. Check	
Full Name of Contributor William Welsh		Registration Number, if PAC	
Street Address 215 East 9th Street, #100	Employer/Occupation/Labor Organization	M D Y Amount 012 110 112 500.00	
City Cincinnati	State Zip Code OH 45202	Form/Check/Check, etc. Check	

* Required for contributions from individuals over \$100 in aggregate and general assembly candidates. If contributor is self-employed, his occupation and the name of the individual's business, if any, rather than employer should be listed. If there are more contributors to the event, list the aggregate of \$100 for the aggregate of which the employees are members, if any, must appear. (R.C. 3813.10(B)(2))

Fill in the boxes below only on the last page for this event.

Transfer the Total contributions for this event to form No. SI-A, Under Full Name of Contributor state "Contributions from Form No. SI-E" and list the date of the event in the date column.

Total contributions for event

Total expenses for event

Total Total \$ 6,000.00

Event Date: 2/9/07
Page: 33

Statement of Contributions Received at a Social or Fundraising Event

Submitted by Secretary of State 157.09(B)

Name of Contributor is 157		Registration Number, if PAC		Amount
Debra (for Ohio's Future)				
Full Name of Contributor Ted Magan		Registration Number, if PAC		
Street Address 7645 Trailwind Drive	Employer/Organization/Labor Organization*	M D Y 012110112	Amount	250.00
City Cincinnati	State Zip Code OH 45242	Form/Check/Check, etc. Check		
Full Name of Contributor Koger Bouchard		Registration Number, if PAC		
Street Address 4284 August Place	Employer/Organization/Labor Organization*	M D Y 012110112	Amount	250.00
City Cincinnati	State Zip Code OH 45233	Form/Check/Check, etc. Check		
Full Name of Contributor James Hogan <i>Atty in Hunter case</i>		Registration Number, if PAC		
Street Address 3618 Sigmund Avenue, #1	Employer/Organization/Labor Organization*	M D Y 012110112	Amount	250.00
City Cincinnati	State Zip Code OH 45208	Form/Check/Check, etc. Check		
Full Name of Contributor Scott Criswell <i>Spec. Prosecutor in Hunter case</i>		Registration Number, if PAC		
Street Address 1107 Center Street	Employer/Organization/Labor Organization*	M D Y 012110112	Amount	250.00
City Milford	State Zip Code OH 45150	Form/Check/Check, etc. Check		
Full Name of Contributor Stephen Leeper		Registration Number, if PAC		
Street Address 2 Dexter Place	Employer/Organization/Labor Organization*	M D Y 012110112	Amount	250.00
City Cincinnati	State Zip Code OH 45206	Form/Check/Check, etc. Check		
Full Name of Contributor Chip Klosterman		Registration Number, if PAC		
Street Address 4760 Paddock Road	Employer/Organization/Labor Organization*	M D Y 012110112	Amount	250.00
City Cincinnati	State Zip Code OH 45229	Form/Check/Check, etc. Check		
Full Name of Contributor Scott Klotenstein		Registration Number, if PAC		
Street Address 125 East Court Street, #1000	Employer/Organization/Labor Organization*	M D Y 012110112	Amount	250.00
City Cincinnati	State Zip Code OH 45202	Form/Check/Check, etc. Check		

* Required for cash receipts from individuals over \$100 in amount and payroll amounts exceeding \$100. If contributor is self-employed, the contribution of the name of the individual business, if any, rather than employer should be listed. If two or more employees contribute via payroll deductions and exceed the aggregate of \$100, the labor organization of which the employee is a member, if any, must appear. (R.C. 157.10(B)(4))

Fill in the boxes below on the top page for this event.

Transfer the Total contribution for this event to Item No. 31-A, Under the Name of Contributor show "Contributions from Form No. 31-A" and for the date of the event in the date column.

