

THOMAS J. MOYER
CHIEF JUSTICE

JANUARY 1, 1987 TO APRIL 2, 2010

On the Cover:

Portrait of Chief Justice Thomas J. Moyer by Leslie Adams, 2011

Photographed by Tim Thayer

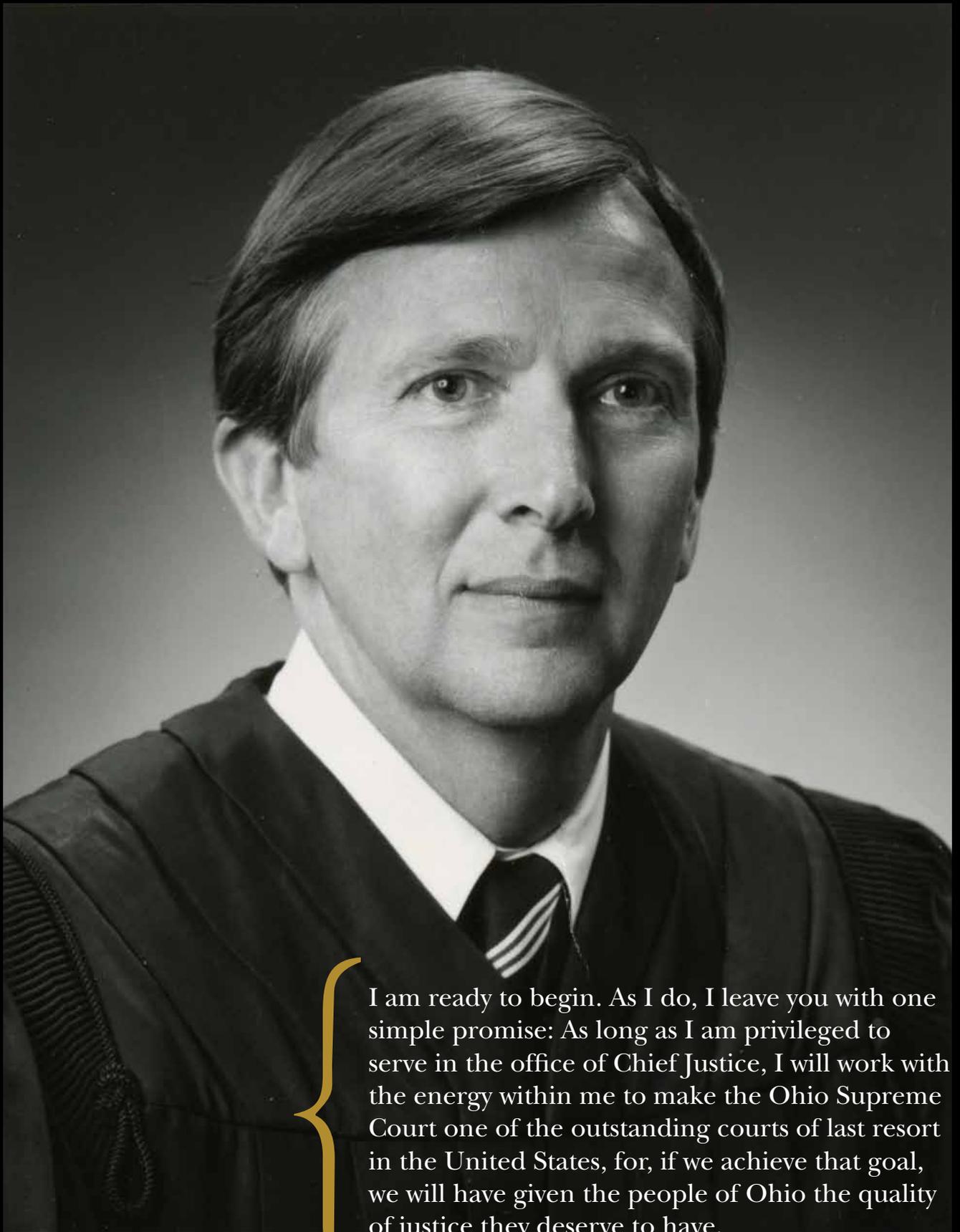
The late Chief Justice Thomas J. Moyer is remembered as a man of integrity, dedicated to justice and the rule of law. His fidelity to these core values was expressed eloquently in speeches, writings and letters in a career spanning three decades.

In celebration of the dedication of the Ohio Judicial Center in the name of Chief Justice Moyer and the unveiling of his official portrait, the Court offers this keepsake collection containing some of the most important and insightful statements from the pen of Chief Justice Moyer throughout his career of public service.

Presented herein are Chief Justice Moyer's first inaugural speech from January 1987, his last inaugural speech from January 2005, as well as excerpts from throughout his tenure on the Supreme Court of Ohio, on topics that were important to him and that still resonate today.

“Be a craftsman in speech that thou mayest be strong, for the strength of one is the tongue, and speech is mightier than all fighting.”

