

APPELLATE DISTRICT STUDY COMMITTEE

FINAL REPORT



Honorable Richard B. McQuade, Chair
October 2001

Appellate District Study Committee

Honorable Richard B. McQuade, Chair	Retired Judge
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Honorable Jane Bond	Summit County Court of Common Pleas
Honorable Thomas F. Bryant	Third District Court of Appeals
Honorable Judith A. Christley	Eleventh District Court of Appeals
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Introduction

The Appellate District Study Committee was established by the General Assembly in Section 3 of Amended Substitute Senate Bill 164 of the 123rd General Assembly (Appendix A). The Committee was charged with reviewing existing appellate district boundaries and recommending any necessary revisions to those boundaries.

Consistent with its statutory mandate, the Committee submits the following report containing its findings and recommendation.

Summary of Committee Recommendation

The Appellate District Study Committee recommends that the General Assembly: (1) make no changes to the current appellate district boundaries; and (2) enact legislation to make permanent the single-term judgeship created in the Fifth Appellate District by Amended Substitute Senate Bill 164 of the 123rd General Assembly. From its review of the factors set forth in the enabling legislation and consideration of other documentation presented to it, the Committee found no evidence that the existing district boundaries adversely affect the administration of justice or cause inconvenience to lawyers and litigants. Additional findings and rationale in support of this recommendation are detailed in this report.

Background

Appellate district boundaries

Intermediate appellate courts have existed in Ohio since adoption of the Constitution of 1851. Initially, these courts were known as district courts and consisted of one supreme court judge and the common pleas judges of the district. Four of the five districts consisted of multiple counties, while the remaining district consisted only of Hamilton County. District courts had original jurisdiction specified in the constitution and appellate jurisdiction as provided by the General Assembly.

In 1883, the Ohio Constitution was amended to replace the district courts with circuit courts and provide that the circuit courts would consist of judges who were elected specifically to serve on the circuit courts. The 1883 amendments further provided that the General Assembly would establish the number of circuits and the number of judges. Legislation enacted shortly after the adoption of the amendment established seven circuits and created three judges in each circuit. This legislation formed the basis for many of the districts that exist today.

In his comprehensive work, *A History of the Courts and Lawyers of Ohio*, Chief Justice Carrington T. Marshall wrote the following regarding the General Assembly's creation of intermediate appellate circuit boundaries:

In the creation of the Circuit Court and the division of the State into circuits, it is significant that no effort was made to play politics. The Legislature of 1884 was Democratic in both branches and the State might easily have been gerrymandered to make the majority of the districts Democratic. On the contrary, geographical lines were followed to make the districts compact, and at the ensuing election, five of the seven districts elected Republicans.

Marshall, *A History of the Courts and Lawyers of Ohio*, (1934) Vol. II, p. 336

Circuit courts were renamed as courts of appeal by constitutional amendment approved in 1912. This same amendment incorporated into the Constitution the compactness standard referenced by Chief Justice Marshall by requiring the General Assembly to divide the state into "appellate districts of compact territory bounded by county lines."

In the 72 years following the creation of circuit appellate courts, the General Assembly made only two significant changes to the appellate district boundaries. In 1887, the original Sixth Circuit, which stretched from Summit and Cuyahoga Counties westward along Lake Erie and the Ohio-Michigan border to the Indiana border, was divided into two districts, with the new Eighth Circuit consisting of Cuyahoga, Lorain, Medina, and Summit Counties. In 1921, legislation was enacted to designate Cuyahoga County as the Eighth District and to establish a new Ninth District consisting of the former Eighth District counties of Lorain, Medina, and Summit, and the former Fifth District county of Wayne.

In the last 46 years, appellate district boundaries have changed in three major respects. In 1955, a Tenth District was created consisting of Franklin County. In 1968, the General Assembly established a new Eleventh District consisting of the five northern counties that formerly were included in the Seventh District. In 1980, the Twelfth District was created from eight counties that formerly were part of the First, Second, and Fourth Districts, leaving Hamilton County as a single-county district. The boundaries established by the General Assembly in 1980 remain in tact today.