Total contributions this year

Total expenditures this year

Page Total \$ **1,750.00**

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Secretary of State 12/87

Name of Contributor		Registration Number, if PAC	
Donors for Ohio's Future			
Full Name of Contributor Scott Scharfenberger		Registration Number, if PAC	
Street Address 2534 Commerce Blvd.	Employer/Dispositive Labor Organization*	M D Y 0 2 1 1 0 1 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45241	Form/Check/Check # Check	
Full Name of Contributor Mary Sullivan		Registration Number, if PAC	
Street Address 5932 Muddy Creek Road	Employer/Dispositive Labor Organization*	M D Y 0 2 1 1 0 1 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45235	Form/Check/Check # Check	
Full Name of Contributor Bradley Rowe		Registration Number, if PAC	
Street Address 2732 Fister Place Blvd.	Employer/Dispositive Labor Organization*	M D Y 0 2 1 1 0 1 1 2	Amount 250.00
City Hahran	State Zip Code KY 41048	Form/Check/Check # Check	
Full Name of Contributor George Molinsky		Registration Number, if PAC	
Street Address 1289 Crestwood Avenue	Employer/Dispositive Labor Organization*	M D Y 0 2 1 1 0 1 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45208	Form/Check/Check # Check	
Full Name of Contributor William Kirkham <i>(See Handbook page 20)</i>		Registration Number, if PAC	
Street Address 6915 Freeridge Drive	Employer/Dispositive Labor Organization*	M D Y 0 2 1 1 0 1 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45244	Form/Check/Check # Check	
Full Name of Contributor Ronald Joseph, Jr.		Registration Number, if PAC	
Street Address 2777 Walsh Road	Employer/Dispositive Labor Organization*	M D Y 0 2 1 1 0 1 1 2	Amount 250.00
City Cincinnati	State Zip Code OH 45205	Form/Check/Check # Check	
Full Name of Contributor Friends of Forshell		Registration Number, if PAC	
Street Address S Monroe Road	Employer/Dispositive Labor Organization*	M D Y 0 2 1 1 0 1 1 2	Amount 250.00
City Lakewood	State Zip Code OH 45086	Form/Check/Check # Check	

* Required for contributions from individuals over \$100 to statewide and general assembly committees. If contributor is self-employed, the occupation and the name of the individual business, if any, rather than employer, should be listed. If two or more employes contribute via payroll deduction and extend the aggregate of \$100, the labor organizations of which the employees are members, if any, should appear. (R.C. 3617.10-9)

Fill in the boxes below only on the last page of this report.

Transfer the Total contributions for this event to form No. 31-A. Under Full Name of Contributor state "Contributors from Form No. 31-E" and list the date of the event in the date column.

Total contributions this event

Total expenses this event

Page Total \$ 1,250.00

Event Date: 2/9/07
Page: 32

Statement of Contributions Received at a Social or Fundraising Event

(Prescribed by Board of State of Ohio)

Name of Contributor		Registration Number, if PAC
Deleters for Ohio's Future		
Full Name of Contributor Michael Lyon		Registration Number, if PAC
Street Address 6234 Lilian Lane	Employer/Occupation/Labor Organization*	M D Y Amount
City Cincinnati	State Zip Code OH 45230	02/10/12 250.00
Form of Contribution Check		
Full Name of Contributor Patrick Burke		Registration Number, if PAC
Street Address 1915 William Howard Taft Road	Employer/Occupation/Labor Organization*	M D Y Amount
City Cincinnati	State Zip Code OH 45206	02/10/12 250.00
Form of Contribution Check		
Full Name of Contributor Gregory Joseph		Registration Number, if PAC
Street Address 2906 Grandin Road	Employer/Occupation/Labor Organization*	M D Y Amount
City Cincinnati	State Zip Code OH 45218	02/10/12 250.00
Form of Contribution Check		
Full Name of Contributor Megan Shanahan (Judge)		Registration Number, if PAC
Street Address 3874 Hyde Park Avenue	Employer/Occupation/Labor Organization*	M D Y Amount
City Cincinnati	State Zip Code OH 45209	02/10/12 250.00
Form of Contribution Check		
Full Name of Contributor Patrick Fischer (Judge 1st District)		Registration Number, if PAC
Street Address 6460 Kincaid Lane	Employer/Occupation/Labor Organization*	M D Y Amount
City Cincinnati	State Zip Code OH 45213	02/10/12 250.00
Form of Contribution Check		
Full Name of Contributor William Mulvey		Registration Number, if PAC
Street Address 5318 Fox Road	Employer/Occupation/Labor Organization*	M D Y Amount
City Cincinnati	State Zip Code OH 45239	02/10/12 250.00
Form of Contribution Check		
Full Name of Contributor Dan Hennig		Registration Number, if PAC
Street Address 957 Finney Trail	Employer/Occupation/Labor Organization*	M D Y Amount
City Cincinnati	State Zip Code OH 45224	02/10/12 250.00
Form of Contribution Check		

* Required for contributors from individuals over \$100 to estimate and general accuracy conditions. If contributor is self-employed, the occupation can be that of the individual's business, if any, rather than employer should be listed. If two or more employers contributed via payroll deduction and exceed the aggregate of \$100, the only organization of which the employer(s) are members, if any, must appear. (R.C. 3117.06)(4)

Fill in the boxes below only on the next page for this event.