{Maxims of Ptahhotep — Egypt, c. 3400 B.C.}



I am ready to begin. As I do, I leave you with one simple promise: As long as I am privileged to serve in the office of Chief Justice, I will work with the energy within me to make the Ohio Supreme Court one of the outstanding courts of last resort in the United States, for, if we achieve that goal, we will have given the people of Ohio the quality of justice they deserve to have.

UPON THE OATH OF OFFICE

JANUARY 5, 1987

We are in the historical place observing an important event in the history of Ohio. This ceremony is not a celebration of a candidate's personal victory. It is the beginning of the restoration of an institution.

Two hundred years ago, an assembly of 55 members, including Washington, Madison and Hamilton, composed one of the most enduring and important documents in the history of the world. It was, of course, and is today the Constitution of the United States of America. The American concept of constitutionalism has deep historical roots. It is a product of ancient natural law, of the medieval commitment of a higher law, of the English common law and of the social contract philosophy.

The legal historian, Charles H. McIlwain, has observed that the essential quality of constitutionalism is that "it is a legal limitation on government; it is the antithesis of arbitrary rule."

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 executive, legislative and judicial branches of government are each given constitutional duties that are independent of each other. The three branches must demonstrate mutual respect for each other's roles and responsibilities. I look forward to a constructive working relationship with the General Assembly and the executive branch of government in the years to come.

A constitution achieves its viability as a higher law through the practice of judicial review by which judges have the power to refuse to enforce legislative or executive acts found to be contrary to the constitution. Such constitutional scrutiny of statutes is unique to our country. Judicial review by judges who are independent of the political branches of the government is an indispensable element of American constitutionalism.

What is the proper role of the judiciary? First let me assure the leaders of the General Assembly that the new Chief Justice understands that judges are not legislators in robes.

It is not the role of judges to impose our will upon legislation that is clear on its face. It is the role of judges to interpret and apply the law and to determine the constitutionality of statutes.

People who seek relief often turn to courts as a last resort. They turn to courts because they have been unable to remedy their grievances within other institutions or through legislative action. Courts frequently are asked to act when and if other institutions cannot or will not act.

An orderly society 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.

Having said that, we should realize that not every social problem that can be framed as a problem of legal rights can find its best solution in a courtroom. The legal system is beginning and should continue to search for alternative means of resolving disputes that should not be resolved in an adversary proceeding. And judges should understand that it is the legislative branch that is best suited to determine the policy of the law.

In the 19th century, Alexis de Tocqueville observed of the American democracy that the courts are charged with the awesome responsibility of equalizing basic conditions of life and that few institutions are endowed with equivalent moral authority and political legitimacy to confer meaning on public values. Such moral authority exists only so long as people perceive courts to be a place for the fair and impartial resolution of their disputes.

Ohio has a strong judicial system. But it can be stronger. It is my hope that during this year in which we observe the 200th anniversary of American constitutionalism that every judge in Ohio will rededicate himself and herself to the preservation of the principles that have given our citizens the confidence in our judicial system that it must have to be viable.

It would be well for judges and lawyers to remember the observation of Justice Oliver Wendell Holmes when he said, "Courtesy is never out of place and especially in court." Such courtesy is required not just of lawyers and the parties to the case. A little humility never hurt any judges.

To the lawyers of this state, I have a few things to say. First, it is no coincidence that the president of the Ohio State Bar Association is presiding at this ceremony. It is a symbolic beginning of the restoration of a professional and constructive relationship between the Supreme Court of Ohio and the organized bar. I can assure you that all members of this court look forward to working with the organized bar to improve the administration of justice in all of our courts.

Let us not forget that there is no profession or occupation that has contributed more to the establishment and preservation of order in our society than the legal profession. It is

the legal profession that protects the rights of the powerful and the powerless. It is lawyers who represent people in unpopular causes and it is lawyers who donate more of their time to civic and professional activities than any other group of citizens.

No profession disciplines its own members as aggressively as does the legal profession. I can assure you that under this Supreme Court, lawyers need not fear discipline only for a violation of the Code of Professional Responsibility. You need not fear being disciplined for criticizing the “wrong” judge or failing to politically support the “right” judge.

Lawyers must remember that their role in society is, as President Jacobs has observed, twofold — to represent the system to the client in order that a client can be confident that he or she is a participant in a fair and reliable procedure to reach just results and to represent the client in the system so that the client’s position within the bounds of honesty is presented as favorably as it can be.

In other words, lawyers should be as concerned with whether their clients believe they received fair treatment in the legal system as they are with whether the client wins or loses his or her case.

Many challenges lie before us. I will briefly review some.

