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Remembering the Chief Justice Who Restored Integrity to the Bench

*Joseph R. Smith**

Tom Moyer's schedule was perhaps the best way for somebody to understand the tremendous demands on his time and how he organized his priorities. There were the oral arguments. Of course those had the highest priorities, and then the must-attend meetings of the Ohio State Bar Association, the Ohio Sentencing Commission, the Conference of Chief Justices, the meetings of the boards of trustees that he served on for national organizations dedicated to judicial impartiality, and the program he helped start that taught science to judges, a program most commonly known by its acronym, ASTAR.

As important as those meetings were to the Chief, the schedule had to make way for one other event each June when he administered the oath of office to mock state government officials elected by those attending Buckeye Boys State, the summer civics program organized by the American Legion. Other than oral arguments, almost nothing went on the calendar in June until he knew the date he would be speaking to Boys State.

The only time he missed that appearance was when he was stuck on a plane sitting on the tarmac at Washington National Airport, an ordeal that so rattled the Chief that years later he would retell the details of that delay as if it happened just yesterday.

He loved attending Boys State; he loved speaking to a college gymnasium full of high school students who were there to learn about the three branches of government and the rule of law. He loved to talk to the students about his passion for the law, for our civic institutions, and the personal responsibilities of living in a constitutional democracy.

When he spoke to the students in 2006 you could hear the passion in his words:

* Joseph R. Smith served as Administrative Assistant to Chief Justice Moyer from August 16, 1999 until April 2, 2010, when the Chief Justice passed away. Smith continues to serve in that position for the current office holder, Chief Justice Eric Brown.

What brings you here is more than a civics lesson, more than an exercise in government. What brings you here is an ideal, a spirit, a belief. A belief in humankind. A belief that people are able to govern themselves intelligently and passionately . . . in the pursuit of liberty and justice. Yes, it is important to learn that we have the right to petition our government, to practice our religious beliefs. Yet you will leave here with something much bigger.¹

As modern day elected officials preach fire and brimstone anger-with-government, Chief Justice Tom Moyer spoke to students about the need to reduce conflict and confrontation in our civic lives, he talked to the students about the need to reach beyond themselves to serve in a soup kitchen, to take the risk to do what is right, and to be willing to volunteer for a campaign, if not serve as a candidate.

The Chief did not say these things simply because this is the type of message you deliver to students. He delivered a message of involvement and honesty, a message that called for civility and integrity because these are the values he held dear. These were the values that guided his path in life. Moyer, the avid sailor, might even say these values were his moral north star, guiding him to safe harbor.

Tom Moyer understood the difference between civics and being civic minded. He understood that living in a democracy came with rights and liberties of historic proportions. But he also knew that those rights came with personal responsibility to reach beyond one's self to help greater society. In other words, his speech to Boys State was not just rhetoric, it was real.

After graduating from law school, Moyer dedicated his life work to public service. He worked in the office of the Attorney General of Ohio, served as president of the Columbus School Board, executive assistant to the Governor of Ohio, and a judge on the Tenth District Court of Appeals of Ohio.

In the time leading up to the 1986 elections in Ohio, the legal profession in Ohio had devolved into a personal street fight between the organized bar and the chief justice at that time, Frank Celebrezze. Many people describe it as a low point in the history of Ohio courts.

1. Thomas J. Moyer, Address at Buckeye Boys State (June 2006).

Backed by the leadership of the Ohio State Bar Association and those with the courage to take on the status quo, Tom Moyer challenged the sitting chief justice. It took courage—tremendous courage—to openly challenge a sitting chief justice with a penchant for seeking revenge. And this time, the good guy won. Moyer is the only person to unseat a sitting chief justice in Ohio history.

The faded memories of what his victory meant for Ohio would come back to me when he would be introduced before giving one of the many speeches he gave each year. Every once in awhile, the person introducing him, if they had a memory of what it was like in the years before Moyer's election, would add a line to the introduction: "Tom Moyer is the man who restored integrity to the judiciary of Ohio."

So true. So thankfully true.

Tom Moyer spent 23 years, three months, and two days as Chief Justice of Ohio and on each one of those days there was never a question about what guided his policies and decisions.

He strove to expand access to the courts, whether it was through the use of mediation to resolve court filings, or by the use of technology to improve the transparency of the courts. And he always sought to ensure that the legal profession's self-policing disciplinary process was fair and impartial. Not everybody agreed with each one of his decisions, but nobody could question his motives.

Tom Moyer's life story exemplified the story he would use to close his speech to the students at Boys State. It was the story of Isaiah finding himself in the temple when the Lord called upon him, saying "Whom shall I send and who shall go for us?" and Isaiah responded "Here am I. Send me."

Moyer used the story of Isaiah to set the challenge for the young men in the audience:

The human rights of mankind will be preserved for us and for future generations if, when our fundamental values and our institutions ask, "Who will go for us," you and you and you and I (pointing to individual students in the audience and then pointing to himself) . . . one by one, will answer with a strong voice, "Here am I. Send me."²

Tom Moyer answered the call to uphold his morals, to uphold his belief that citizens who are well informed, who understand

2. Thomas J. Moyer, Address at Buckeye Boys State (June 2006).

both the rights and the responsibilities of living in a constitutional democracy, are capable of making decisions for the good of civic society.

Ohio is the beneficiary of his willingness to raise his hand when called, responding "Here I am, send me" because Tom Moyer turned out to be the chief justice who restored integrity to the bench. And we are thankful that he did.