Appendix B contains maps that detail the various appellate district configurations from 1883 to the present.

Number of judges

Prior to 1959, each appellate district could consist of no more than three appellate judges. That year, the Constitution was amended to allow the General Assembly to increase the number of judges in any appellate district “where the volume of business may require such additional judge or judges.” The Eighth District was the first court to take advantage of this provision when it increased its number of judges from three to six in 1961. The Tenth District followed suit by adding one judge in 1963 and another in 1969.

From 1970-1980, the number of appellate judges increased from 38 to 47, with the creation of the Twelfth District and the addition of three judges to the First and Eighth Districts in 1977. Twelve appellate judges were added in the 1980s, including two each in the Second, Fifth, Ninth, and Tenth Districts and one each in the Third, Fourth, Sixth, and Twelfth Districts.

Seven appellate judgeships were added in the 1990s; one each in the Sixth, Seventh, Tenth, and Eleventh Districts and three in the Eighth District. Two new positions were established in the Fifth and Eleventh Districts in 2000, and these terms began in 2001. These positions bring the total number of appellate judges to 68, or an increase of 123 percent in 40 years since the amendment of Article IV, Section 3.

Relevant constitutional and statutory provisions

Intermediate appellate courts are established in Article IV, Sections 1 and 3 of the Ohio Constitution. Article IV, Section 3(A) provides that, “[t]he state shall be divided by law into compact appellate districts in each of which there shall be a court of appeals consisting of three judges.” That section vests authority in the General Assembly to increase the number of judges in any district when required by the “volume of business” and requires that cases be heard and disposed of by three-judge panels. Section 3(A) also requires each district court of appeals to hold sessions in each county of the district as the need arises and requires the county commissioners in each county to provide a “proper and convenient place for the court of appeals to hold court.”

Article IV, Section 3(B)(1) vests the courts of appeal with original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition, and procedendo actions and “[i]n any cause on review as may be necessary to complete its jurisdiction.” Section (B)(2) provides that the courts of appeal have jurisdiction as provided by law to review and affirm, modify, or reverse judgments or final orders of courts of record inferior to the court of appeals within the district and the final orders or actions of administrative officers or agencies.

Article IV, Section 6(A)(2) provides that appellate judges are to be elected by voters in their respective districts for terms of not less than six years. Section 6(C) bars any person from being elected or appointed to judicial office if the person will be 70 years of age on or before the day in which he or she assumes office.

The constitutional provisions establishing the courts of appeal are supplemented by the provisions of Chapter 2501. of the Revised Code. Chapter 2501. designates the boundaries of the twelve appellate districts (R.C. 2501.01), specifies the number of appellate judges beyond three that exist in each district (R.C. 2501.011, 2501.012, and 2501.013), and establishes the qualifications to serve on the court of appeals (R.C. 2501.02). With regard to qualifications, a candidate for election or appointment to the court of appeals must be admitted to practice in Ohio and, for a total of six years before the appointment or commencement of the term, engaged in the practice of law in Ohio, served as a judge of a court of record in any United States jurisdiction, or both. While the Constitution does not specifically require an appellate judge to be a resident of the district from which he or she is elected and the Revised Code does not specify residence as a qualification for office, R.C. 2701.04 does provide that an appellate judge is deemed to have vacated his or her office if the judge “removes his residence * * * from his district.”

R.C. 2501.05 requires courts of appeal to hear each cause in the county in which the case originated, unless, for good cause shown, the court determines that the case may be heard in another county in the district. R.C. 2501.18 requires that counties bear the expense of providing courts of appeal with stationery, reports of the decisions of Ohio Courts, the latest edition of the Revised Code, digests, and other law books as the courts require. Counties also are responsible for providing a room for holding court and a consultation room and to “cause such rooms to be properly furnished, heated, ventilated, lighted, and kept clean and in good order, and provide such other conveniences as the court deems necessary.”