1. The Chief Justice and the Supreme Court simply must enhance the respect that our citizens have for our courts because that respect is essential to liberty. We will begin by performing our work in an atmosphere of mutual respect that will eliminate news accounts of personal bickering and intimidation among the Chief Justice and the Associate Justices. We must improve the quality and consistency of our opinions. And, our opinions must be perceived as being supported by the law and clear legal reasoning
2. The Supreme Court has the constitutional responsibility to assist the administration of our trial and intermediate appellate courts. There is much that needs to be done. We will work with the National Center for State Courts and other interested offices and organizations to fulfill that responsibility.

We must develop an orderly procedure for the periodic review of all of the Supreme Court Rules that affect the administration of and the manner in which cases are tried in our courts.

3. Today every judge in Ohio must receive 20 hours of continuing legal education per year. Some states have adopted a similar requirement for every practicing lawyer. We should explore the prospect of a similar requirement for the bar of this state.

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4. Public surveys in other states indicate that consumers of legal services desire more information regarding the special abilities of lawyers. Specialization of lawyers has been discussed for a number of years in Ohio. The issue needs to be addressed by the Supreme Court.
 5. The Supreme Court has adopted new rules for the discipline of lawyers. The new court must review the rules to determine if changes should be made. It is indisputable that our system for disciplining judges, and in particular, for processing complaints against a Justice of the Supreme Court is simply not acceptable and must be changed.
 6. Equally unacceptable is the prospect of more disputes between county commissioners and trial and appellate courts regarding the funding of the courts. Solutions will not be easily found, but I will begin a process for determining whether a consensus can be reached by the offices and persons affected by such disputes.
 7. Under the Supreme Court's rules, an applicant seeking admission to the Ohio bar must be of good moral character. The fact is that today in Ohio there is no standard procedure for determining the character of people who would become lawyers — officers of our courts — and act in very sensitive fiduciary capacities. We should develop standards for character verification that would be applied uniformly throughout the state.
 8. Thomas Jefferson said, "If we think people are not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform that discretion."

Our citizens care deeply about the rule of law. They appreciate the stability, the fairness and the freedoms that our legal system protects. Yet, many citizens know little about the system.

If Disraeli was correct, and our young people are indeed trustees of posterity, the enlightenment of our citizens must begin with our young people. Our youth must learn of the fundamental legal concepts that form the rule of law. Our responsibility as parents, teachers, lawyers and judges requires that we help our young people understand their rights and their responsibilities as good citizens.

As in some other states, the Supreme Court of Ohio should be actively engaged in the development of programs that teach our youth what it means to live in a society that is government by the rule of law.

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9. Judicial campaigns should provide voters with accurate information regarding the candidates. Some local campaigns in the past several elections, and in particular the 1986 election, have degenerated into indiscreet free-for-alls with little concern shown for maintaining people's confidence in the judicial system. The complaints are directed at members of both political parties. The bar associations that are reviewing the problem should present their perceptions of the problem and their proposed solution to the Supreme Court in order that we may determine whether a change to the rules or stronger enforcement of the rules is necessary.
 10. Closely related to the subject of judicial campaigns is the issue of so-called merit selection and retention of our judges. I restate my personal support for the proposed constitutional amendment that will likely be on the ballot next year to change the manner in which all judges at the appellate level would be selected in Ohio.

There are many other issues facing the judicial system in Ohio that I have not mentioned. I look forward to working with organizations and persons with constructive solutions to the challenges with which we are presented.

The human spirit is driven by hope. People hope for peace among nations and they hope today will be better than yesterday. We hope for a loved one to be cured of a terminal disease and we hope that the person who repairs our car knows what he is doing. Most of you in this great room and hundreds of thousands of other Ohioans voted on November 4 for a new leader of the judicial system in Ohio. You voted with hope in your hearts that our system of justice — our judges and courts — would function as the Constitution and as our oath of office say we will function.

You have given me an opportunity that is given very few people. Our Constitution gives to me responsibilities that are given no other person. I am ready to begin. As I do, I leave you with one simple promise: As long as I am privileged to serve in the office of Chief Justice, I will work with the energy within me to make the Ohio Supreme Court one of the outstanding courts of last resort in the United States, for, if we achieve that goal, we will have given the people of Ohio the quality of justice they deserve to have. With the help of men and women of good will and the help of God, we will reach our goal.

Thank you for sharing this very special day with Mary and me.



Let us leave here with renewed spirit and hope for the American ideal of justice for all.

Let us recommit, let us rededicate ourselves to the expectation that justice is achieved by the virtuous acts of judges bound to the principles of impartiality and fairness.

UPON THE OATH OF OFFICE

JANUARY 7, 2005

Without the support of thousands of Ohio citizens I would not have this privilege. Thank you. My deepest and broadest gratitude is for the citizens of Ohio who, whether they win or lose a case, trust the courts to provide a fair resolution of their disputes.

Citizens have also come to expect innovative programs such as dispute resolution and specialized dockets that seek to slow the revolving door of justice.

Seeing some longtime friends here reminds me of a Lincoln story.

An old acquaintance of President Lincoln visited him in Washington. Although the visitor was wholly inexperienced in public affairs or business, he asked to be appointed Superintendent of the Mint.