Transfer the total contributions for this event to form No. 31-A. Enter Full Name of Contributor and "Contributor" from form No. 31-E and the date of the event in the data column.

Total contributions this event

Total expenses this event

Page Total \$ 1,250.00

Statement of Contributions Received at a Social or Fundraising Event

Revised by Secretary of State, 2008

Name of Contributor or Full Name of Contributor		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Deters for Ohio's Future							
Louis Rubenstein							
Street Address	125 E. Court St., #1000	City	Cincinnati	State	OH	Zip Code	45202
Form (Cash, Check, etc.)	Check	Registration Number, if PAC					150.00
David Wickham							
Street Address	100 Mt. Pleasant Avenue	City	Cincinnati	State	OH	Zip Code	45215
Form (Cash, Check, etc.)	Check	Registration Number, if PAC					250.00
Robert Rhein							
Street Address	7245 Kenwood Road, #220	City	Cincinnati	State	OH	Zip Code	45226
Form (Cash, Check, etc.)	Check	Registration Number, if PAC					5,000.00
Gordon Rich							
Street Address	4600 Devitt Drive	City	Cincinnati	State	OH	Zip Code	45246
Form (Cash, Check, etc.)	Check	Registration Number, if PAC					100.00
Alvin Koch, Jr.							
Street Address	4765 Burley Hills Drive	City	Cincinnati	State	OH	Zip Code	45243
Form (Cash, Check, etc.)	Check	Registration Number, if PAC					250.00
Mary Ann Schlegel							
Street Address	1610 Beechgrove Drive	City	Cincinnati	State	OH	Zip Code	45233
Form (Cash, Check, etc.)	Cash	Registration Number, if PAC					100.00
Judge Melba Marsh							
Street Address	413 Heatherhill Lane	City	Cincinnati	State	OH	Zip Code	45206
Form (Cash, Check, etc.)	Check	Registration Number, if PAC					250.00

* Required for contribution from individuals over \$100 to state-wide and general assembly candidates. If contributor is self-employed, the occupation and the name of the individual's business, if any, other than employer should be listed. If two or more employees contribute via payroll deduction and covered the aggregate of \$100, the labor organization of which the employees are members, if any, must appear. (B.C. 1511-107004)

Fill in the boxes below only on the last page for this event.

Transfer the Total contributions for this event to Form No. 11-A. Under Full Name of Contributor state "Contributions from Form No. 11-E" and list the date of the event in the date column.

Total contributions for this event

Total expenditures for this event

Pay Total 6,100.00

Event Date: 2/9/12
Page: 36

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Secretary of State 10-1

Name of Contributor (Full)		Registration Number, if PAC		Amount
Detars for Ohio's Future				
Full Name of Contributor Mark Norrigan		Registration Number, if PAC		
Street Address 6290 Kaywood Drive	Employer/Occupation/Labor Organization*	M	D	Y
City Cincinnati	State OH	Zip Code 45243	Form (Cash, Check, etc.) Check	250.00
Full Name of Contributor Glenn Whitaker		Registration Number, if PAC		
Street Address 742 Indian Hill Road	Employer/Occupation/Labor Organization*	M	D	Y
City Cincinnati	State OH	Zip Code 45174	Form (Cash, Check, etc.) Check	250.00
Full Name of Contributor Vorva Sater Seymour & Pease LLP PAC		Registration Number, if PAC OH108		
Street Address 52 East Gay Street	Employer/Occupation/Labor Organization*	M	D	Y
City Columbus	State OH	Zip Code 43215	Form (Cash, Check, etc.) Check	1,000.00
Full Name of Contributor Ice Man		Registration Number, if PAC		
Street Address 200 Sales Drive	Employer/Occupation/Labor Organization*	M	D	Y
City Harrison	State OH	Zip Code 45030	Form (Cash, Check, etc.) Check	250.00
Full Name of Contributor Jim Caruso		Registration Number, if PAC		
Street Address 780 Arborsun	Employer/Occupation/Labor Organization*	M	D	Y
City Cincinnati	State OH	Zip Code 45233	Form (Cash, Check, etc.) Check	250.00
Full Name of Contributor Raymond Faller (Public Defender)		Registration Number, if PAC		
Street Address 805 Ludlow Avenue	Employer/Occupation/Labor Organization*	M	D	Y
City Cincinnati	State OH	Zip Code 45220	Form (Cash, Check, etc.) Check	250.00
Full Name of Contributor James Brewer (Asst Prosecutor)		Registration Number, if PAC		
Street Address 6376 Pawnee Ridge Drive	Employer/Occupation/Labor Organization*	M	D	Y
City Loveland	State OH	Zip Code 45140	Form (Cash, Check, etc.) Check	250.00