R.C. 2501.181 allows a court of appeals that serves a multi-county district to designate one of the counties in the district as its principal seat. If a principal seat is designated, the county commissioners of that principal seat are required to provide the materials set forth in R.C. 2501.18, and all expenses incurred in operating the court are to be apportioned among the counties of the district based on population. Duplicate books, supplies, and facilities are not required to be provided by the other counties within the district, although those counties are required to provide the court of appeals with facilities to conduct its business when the court temporarily conducts business outside its principal county.

A variety of other statutory provisions address the jurisdiction and authority of the courts of appeal, particularly as it relates to original actions such as habeas corpus (Chapter 2725.), mandamus (Chapter 2731.), and quo warranto (Chapter 2733.).

Meetings and Work of the Appellate District Study Committee

The Appellate District Study Committee convened on April 5, 2000. Committee members were provided with notebooks containing county population trends from 1950 to the present, appellate caseload statistics from 1990 through 1999, a history of appellate circuits and districts, information regarding the jurisdiction of appellate courts, and research regarding intermediate appellate courts in other states. These notebooks were supplemented with additional information requested by the Committee, including:

- The record of appellate judicial elections in multi-county appellate districts from the 1970s to the present;
- Standards relative to appellate caseloads that have been adopted in other jurisdictions;
- Statistics regarding appeals filed by county in Ohio;
- Estimates regarding the cost to state and county governments of establishing a new appellate district.

Subsequent committee meetings were conducted on June 14, 2000, September 8, 2000, December 14, 2000, and May 17, 2001. These meetings were announced and open to the public.

Guiding principles

At its initial meeting, the Committee identified several principles that would guide its deliberations. The principles are as follows:

- Retain existing efficiencies in the appellate system;
- Keep appellate courts accessible to the bar and public;
- Adhere to the constitutional principles that appellate districts must be compact and drawn using county boundaries;
- Consider issues related to funding courts of appeal and the impact of any district boundary changes on existing appellate judgeships;
- Rely on data such as caseload, population, and demographic factors in making any recommendations to alter existing district boundaries;
- Consider the history of appellate districting in Ohio;
- Look to standards relative to intermediate appellate courts that exist outside of Ohio;

- Review the issue of the “electability” of candidates from small counties within a district that is dominated by a populous county.

Consideration of statewide redistricting

Consistent with its statutory charge, the Committee began its work by reviewing appellate district boundaries throughout Ohio. Noteworthy to the Committee's review is the fact that courts of appeal are primarily responsible for reviewing the judgments of trial courts, whose jurisdiction often is countywide. As such, appellate court boundaries correspond to county lines. However, population distributions do not necessarily conform to county boundaries, making it difficult to draw appellate district boundaries that reflect population trends. Moreover, the constitutional requirement of "one man, one vote" that applies to legislative elections does not apply to the election of judges, making it unnecessary to create districts with equal populations.

Employing the guiding principles set forth above, the Committee engaged in lengthy discussions regarding the existing appellate district boundaries and considered a number of wide-ranging proposals, some of which would have dramatically altered the make-up of Ohio's appellate districts. One proposal discussed by the Committee was to redraw district boundaries to form contiguous, compact districts that had approximately the same caseloads and population. Evidence presented to the Committee demonstrated that there was a significant percentage variance between the population served by the largest and smallest districts and a like percentage difference between the caseloads administered in some districts. The Committee considered alternatives that would have established eight, ten, or twelve appellate districts of relatively equal caseloads and populations. These proposals were rejected, in large part, because the Committee was presented with no evidence and heard no suggestion that such a change was necessary, desirable, or practical.