“Good gracious! Why didn’t he ask to be the Secretary of the Treasury and have done with it?” the President said.

Afterward, he added: “Well, now, I never thought he had anything more than average ability when we were young men together. But, then, I suppose he thought the same thing about me, and — here I am!”

In the past I have used this occasion to announce new initiatives and identify the peaks and valleys in the Ohio judicial system.

I assure you that we will continue our efforts to provide access to all who require the assistance of a court to resolve a dispute or manage their affairs, develop appropriate specialized dockets, and assist courts in applying technology to improve the administration of burgeoning caseloads. I also will continue to work to enhance the confidence of our citizens that the process for qualifying and selecting judges in Ohio is consistent with our aspirations to maintain independent, impartial and fair courts.

But on this occasion I want to share with you a few overarching thoughts that I would describe as expectations of justice.

Your participation today is an act of a public covenant; a covenant initiated by the electorate and made solemn today as you witnessed this oath. Through your participation, we renew the civic contract that binds us as participants in a constitutional democracy.

This civic contract, drafted in our constitutions has served us well....providing safe harbor during civil strife and world wars. It has charted our journey to the Ohio

territory and the great westward expansion. The United States Constitution has survived impeachments, and steadied us during disputed elections.

The Constitution is the foundation for our right to worship as we wish, to petition the government and for the protection of due process. The Constitution is a testament to our sense of fairness that commits all institutions to the search for justice.

These are not worn out ideals. For 215 years, the rule of law has sustained our civilized society... separating us from the anarchist and the tyrant.

Justice Anthony Kennedy told the American Bar Association that civility defines our common cause in advancing the rule of law. He added, "We are civil to each other because we respect one another's human aspirations and equal standing in a democratic society."

It is in the law that a society organizes its shared experiences, and forms its common values. The law collects our morals and ideals that forge revolutions and leads men and women into battle. The civic diaries reflected in our constitutions, statutes, and particularly in court dockets, expose the struggles over women's suffrage and civil rights. Our light shines brightly in the world.

The fruits of democracy are now beginning to blossom in former Soviet republics. And there are lessons for us in their experience. I invited Helen Kryshstalowych to share her thoughts because she was with us as we began our relationship with Ukrainian leaders in 1992, and she was a witness to the events in Kiev last month that changed a nation and spoke to the world.

Recent events in Ukraine are an inspiration to us all:

"Two weeks ago, Ukrainians felt the earth move beneath their feet. By invalidating the disputed presidential run-off election and scheduling a new vote for December 26, Ukraine's Supreme Court handed the opposition candidacy of Victor Yushchenko a major victory and displayed the kind of independence that many demonstrating on the streets of Kiev doubted the judiciary possessed."

Those words, taken from the *Action Ukraine Report* reiterating a *Wall Street Journal* story, describe a profound historic event. As you heard from Helen, the spirit of democracy moved hundreds of thousands of peaceful Ukrainians last month just as it inspired a few hundred American patriots over 200 years ago.

Notice that the *Wall Street Journal* story stated that many demonstrators doubted that their Supreme Court would act contrary to the wishes of the person who appointed them, President Kuchma.

When I read that story I was reminded of the judge in Ukraine who asked me to describe the size of the police force we employ to enforce our judgments. That question came from

a judge in a country in which no one expected judges to be impartial or act independently of the wishes of the president or a member of the Rada, their parliament.

I answered, that courts in America do not employ police forces to enforce their judgments. The expectation of our citizens is that, while not perfect, the American justice system resolves disputes by a process that is guided by fundamental principles of fairness and impartiality. So long as disputing parties believe that an adverse decision of a court was rendered pursuant to the rules, that trust in the process produces compliance.

Troubles on the world stage bring into sharp focus the gift handed us by our founding fathers. Upon a clean slate, they etched indelible beliefs in freedom, liberty and justice for all.

As Alexis de Tocqueville observed... “Like no people before them, Americans turned to secular law to ground their political community and to establish their own identity.”

The courts serve as the guardian of this secular identity, remaining independent of popular opinion, while having the sole authority to determine the constitutionality of legislation. It is a resilient and fragile authority that has weathered many a storm.

Alexander Hamilton called the courts “the most powerful, most universal and most attractive source of popular obedience and attachment,” concluding that the courts are the “great cement of society.”

This cement holds so long as the judiciary derives its authority from beyond the pages of our constitutions. It has roots in the people who authored it and the citizens who approved it and live under its rule. Their expectations and beliefs are the basis for the rule of law, and that is why the authority of the judiciary is to be exercised with great caution and wisdom.

In a democracy there is a more fundamental factor that is not so clearly defined in law, one that draws a much broader circle in defining the scope of judicial power. That is the question of judicial authority.

If judges are bestowed with power upon election or appointment to the bench, then the scope of judicial authority is what we earn from citizens.