* Required for contributions from individuals over \$100 to state-wide and general security candidates. If contributor is self-employed, the occupation and the name of the individual's business, if any, other than employer, should be listed. If two or more employers contribute via payroll deduction and exceed an aggregate of \$100, the labor organization of which the employee are members, if any, must appear. [R.C. 3017.10(B)(6)]

Fill in the boxes below only on the last page for this event.

Transfer the Total contributions for this event to Form No. 31-A. Under Full Name of Contributor enter "Contributions from form No. 31-E" and on the date of the event in the date column.

Total contributions this event

Total expenditures this event

Page Total \$ 2,500.00

Statement of Contributions Received at a Social or Fundraising Event

Prescribed by Secretary of State 3/03

Name of Contributor in Full		Employer/Occupation/Labor Organization*		M	D	Y	Amount
Detors for Ohio's Future							
Full Name of Contributor Ronald Springman, Sr.		Registration Number, if PAC					
Street Address 6232 Sharlene Drive	City Cincinnati	State OH	Zip Code 45248	0	1	1	250.00
Form (Cash, Check, etc.) Check							
Full Name of Contributor Clifford Coors		Registration Number, if PAC					
Street Address 4125 Hamilton Avenue	City Cincinnati	State OH	Zip Code 45225	0	1	1	100.00
Form (Cash, Check, etc.) Check							
Full Name of Contributor Daniel Brewer		Registration Number, if PAC					
Street Address 4998 Mallet Hill Drive	City Cincinnati	State OH	Zip Code 45244	0	1	1	250.00
Form (Cash, Check, etc.) Check							
Full Name of Contributor Grant Crosshwaite III		Registration Number, if PAC					
Street Address 6771 Charleston Run Court	City Mason	State OH	Zip Code 45040	0	1	1	250.00
Form (Cash, Check, etc.) Check							
Full Name of Contributor Judge Russell Mock		Registration Number, if PAC					
Street Address 5846 Wayside Avenue	City Cincinnati	State OH	Zip Code 45230	0	1	1	250.00
Form (Cash, Check, etc.) Check							
Full Name of Contributor Michael O'Neill		Registration Number, if PAC					
Street Address 537 Tohachi Drive	City Cincinnati	State OH	Zip Code 45215	0	1	1	250.00
Form (Cash, Check, etc.) Check							
Full Name of Contributor Judge Melissa Powers		Registration Number, if PAC					
Street Address 830 Main Street, #700	City Cincinnati	State OH	Zip Code 45202	0	1	1	250.00
Form (Cash, Check, etc.) Check							

* Required for contributors from employers over \$100 of statewide and general assembly candidates. If contributor is self-employed, the occupation was the name of the individual's business, if any, rather than employer should be listed. If two or more employers contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employee is a member, if any, must appear (R.C. 1307.02(B)(2)).

Fill in the boxes below only on the last page for this event:

Transfer the total contributions for this event to Form No. 31-A, Detors Full Name of Contributor state "Contributions from Form No. 31-E" and list the date of the event in the date column.