The Committee also considered and rejected suggestions that the number of appellate districts be increased significantly, either by dividing geographically large districts, such as the Third, Fourth, and Fifth Districts, into smaller districts, or by placing several populous counties in separate, single county districts. Similarly, the Committee did not believe existing districts should be combined or boundaries redrawn to produce fewer appellate districts. Although these concepts furthered the Committee's consideration of the issues before it, a number of factors were key to their rejection. Any significant change in district boundaries that produces additional districts carries with it implications for increased administrative and operational costs for state and local government through additional facilities, support staff, and satisfying the Constitutional requirement that each appellate district have a minimum of three judges. Moreover, the creation of additional appellate districts enhances the opportunity for districts to render contrary opinions on identical points of law, presenting an additional number of conflict cases that must be resolved by the Supreme Court pursuant to Article IV, Section 2(B)(2)(e) of the Ohio Constitution. A reduction in the number of districts raises the practical issues of transferring existing judgeships between and among districts and expanding the geographic areas served by some appellate courts. Most importantly, the Committee heard no suggestion that the existing district boundaries fail to adequately promote the fair and timely administration of justice or that a significant increase or decrease in the number of appellate courts would cause the intermediate appellate courts to operate more efficiently than the current system.

Narrowing the issue

After concluding that significant statewide changes to appellate district boundaries were unnecessary and hearing no proposals to alter the boundaries of any district, other than the Fifth District, the Committee turned its attention to the Fifth District Court of Appeals. The boundaries of the Fifth District prompted the General Assembly to establish this Committee. The Committee received comments from several interested parties who suggested that changes in the Fifth District boundaries were appropriate. Proponents of altering the boundaries of the Fifth District contend that the division of that district into two smaller districts would:

- Enhance the quality of justice;
- Address cultural differences that exist among counties in the northern and southern part of the district;
- Allow for a greater diversity of opinion and enhance the perception of fairness;
- Reduce travel and expense for judges, attorneys, and litigants;
- Create a court that is more homogeneous and responsive to litigants;
- Address recent and anticipated future growth in population of those counties contiguous to Franklin County;
- Allow judges from counties other than Stark to rise to the appellate level.

The strongest arguments for altering the boundaries of the Fifth District are the related issues of population growth and travel. The district includes three of the fastest growing counties (Delaware, Fairfield, and Licking) in Ohio, all of which are located at the opposite end of the district from Stark County, which serves as the district seat. The growth in population is coupled with a growth in the number of appeals from these counties. These factors require the court to travel more frequently to hear appeals arising from those counties, consistent with constitutional and statutory mandate.

Although factors such as population growth and travel were documented for the Committee, other factors cited in support of dividing the Fifth District were not. The Committee was provided no evidence to support claims that a new district was needed to enhance the administration of justice, allow for more diverse opinions, or create a more responsive court of appeals. Similarly, the Committee was unswayed by comments that a new appellate court should be created to afford attorneys and judges from outside Stark County a better opportunity to be elected to the court of appeals. In large part, these contentions were rejected based on a belief by some Committee members that judges are not and should not be representatives of geographic regions or constituencies. Rather, members of the judiciary should strive to fulfill the essential obligations, reflected by their oath of office, “* * * to administer justice without respect to

persons, and faithfully and impartially to discharge and perform all duties incumbent on him as judge, according to the best of his ability and understanding.” R.C. 3.23.

There is no evidence that the Fifth District's current configuration fails to provide for the timely or fair administration of justice or affected the quality of decisions rendered by that court. To the contrary, many critics of the existing district boundaries commended the court and its judges for being accessible to lawyers, litigants, and the public, the frequency with which the court traveled to all counties within the district, and the timeliness and quality of the court's decisions. These comments reflect the fact that the lawyers and litigants are not inconvenienced by the geographic size of the Fifth District.