The authority of the judicial branch is rooted in the expectations of citizens that we will use our powers with wisdom, fairness and restraint. In doing so, we protect the viability of the system by respecting the confidence extended by the citizens.

These expectations require your participation, even more, your vigilance.

We are conducting the events of this day in a building that was constructed to reflect the greatness of the people of Ohio. This building is a symbol.

It is a magnificent structure symbolizing truth and justice, faith and integrity, hopes and dreams.

But humans have built magnificent structures in the past. The Great Wall of China stretches like a serpent over 3,000 miles, its height exceeding four stories and wide enough for an emperor's eight-horse chariot to turn — the only manmade structure visible from outerspace.

Constructed to separate the Ming civilization from barbarian hordes, it was never breached. No enemy dug under it; no enemy scaled it; no enemy went around it.

Nevertheless the wall failed when one person, a Ming general and border guard allowed the Manchurian army to pass through for his own personal reasons, thereby breaching his duty to the citizens he was responsible to protect, and bringing an end to the Ming dynasty.

Ancient history has meaning for us today.

Rousseau taught us that we are parties to a social contract that rests upon an informed and involved citizenry. Without that participation the Constitution is mere parchment. Symbolically the Constitution has the strength of the Chinese Wall but it can be breached by the acts of one or a few.

James Madison and Thomas Jefferson, authors of the two most important American secular documents said in harmony, "Unless we have a sufficient supply of virtuous citizens, this noble experiment of democracy will not work." And, "We not only need smart people; we need virtuous people." That sentiment has not been stated more eloquently than in a speech by Senator Adlai Stevenson in 1959 when he observed, "No democratic system can survive without at least a large and an active leaven of citizens in whom dedication and selflessness are not confined to private life but are the fundamental principles of their activity in the public sphere."

My plea to you is this — that in an age of transactional values, of convenient morals, you raise your expectations of human conduct. Indeed, that you demand virtuous conduct of those who administer our democratic institutions. May we as Americans never be surprised, as were the Ukrainians, that a court has acted impartially and independently.

It is the responsibility of all citizens, to invigorate the expectations of the judiciary ... for if the courts are the guardians of the constitution, it is the responsibility of citizens to articulate those expectations and to zealously protect them.

Let us leave here with renewed spirit and hope for the American ideal of justice for all.

Let us recommit, let us rededicate ourselves to the expectation that justice is achieved by the virtuous acts of judges bound to the principles of impartiality and fairness.

I am honored to serve as your Chief Justice.

ON THE ADMINISTRATION OF JUSTICE

Justice Oliver Wendell Holmes once said that the role of the judge is to act interstitially — to fill the gaps left by those who write the law.

Some days when our dockets seem to wash over us, when the cases seem more complex, more demanding — we may wish that we lived in the simpler times of Justice Holmes.

Today, filling the gaps is just one of our responsibilities.

To make effective, well-reasoned judicial decisions — we as judges must be well-trained in the law and procedure, but we must be so much more.

We must be part sociologist and part scientist.

Part systems planner, part fiscal analyst.

We must understand the brain development of a juvenile offender and the dynamics of the non-nuclear family.

We must, as judge, understand that the public asks for, indeed expects, a fair hearing of the matter they seek to resolve.

The dignity and stability of government, as John Adams said, depends upon the “skillful administration of justice.”

That is our mission given to us by a civilization that lives under the rule of law.

— *State of the Judiciary, September 17, 2009*

ON CRITICISM OF COURTS

Let me be clear. No reasonable person or student of the American justice system suggests that court decisions should be immune from criticism. Disagree with a result, but respect the institution.

When the criticism is laced with suggestions of retribution and elimination of jurisdiction, the state of every judiciary is threatened. Despite all of our efforts to enhance trust, the words and actions of some foment distrust.

— *State of the Judiciary, September 15, 2005*

ON CIVILITY

Civility requires respect — respect for ideas, respect for persons, and respect for the institutions that have held together our nation in times of revolution, civil war, and economic uncertainties.

Civility is not a quaint notion; civility allows the architect and the fiscal officer to agree on the scope of a basketball arena; the pedagogical detail of the restoration of a magnificent university library; and yes, even a discussion about the level of school tuition.

Civility constrained passion when our founding fathers drafted the United States Constitution. It allowed President Lincoln to reach across the Mason-Dixon Line to pull together a fractured nation. And, civility fueled the airlift of the Marshall Plan when the victorious nations of World War II fed those who were conquered.

Civility requires no operator's manual, no updates to download, no complicated set of rules. It is simple; it is easy; and it produces positive and constructive human interaction.

Civility may be the forum for our civic conversation, but that discussion is captured in all its colorful hues in our laws and in our constitutions.

— *The Ohio State University Commencement, August 30, 2009*

ON SCIENCE AND THE LAW

Indeed, the intersection of law and science is perpetual...

The prodigious expansion of scientific developments, and the Orwellian-reach of the information age will test the resilience of American jurisprudence.