Total contributions this event

Total expenditures this event

Page Total \$ 1,600.00

Statement of Contributions Received at a Social or Fundraising Event

(Presented by Secretary of State 3/02)

Name of Contributor in Full		Registration Number, if PAC		Amount	
Dealers for Ohio's Future					
Full Name of Contributor ✓ Judge Norbert Nadel (Judge in Hunter case)		Registration Number, if PAC			
Street Address 3534 Clifton Avenue	Employer/Occupation/Labor Organization*	M	D	Y	Amount
City Cincinnati	State OH	Zip Code 45202	Form (Cash/Check/etc)		250.00
Full Name of Contributor ✓ Patrick Dinkelacker (Judge in Hunter case)		Registration Number, if PAC			
Street Address 2822 Topichills Drive	Employer/Occupation/Labor Organization*	M	D	Y	Amount
City Cincinnati	State OH	Zip Code 45248	Form (Cash/Check/etc)		250.00
Full Name of Contributor Rick Weil		Registration Number, if PAC			
Street Address 1400 Midland Bldg., 101 Prospect Ave.	Employer/Occupation/Labor Organization*	M	D	Y	Amount
City Cleveland	State OH	Zip Code 44115	Form (Cash/Check/etc)		500.00
Full Name of Contributor James Simon		Registration Number, if PAC			
Street Address 7335 Indian Hill Road	Employer/Occupation/Labor Organization*	M	D	Y	Amount
City Cincinnati	State OH	Zip Code 45243	Form (Cash/Check/etc)		500.00
Full Name of Contributor Gregg Pancuro		Registration Number, if PAC			
Street Address 7355 Kenwood Road, #100	Employer/Occupation/Labor Organization*	M	D	Y	Amount
City Cincinnati	State OH	Zip Code 45236	Form (Cash/Check/etc)		250.00
Full Name of Contributor Michael Hirschfeld		Registration Number, if PAC			
Street Address 6878 Stonington Road	Employer/Occupation/Labor Organization*	M	D	Y	Amount
City Cincinnati	State OH	Zip Code 45230	Form (Cash/Check/etc)		250.00
Full Name of Contributor ✓ ReEct Judge Tolbert		Registration Number, if PAC			
Street Address 3169 Brinton Trail	Employer/Occupation/Labor Organization*	M	D	Y	Amount
City Cincinnati	State OH	Zip Code 45241	Form (Cash/Check/etc)		250.00

* Required for contributions from individuals over \$100 to determine and prevent covered contributions. If contributor is self-employed, the company and the name of the individual's spouse, if any, rather than employer should be listed. If two or more employees contribute via payroll deduction and exceed the aggregate of \$100, the labor organization of which the employees are members, if any, must appear. (R.C. 3517.033)(2)

Fill in the boxes below only on the first page for this event.

Transfer the total contributions for this event to form No. 21-A Under Full Name of Contributor add "Contributions from form No. 21-E" and list the date of the event or the date entered.

Total contributions this event

Total expenses this event

Page Total \$ 2,250.00

Statement of Contributions Received at a Social or Fundraising Event

Approved by Secretary of State 5/01

Name of Committee to File		Registration Number, if PAC			
Deters for Ohio's Future					
Full Name of Contributor		Registration Number, if PAC			
Edward Connelly					
Street Address	Employer/Occupation/Labor Organization*	M	D	Y	Amount
7935 Greystock Drive		0	1	12	250.00
City	State	Zip Code		Form (Cash, Check, etc.)	
Cincinnati	OH	45243		Check	
Full Name of Contributor		Registration Number, if PAC			
Art Szyniaro					
Street Address	Employer/Occupation/Labor Organization*	M	D	Y	Amount
17 Hampton Lane		0	1	12	500.00
City	State	Zip Code		Form (Cash, Check, etc.)	
Cincinnati	OH	45208		Check	
Full Name of Contributor		Registration Number, if PAC			
Marilyn Shiverdacker <i>Spec. Professor Hunter</i>					
Street Address	Employer/Occupation/Labor Organization*	M	D	Y	Amount
817 Main Street, 2nd Floor		0	1	12	250.00
City	State	Zip Code		Form (Cash, Check, etc.)	
Cincinnati	OH	45202		Check	
Full Name of Contributor		Registration Number, if PAC			
Dan Berning					
Street Address	Employer/Occupation/Labor Organization*	M	D	Y	Amount
937 Finney Trail		0	1	12	250.00
City	State	Zip Code		Form (Cash, Check, etc.)	
Cincinnati	OH	45224		Check	
Full Name of Contributor		Registration Number, if PAC			
Thomas Pray					
Street Address	Employer/Occupation/Labor Organization*	M	D	Y	Amount
2638 Ida Avenue		0	1	12	250.00
City	State	Zip Code		Form (Cash, Check, etc.)	
Cincinnati	OH	45212		Check	
Full Name of Contributor		Registration Number, if PAC			
Alvin Meisel					
Street Address	Employer/Occupation/Labor Organization*	M	D	Y	Amount
2444 Madison Road, #105		0	1	12	250.00
City	State	Zip Code		Form (Cash, Check, etc.)	
Cincinnati	OH	45208		Check	
Full Name of Contributor		Registration Number, if PAC			
James Katsaris					
Street Address	Employer/Occupation/Labor Organization*	M	D	Y	Amount
3495 Golden Avenue, #1502		0	1	12	250.00
City	State	Zip Code		Form (Cash, Check, etc.)	
Cincinnati	OH	45226		Check	