The Committee did consider evidence related to the issue of representation or electability. As discussions progressed, it became apparent that the basis for proposed changes in the district's boundaries was the fact that the court, in recent years, has consisted entirely of residents of Stark County. Research indicates that it has been more than twenty years since a non-Stark County resident has been elected to the court of appeals and eighteen years since a non-Stark County resident has served on that court by gubernatorial appointment. The Committee was provided no evidence regarding the number of non-Stark County candidates who unsuccessfully sought election to that court during the past twenty years.

The Committee considered and rejected two unique proposals that were designed to address concerns regarding the perceived dominance of Stark County in the election of appellate judges in the Fifth District. One proposal suggested that the appellate district be divided into a number of subdistricts with a designated number of judgeships elected from each subdistrict. Although elected from subdistricts, these judges would serve throughout the district. A second proposal would have imposed a limit on the number of seats in a district that could be held at any one time by residents of a particular county. Concerns over the constitutionality of these proposals and practical impediments to their implementation caused the Committee to reject these possible recommendations.

As various proposals were discussed and discarded, the Committee agreed to give further consideration to five options to alter the existing boundaries of the Fifth District and, in some instances, contiguous districts. These options are as follows:

- Option #1 Establish a Thirteenth District consisting of Delaware, Fairfield, Knox, Licking, Morgan, Morrow, Muskingum, and Perry Counties. The Fifth District would consist of Ashland, Coshocton, Guernsey, Holmes, Richland, Stark, and Tuscarawas Counties.
- Option #2 Option #1 with Marion County in the Thirteenth District
- Option #3 Option #1 with Wayne County in the Fifth District
- Option #4 Option #1 with Wayne County in the Fifth District and Marion County in the Thirteenth District
- Option #5 Add surrounding counties to the Tenth District and consider establishing a separate court to hear and determine administrative

appeals

At the September 8 meeting, the Committee reviewed maps reflecting each of these options as well as information regarding the caseload and population of the reconfigured districts. Following extensive discussion, the Committee voted to circulate Option #1, referred to as the “Thirteenth District Proposal” for comment among judges, bar associations, county commissioners, and other interested parties in the affected areas. Included with the proposal were estimates of the increased costs that would be borne by individual counties affected by the creation of the new district. These estimates were based, in part, on the actual costs of operating the Fifth District Court of Appeals in calendar year 1999 and the manner in which those costs are apportioned by statute among state and county government. Also factored in were a range of costs associated with a facility for the new court, depending on whether that facility would consist of leased office space or a newly constructed building, and various start-up expenses, such as the purchase of office furniture and equipment, computers, and telecommunications equipment. A detailed breakdown of these cost estimates is included in Appendix C.

The Thirteenth District proposal was circulated to interested parties in the Fall of 2000. The Committee received approximately thirty written comments, the majority of which were from persons or entities that would be included within the boundaries of the new district and who supported the creation of the district. These comments were circulated to Committee members in advance of the December 14, 2000 meeting and were the focus of discussion at that meeting.

Subsequent discussions revealed that a majority of Committee members were not comfortable with either the creation of a thirteenth appellate district or the rationale for creating such a district. In particular, several Committee members reiterated their belief that the Committee should recommend creation of a new district only if such an action would clearly benefit the administration of justice within the affected counties. Nevertheless, the Committee remained sensitive to concerns, reflected in many of the written comments, relative to documented and anticipated population growth in the Southwestern portion of the district. This prompted the Committee to circulate a second proposal for comment. This proposal would have reduced the size of the current Fifth District by transferring three counties (Delaware, Fairfield, and Licking) to the existing Tenth District and add an unspecified number of judges to the Tenth District.

The Committee received more than forty comments on this proposal, and virtually all who commented were opposed to the concept of increasing the size of the Tenth District. Many of these comments were from individuals and organizations that had commented on the Committee’s proposal to recommend creation of a thirteenth district. Those individuals and organizations restated their preference for the earlier proposal.