These issues will appear on court dockets, side by side with questions regarding civil liberties, due process and personal expression.

But these seemingly new issues will be resolved in the oldest of traditions: by interpreting and applying our laws consistent with our constitutions and by remaining faithful to the Bill of Rights.

The issues continue to evolve, but the process remains the same.

— *Roche Science and Ethics Advisory Group, June 11, 2007*

ON CIVIC EDUCATION

I am convinced that education, whether in the sciences or the rule of law, is the best preparation for the future. The harshest critics should remember that an independent judiciary is the only institution that can protect the initiatives of the majority while ensuring the rights of the minority; that courts decide controversies that have not been resolved in another forum; that courts represent the only institution of government in which profoundly important decisions are to be made independent of political or personal influences; that we should expect decisions to be controversial because the heat of the conflict does not dissipate when one party wins and one party loses; and that it is the expectation of impartiality that creates trust in the process and the judgment.

Judges, lawyers and all who seek to preserve the impartiality of the courts must speak out; we must remind citizens that an independent judiciary is the best protector of our constitutional democracy. We are judges; we must also be teachers. That is our legacy.

— *State of the Judiciary, September 15, 2005*

ON COURTHOUSES

Buildings housing the institutions of democracy should reflect the powerful belief of our citizens that government by the people is fundamental to the enjoyment of our lives. Our public buildings should inspire, engender respect and enhance our trust. When one enters a court building, she should sense that something very special happens there, the peaceful, fair resolution of disputes. I can assure you, the new home for the Ohio judiciary certainly says that.

Each courthouse in our 88 counties is more than a symbol. They are the embodiment of the civic commitment to the human spirit. The courthouse is the laboratory of our great experiment in democracy.

— *State of the Judiciary, September 11, 2003*

ON OPEN COURTS

The foremost reason for making the judiciary more accessible is that all courts are the citizens' courts. It is the public's trust and confidence, not law books that grant the courts the moral authority necessary to enforce the rule of law. But for many people the court system is shrouded in mystery: men and women dressed in robes that date to the first millennium using a language that appears arcane. Being able to see the court over the Internet would dispel that perception and help demystify the work of judges.

— *Downloading the Judiciary*, November 19, 1999

ON IMPARTIALITY

Impartiality and fairness are the bedrock principles from which all courts in America are created. When a citizen stands before an impartial judge, the citizen expects the facts of his or her case to be held up to and determined by the light of the law — nothing else. An impartial court protects a protestor with the same authority that it protects a holder of public office.

An impartial court opens the door of justice to an investigative reporter, to a parent seeking child support, to a person accused of criminal conduct.

An impartial court is the only institution that can prevent the majority from infringing on the rights of the minority.

— *Ohio State Bar Association Annual Meeting*, May 4, 2006

ON ACCESS TO JUSTICE

One of the most perplexing problems identified in the Futures Commission report is how to ensure that all citizens, regardless of income, education or language skills have access to the state courts...

We must not turn our back on pro se litigants. The rights to procedural and substantive due process are universal. They are not parsed on the basis of income.

— *Cleveland City Club*, January 5, 2001

ON DEMOCRACY

In the closing days of 2000, our nation traveled an unmarked path when it took 36 days to conclude presidential ballot counting. At times it seemed to some that the journey would never end. It was a cynic's dream; but it was not a crisis. It was democracy in its unglamorous splendor.

The experience taught us something about our democracy, renewed our belief in and reliance upon our institutions and, most important, revealed the profound strength of the American character. No one could have wanted the uncertainty; no one could have predicted America's patience. No one could wish that the leader of the executive branch would be determined by decisions of the judicial branch. In another time and in many other places the doubt we have experienced would have dissipated with the presence of military force or violent rebellion. But in America, we live by a different standard; we live by the rule of law; the American spirit says the peaceful process by which a leader is selected supersedes all concern for the identity of the leader.

— *Cleveland City Club, January 5, 2001*

ON DISPUTE RESOLUTION

It is my hope that someday mediation ceases to be only a service, but becomes a way of life that reduces the level of conflict in society.

This can happen if more people know about the best attributes of mediation, such as listening to others, the empowerment of the individual, and the search for common ground. The framework for correcting many of society's ills is contained in mediation...

The true value of dispute resolution extends beyond our courtrooms and schoolrooms. It helps to remind our society of the concept of civility, of respect for each other and taking responsibility for our own conduct.

By its very nature, it calls on people to talk and listen to one another, and then resolve their differences in a civilized manner. It is convincing evidence that there is an alternative to confrontation.

— *American Arbitration Association, February 16, 2000*

ON THE LEGAL PROFESSION

The legal profession has had a uniquely pervasive influence not only on the law, but also world history, culture and diplomacy.

Because we have a method of reasoning based on analogy and distinction that we have developed over centuries.

Because we have a sense of the common ground, knowing from experience that no side is completely pure.

Because we have an eye to the future, we look for the hypothetical, what may happen.