* Required for contributions from individuals over \$100 to statewide and general assembly candidates. If contributor is self-employed, the occupation and the name of the individual's business, if any, rather than employer should be listed. If two or more employers contribute to any political definition and exceed the aggregate of \$100, the labor organization of which the employees are members, if any, must appear. (R.C. 3117.10)(B)(1)

Fill in the boxes below only on the last page for this event.

Transfer the Total contributions for this event to item No. 31-A. Under full Name of Contributor state "Contributions from Item No. 31-E" and list the date of the event in the date column.

Total contributions this event

Total expenditures this event

Page Total \$ 2,000.00

Appendix IV: No More Deals, Text Message from Attorney Clyde Bennett

Google Voice - Inbox (1/472)

10/20/16, 1:13 AM

[Redacted]

Voice

Actions



1-1 of 1



Call

Text

Inbox

(7414)

Starred

Voice-mails

Texts

History

More



Google Contacts



Voice in Hangouts

Make calls from

Android

Your number:

[Redacted]

Credit:

\$0.00

Send feedback

Search results for [Redacted]

[Redacted] - Cincinnati, OH
6/3/14 9:09 PM 2 years ago

Inbox

Bennett

[Redacted] I am in court. I cannot talk but can text. I finalized the motion by repositioning and rewording the paragraph regarding vindictive not selective prosecution because the state brought the bogus unlawful interference with a public contract charges. I argued, as you did, that the charge was retaliation for you questioning Harper regarding his inappropriate entanglement with juvenile court employment matters while representing you and for you repeatedly raising concerns about juvenile courts selective hiring. I also made the magistrate change. The motion has been filed. If your addition to the motion constitutes a new argument or fact I will supplement same. 4:28 PM

Bennett

[Redacted] I may have to supplement the motion for other reasons. I was just told by someone that an assistant prosecutor stated to her that I will never receive another deal in Hamilton County because I attacked Deters in the MTD. I saw it coming but did not think it would be this quick. I stand firm in my defense of you because this is what GOD wants me to do. I trust GOD to protect me. 5:11 PM

Hunter

[Redacted]: Please forward me a copy of the motion you filed. Thank you. 5:18 PM

Bennett

[Redacted]: I am sorry that occurred. 5:19 PM

[Redacted]

[Redacted] Don't be sorry. You deserve representation to the fullest extent of the law [Redacted]

Hunter

[Redacted] Can you forward me the final mtd 7:10 PM

Bennett

[Redacted]: Yes, within the hour. I am not able to now. 7:12 PM

Hunter

[Redacted] Thanks. Can you resend without red correction 8:03 PM

Hunter

[Redacted]: I can't take red corrections off 8:32 PM

Bennett

[Redacted] I do not know how either. My secretary does but my office is closed. The motion will be on the website tomorrow. 9:09 PM

[https://www.google.com/voice/hi/0?pt=1&search=\[Redacted\]](https://www.google.com/voice/hi/0?pt=1&search=[Redacted])

Page 1 of 2

Statement of Contributions Received at a Social or Fundraising Event

Submitted to Secretary of State, 2012

Name of Candidate or Ballot Issue						
Debra for Ohio's Future						
Full Name of Contributor				Registration Number, if PAC		
Ronald Springman, Sr.						
Street Address		City/State/Country or Labor Organization*		M	D	Y
6212 Sharlene Drive				011	213	112
City		State	Zip Code	Amount		
Cincinnati		OH	45248	250.00		
				Form/Check/Check/amt		
				Check		
Full Name of Contributor				Registration Number, if PAC		
Clifford Coors						
Street Address		City/State/Country or Labor Organization*		M	D	Y
4125 Hamilton Avenue				011	213	112
City		State	Zip Code	Amount		
Cincinnati		OH	45225	100.00		
				Form/Check/Check/amt		
				Check		