In view of the universal opposition to enlarging the Tenth District, the Committee reconvened on May 17, 2001 to review its remaining options. Based on the evidence presented, the Committee believed its options consisted of two: adopt the Thirteenth District Proposal or recommend that no changes be made in the existing boundaries. Of significant relevance to the Committee’s discussion at the May 17th meeting was the state’s biennial operating budget, which, at that time, was nearing final adoption in the General Assembly. In the weeks leading up to the May 2001 meeting, the General Assembly, because of a variety of factors, was required to reduce

the level of General Revenue Fund appropriations sought by state offices and agencies for the 2001-2002 biennium. These reductions severely impacted the budgets of the Supreme Court and Ohio Judiciary, and will delay the development and implementation of a number of planned programs intended to enhance court operations and efficiency.

Several Committee members questioned the prudence of recommending the creation of a new district in view of the state fiscal situation and unprecedented reductions in appropriations sought by the Judiciary. Others believed that the Committee should provide the General Assembly with its best substantive recommendation and then allow legislators to determine where creation of a new district falls within state budget priorities. In the end, the Committee found that the lack of clear rationale to support the creation of a new district, combined with the bleak state budget picture during the next two years, did not justify the creation of a new appellate district.

Near the conclusion of its meeting, the Committee adopted the following motion by consensus:

To recommend that the General Assembly make no changes in the existing appellate district boundaries and enact legislation to make permanent the sixth judgeship that was created in the Fifth District by Amended Substitute Senate Bill 164 of the 123rd General Assembly.

Having satisfied its statutory mandate and having no other business before it, the Committee adjourned.

Section 3 of Amended Substitute Senate Bill 164

Section 3. (A) There is hereby created the Appellate District Study Committee. The committee shall consist of the following members:

- (1) One judge of a court of record from each appellate district, to be appointed by the Chief Justice;
- (2) Five members to be appointed by the Chief Justice;
- (3) The Chair of the House Criminal Justice Committee, or the Chair's designee;
- (4) The Ranking Minority Member of the House Criminal Justice Committee, or that member's designee;
- (5) The Chair of the Senate Judiciary Committee, or the Chair's designee;
- (6) The Ranking Minority Member of the Senate Judiciary Committee, or that member's designee.

(B) The Chief Justice shall appoint the chair and vice-chair of the study committee from among the study committee's members. The Chief Justice shall make the initial appointments to the study committee within sixty days after the effective date of this act. A vacancy on the study committee shall be filled in the same manner as the original appointment. The Supreme Court shall provide facilities in which the study committee shall meet, provide any clerical or other services required by the study committee in performing its official duties, and be responsible for any administrative expenses incurred by the study committee in performing its official duties. The members of the study committee shall serve without compensation. The chair of the study committee shall schedule a date for the study committee's first meeting not later than thirty days after the final initial appointment to the study committee is made.

(C) The study committee shall review the existing boundaries of the twelve appellate districts and recommend to the General Assembly any necessary revisions to those boundaries. In conducting its review and making its recommendations, the study committee shall consider changes over the past fifty years in caseloads, populations, other demographic factors that affect appellate district workloads, and the membership, by county, of multi-county appellate districts.

Not later than December 31, 2001, the study committee shall submit recommendations on whether and how to revise appellate district boundaries to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Chief Justice of the Supreme Court. On January 1, 2002, the study committee shall cease to exist.