Because we have a procedure for orderly settlement of disputes.

Because we have a concern for the language and the correct use of words, for the well-drafted pleading, the developed argument, the crafted long-term contract.

Because we, by training, have a tolerance for other ideas and approaches.

And because we realize that change is usually incremental. And we have more.

We in our profession have, or ought to have, a concern for order, and justice and honesty and decency that overrides a concern for material gain.

We are the ones, and the only ones, who can be sure that the law remains the cement that holds together our society, but to do so, we ourselves must respect the courts, respect the process and respect one another.

— *University of Cincinnati College of Law, January 18, 2007*

ON SOCIETY'S DRUG CRISIS

The state courts in the latter part of the 20th century are left with the cleanup. They must deal with the problem described as “a plague upon the land,” the worst domestic crisis in the history of our country, and the greatest war since the Civil War. As in most instances, we have had nothing to do with creating the problem, but we play a pivotal role in imposing the solution. Just as we prepare to meet a storm created by nature, we must prepare to weather a wave of human tragedy if we are to keep from being awash with the legal residue.

— *State of the Judiciary, September 7, 1989*

ON THE CONSTITUTION

The great experiment in democracy has succeeded, not because we venerate pieces of parchment safely sealed in glass cases at the National Archives.

America has succeeded because we have responded to the caution of Judge Learned Hand in 1944 that “liberty lies in the hearts of men and women: When it dies there, no constitution, no law, no court can save it.”

So, should we not tell future generations that the Bill of Rights, like a compass placed anywhere in the world — in a dark forest, on a rolling sea, upon a frigid mountain peak — will always set the same course for the journey?

A constitution that embodies the fundamental beliefs of its citizens will always, at any point in time, guide a civilized people through unforeseen challenges and the uncertainties of human conduct.

— *Kent State Constitution Day, September 21, 2005*

ON JUDICIAL CAMPAIGNS

Our system of laws and constitutions is only as strong as the trust extended to it by those who are governed. I share with many of my colleagues the belief that the courts still enjoy the support of most citizens.

But that trust is fragile, made ever more so each time a misleading campaign ad is aired, with each effort to influence judicial decisions through contributions and with each new record amount spent in judicial campaigns.

We should reduce the role of fundraising in judicial campaigns.

We should make clear to all that judges are accountable to the laws and constitutions of our country.

We must ensure the integrity of the judicial selection process.

— *Preserving Impartial Courts, July 14, 2008*

ON JUVENILE JUSTICE

When children are killing children and the children are killing themselves, it is a crisis. A crisis that we all must face. It is an American tragedy that in a country where so many have so much, our constitutional rights are so vigorously protected and where so few would deny the value of the rule of law, we have permitted violence to pervade so many of the images to which are children are exposed in our culture.

I ask you — I beseech everyone in this chamber — to stretch beyond the formal duties of your office and to search for and assume every opportunity to speak out against those who, for their own purposes, make violence socially acceptable in our country.

No one is more aware of this phenomenon than the judges in domestic relations and juvenile courts. As the statistics show, more than ever, families are turning to our courts for solutions that once were the domain of ministers, rabbis and community elders.

With so many families appearing in our courts, judges remain committed to serving them well. But we are challenged as never before.

— *State of the Judiciary to the 122nd General Assembly, February 12, 1997*

ON JUDICIAL CONDUCT

While visiting at Carrollton High School in Carroll County recently, I was asked by a student if I and other public officials should be held to higher standards of conduct than other citizens.

On its face, it was a perceptive question by an inquisitive student, but it is troubling that the question would even be asked.

Of course, we are and must be held to high standards. The highest standard by which we are measured is honesty and truthfulness. If the purpose of our justice system is to structure a search for the truth, the search becomes futile if no one speaks the truth. This is a principle that transcends our constitutional system. It is a principle that dates back to Hebrew law, which specifically forbids lying in a judicial proceeding...

If we are to imagine a court system that engenders trust and confidence, integrity is not an option. It is the essence.

State of the Judiciary, September 10, 1998

ON CAMERAS IN THE COURTROOM

We long ago established the principle of open courtrooms with trials in full public view. Cameras are simply the logical progression of the tradition. The equipment used today has advanced considerably from the era of the lumbering studio cameras and blinding, hot lights.

If we are truly sincere about our efforts and desire to make the public more aware about the work and role of our courts, cameras must be part of the process. The rules governing the presence of cameras were carefully drafted by the Supreme Court to protect the decorum and rights of the defendants and witnesses. The judge must control the use of cameras at all times. We do not and will not tolerate video free-for-alls.

State of the Judiciary, September 7, 1995

ON HOLDING OFFICE

It is important for us to remember as citizens who hold positions of very sacred trust that we are, after all, only tenants in office. None of us has a hereditary right to the office we hold. The people can remove us from our office; the people can abolish our office; and, indeed, the people can discard the very documents that create the offices in which we serve.

