

The State and Federal Courts

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Let's start with a simple question...

How many judges represent you, a resident of Rocky River, Ohio?

“My name is Random Lawyer and I’m running for Common Pleas judge...”

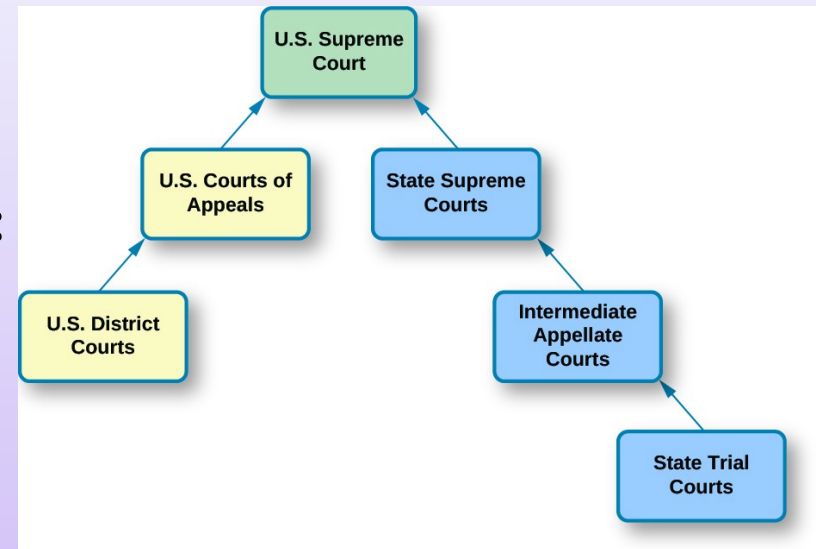
- 34 judges on the Court of Common Pleas...
 - ...General Division
- 6 judges on Common Pleas’ Juvenile Division
- ...5 judges on Common Pleas’ Domestic Relations Division
- ...2 judges on Probate Court
- ...2 judges on Rocky River Municipal Court
 - Bonus question: Who’s running for Rocky River Municipal Court in 2025?
- But what about appeals judges?

Billy Mays voice But wait, there's more

- 12 judges on the Eighth District Court of Appeals
 - Think Lisa Forbes or Michelle Sheehan
- 7 judges on the Ohio Supreme Court
- And we haven't gotten to federal courts!
- 19 judges on the Northern District of Ohio
- 31 judges on the Sixth Circuit Court of Appeals
- 9 judges on the Supreme Court of the United States
- and it goes on and on and on and on and on...

So how do we make sense of all of this?

- We have two parallel systems: state and federal.
- Both court systems have **three levels**:
 - Trial court (Common Pleas/district court)
 - Intermediate appellate court (District courts of appeals/circuit courts)
 - Supreme court
- But I mentioned way more than 6 courts, right?
 - The **type of case** often dictates what court you go to!



So how do we make sense of all of this?



So how do we make sense of all of this? (Pt. 2)

- If your case involves a matter of **federal law**, or if it involves people from different states, you can go to federal court
 - What kinds of things are matters of federal law?
- But even within state courts, we send you to different courts within the state system
 - Common Pleas is the **trial court** for felony crimes and for civil cases over \$15,000
 - In Rocky River, your municipal court is the **trial court** for misdemeanor crimes, traffic offenses, and for civil cases up to \$15,000

Wait, civil? Criminal?

- Here's an easy way to think of both civil and criminal cases:
- Criminal cases involve **the government** bringing a case to take away someone's liberty
- Civil cases involve one person (or organization or entity) **suing** another, traditionally for money damages.
 - 15 minutes from now, I punch Chris Ronayne in the face. And then I tell him that he's socially stunted. He can sue me. **But in which court?**



But wait, neither of those describe...

- “ABC News reports that the ACLU sued the federal government for some crap or nonsense that happened today...”
- Is this civil or criminal (or a secret third thing)?
- This **is** a civil case, because a government **MUST** bring a criminal case. But it’s a different kind of requested relief: not money damages, but **an injunction** (an order from a court that you must do something or must stop doing something)
- Most of the lawsuits you hear about in the news follow this pattern: **someone is suing to either enforce a law or stop a law from being enforced**

Now I have some bad news

- The courts are **extremely slow**
- While high-profile cases are sometimes fast-tracked, most civil cases take multiple years to resolve, especially in federal court
- I worked for a federal appeals court in 2018–19, and the first case I wrote an opinion on was originally filed in the trial court in...
- *Obergefell v. Hodges*, the case that legalized same-sex marriage nationwide, took 23 months to reach the Supreme Court, and then the subsequent lawsuits to even enforce *Obergefell* took multiple years

From my perspective:

- I am a litigator by trade. I write and file court documents for my day job. And I firmly believe that **the courts will never, and can never, save us on their own.**
- Lawyers are slowing down the Trump administration's awful priorities, and they have been working to slow down the statehouse's similarly awful priorities...
- **...but they cannot be the only way for us to make progress** (think about how *Obergefell* has been rumored to be in danger)
- The best we can do is **not** to wait for the courts to save us, but to do our best locally and let people take notice

A few miscellaneous notes

- The vast majority of criminal cases are in state courts (federal reforms do not really meaningfully change the criminal justice landscape)
- Forum shopping/judge shopping is a huge strategic consideration (and can be a huge strategic problem)
- Partisan balance on our federal courts is the greatest affirmative action program this country has ever seen

We are the people we've been
waiting for

Questions? Reach out to me at matthew@matthew-ahn.com