APPELLATE DISTRICT MAPS

**ESTIMATED FISCAL IMPACT ON COUNTIES ASSOCIATED
WITH THE CREATION OF A THIRTEENTH APPELLATE DISTRICT¹**

Proposal: Divide the current Fifth Appellate District into two districts as follows:

District	Counties in the District
Fifth	Ashland, Coshocton, Guernsey, Holmes, Richland, Stark, Tuscarawas
Thirteenth	Delaware, Fairfield, Knox, Licking, Morgan, Morrow, Muskingum, Perry

Proposed New Fifth District

<u>County</u>	<u>1999 Allocation</u>	<u>Estimated New Allocation²</u>
Ashland	\$ 8,369	\$ 14,891
Coshocton	\$ 6,241	\$ 10,373
Guernsey	\$ 6,875	\$ 11,734
Holmes	\$ 5,787	\$ 10,972
Richland	\$ 22,222	\$ 37,134
Stark	\$ 64,757	\$106,918
Tuscarawas	\$ 14,814	\$ 25,434
TOTAL	\$129,065	\$217,456

Proposed Thirteenth District

<u>County</u>	<u>1999 Allocation</u>	<u>Estimated New Allocation-Low³</u>	<u>Estimated New Allocation-High⁴</u>	<u>Share of Estimated Start-up Costs⁵</u>
Delaware	\$11,791	\$ 23,063	\$ 51,317	\$ 42,432
Fairfield	\$18,227	\$ 28,189	\$ 62,723	\$ 51,864
Knox	\$ 8,363	\$ 11,991	\$ 26,680	\$ 22,056
Licking	\$22,603	\$ 30,361	\$ 67,555	\$ 55,848
Morgan	\$ 2,501	\$ 3,231	\$ 7,189	\$ 5,952
Morrow	\$ 4,889	\$ 7,151	\$ 15,911	\$ 13,152
Muskingum	\$14,458	\$ 18,866	\$ 41,979	\$ 34,704
Perry	\$ 5,559	\$ 7,621	\$ 16,958	\$ 14,016
TOTAL	\$88,391	\$130,473	\$290,312	\$240,000

¹All figures are based on actual 1999 allocations or estimates developed by the Fifth District Court of Appeals.

²Estimated New Allocation is based on the total county-funded operational costs for the fifth District Court of Appeals in 1999.

³Estimated New Allocation-Low is computed based on 60% of the total county-funded operational costs of the Fifth District Court of Appeals in 1999 and assumes a rental of facilities for the new court similar to the \$45,000 currently paid by the Fifth District.

⁴Estimated New Allocation-High is based on the same assumptions as footnote #3, but assumes a rental of facilities similar to the \$187,200 currently paid by the Eleventh District, which recently constructed a new facility at a cost of \$2.3 million.

⁵Estimated start-up costs include office furniture for three judges and staff, books, office supplies, networked computer hardware and software, copier, telecommunications equipment, and postage meter.

**ORIGINAL CIRCUIT COURTS
1884-1887
(7 Circuits)**



Intermediate appellate courts, in their present form, first were established by an amendment to the Ohio Constitution that was adopted in 1883. The following year, the General Assembly divided the state into seven appellate circuits consisting of between five and sixteen counties.

**CIRCUIT COURTS
1887-1921
(8 Circuits)**



Shortly after the original circuits were drawn, the four eastern counties of the original Sixth Circuit were placed in a new Eighth Circuit. Circuit boundaries remained unchanged for the next 34 years, except for the transfer of Monroe county in southeastern Ohio from the Fourth to the Seventh Circuit.

**APPELLATE DISTRICTS
1921-1955
(9 Districts)**



A series of constitutional amendments adopted in 1912 changed the name of the circuit courts to courts of appeal and required the General Assembly to divide the state into "appellate districts of compact territory bounded by county lines." In 1921, Lorain, Medina, and Summit counties were combined with Wayne county from the Fifth District to form a new Ninth District. Except for the transfer of Guernsey county from the Seventh to the Fifth District in 1935, the nine districts remained unchanged until 1955.

**APPELLATE DISTRICTS
1955-1968
(10 Districts)**



In 1955, the Tenth District was formed by moving Franklin county from the Second District.

**APPELLATE DISTRICTS
1968-1980
(11 Districts)**



The Eleventh District was established in 1968 by transferring the five northern counties (Lake, Ashtabula, Geauga, Portage, and Trumbull) of the original Seventh District into a new district.