— *State of the Judiciary, September 10, 1987*

ON THE BILL OF RIGHTS

The Bill of Rights enumerates our most important personal rights and liberties without which the United States Constitution would be only a blueprint for the establishment of the government.

But how important are the first 10 amendments to the United States Constitution to the lives of American citizens?

The Bill of Rights was born in controversy and continues to be the primary legal battleground for some of the most difficult and emotional social, political, and legal issues of our times because it is a statement of the most fundamental personal rights of mankind.

— *The Exchange Club of Canton, August 29, 2001*

ON ASSISTING EMERGING DEMOCRACIES

You may ask why we should be concerned about the judicial systems of other countries. If you believe as I do that we are all more secure in a world that believes in the rule of law, then the answer is apparent. I can think of no country with a judicial system founded upon the basic principles upon which our system is founded that is our adversary. May we have the foresight to step outside our world and give to the people of other civilized nations that gift of a democratic, independent, and impartial judicial system.

— *State of the Judiciary, September 6, 1990*

ON LIMITATIONS OF THE LAW

As lawyers, we know the law's limitations as well as its grandeur. John Locke said it, and we know it to be true: The law is people's best attempt to live together peacefully. But the law sets minimum acceptable standards for human behavior. And only that. The law can proscribe malevolence, it cannot incite compassion. It can punish criminal conduct, it cannot produce forgiveness. It can maintain order, but not demand human decency.

— *Ohio State Bar Association Annual Meeting, May 17, 1995*

ON THE BEAUTY OF THE LAW

Law is beautiful because it works.

The law expresses the will of a nation's citizens to live in an abundance of freedom.

It protects and defends those values that, we as Americans, have held dear since our founding — freedom of expression, freedom of assembly — the freedom to seek happiness and to worship God as we will.

The law works because it allows us to correct our mistakes. When it became clear that no man or woman should be devalued as three-fifths of a person — the courts corrected a mistake.

When separate but equal no longer could be disguised as lawful — the courts corrected a mistake.

The law helps the needy, it makes commerce possible, it protects us when we say something unpopular — and in its own gentle way it will encourage you to drive the speed limit on your way home.

Lawyers and judges, as artists, challenge the conventional view — while remaining true to the underlying values and principles of their craft.

The artist and the judge share an eye for detail. The well-placed brush stroke is as important to the craft of the artist as is the well-written order of a judge.

And the great judges share with the great artists a vision for the big picture, the entirety of society.

The artist and the judge share a concern for life in its many forms; its successes and its failures.

As judges, we scrape away the stone, we shape the rock.

As judges, we use our sculptor's eye to reveal the beauty, the proportion in the rule of law.

As judges, we use our fine brushes, our colorful pallets to bring symmetry and order.

As judges, we are fortunate that this is our life's work.

— *State of the Judiciary Address, September 11, 2008*

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PORTRAIT OF CHIEF JUSTICE THOMAS J. MOYER

Great judges share with the great artists a vision for the big picture, the entirety of society. The artist and the judge share a concern for life in its many forms, its successes and its failures.

— CHIEF JUSTICE THOMAS J. MOYER

Inspired by this profound statement, my portrait humbly attempts to portray Chief Justice Thomas J. Moyer's role in the history of our state and our nation — as a judge and as a man. It has been said that the job of a portrait artist is much like that of a biographer. Her work tells the story of an individual by creating a lasting record and a testament to that person's important role in history.

I offer to the Court a work that portrays Chief Justice Moyer within the setting of the building that is his legacy, this magnificently restored home to the Supreme Court of Ohio. He stands, gazing directly and intently at the viewer. Ready to approach the bench, he greets us, his right hand positioned as if to reach out and shake our own. This civil gesture and expression of equality, so important to Chief Justice Moyer, is an invitation to enter the Court and mutually search for truth and justice. In his left hand he holds the Constitution of the United States. He often spoke, in speeches and in private conversation, of how our nation is held together by the confines and rule of law as symbolized by this written document. Also on this hand is his wedding ring. Here, then, he is portrayed with the symbols of his life and loves: the law and his commitment to his wife, Mary.

Today, we are celebrating Chief Justice Moyer's legacy. We are celebrating his role in the Ohio judicial system, his positive imprint on the state, and as a wonderful and unique human being — through a living and lasting portrait — through my vision — through art. My sincere hope is that my painting accurately and successfully represents this man.

I am deeply honored that my painting will be included in the collection of works by the artists, architects and craftsmen that came before me, who built this beautiful "museum" that Chief Justice Moyer so valued. I owe a debt of gratitude to all involved.

While working alone in the Courtroom, I sat and considered the historical significance of this painting. I hope that Chief Justice Moyer would be proud of the work that I've done. Although I never had the privilege of meeting him, we will be forever linked in the halls of this great museum — an artist and a judge.

Leslie Adams
December 2, 2011



THE SUPREME COURT *of* OHIO

65 South Front Street Columbus, Ohio 43215-3431