

# Summary Judgment ...

## THE MAN WHO LOVES JUDGING

By CRAIG SPANGENBERG, Esquire



JUDGE WILLIAM K. THOMAS

Once upon a time, as many of you know, the territory seated by the Village of Chardon and circumscribed by the County of Geauga was famous for three things: its maple trees from which was harvested the best maple syrup this side of the Alleghenies; a festival where you could get pancakes and syrup that were without peer, and a notorious gambling joint known as the Pettibone Club.

The operation of that group in defiance of all apparent law and authority pricked the consciences of the good people of Geauga County, and a red streak of embarrassment gradually made its way from Chardon to the Governor's mansion in Columbus.

Then, there was an able young trial lawyer in Cleveland who happened to live on a street in Chagrin Falls one block inside the Geauga County line.

He observed to his senior partner that he thought a good judge could clean up Geauga in half a year. He also allowed that he would be willing to take a six month leave of absence and try. Within minutes the matter was decided.

His partner, M.C. Harrison, called the Governor to tell him there was one lawyer in Geauga County who would take on a six month term, without hope of reelection, and might be able to fix things that needed fixing. That's the way it began. Governor Lausche appointed lawyer Bill Thomas to his first judicial office on June 9, 1950.

Soon, marvelous things began happening in the county. The new judge ordered the jury commissioner to

select a venire of petit jurors by lot, from the electoral rolls. The commissioner said he'd resign before he'd select untrustworthy strangers. His resignation was promptly accepted, and the new commissioner initiated random selection of jurors, the way the law says it should be done.

A NEW GRAND JURY WAS CONVENED, and indicted officials who had not believed Ohio law could be applied to them. The Pettibone Club was raided again — an annual event — but this time it was a raid by the State Police without prior announcement. The gaming tables were going full blast. The gamblers were indicted and pleaded guilty.

Judge Thomas, demonstrating his admiration for legal research and scholarship, ordered the fines segregated and used to create the first Law Library the county had ever had.

Freedom and justice were returned to the people, but November was fast approaching and the new judge knew it couldn't last. So it was that the new judge told his former partners that if the people wanted clean government they deserved a chance to keep it. He had decided to stand for reelection, but would not campaign or spend a nickel on posters or handbills. The people could choose, quietly, the old ways or the new. He was reelected by a 3 to 2 majority, without a single speech or handshake — never to return to lawyering.

He did come close. The judicial salary in Geauga, based on population, was only \$4,700 a year. By 1954, Judge Thomas was concerned by the hardship his fami-

ly would suffer if he continued. He had his lovely wife Dorothy to cherish, and three sons and a daughter — John, Richard, Stephen and Cynthia — to raise and educate. It could not be done, even with the per diem allowances he received sitting as an assigned judge all over the state in his spare time.

He counseled with his old partners, who wanted him back. Bill admitted he would rather be a judge than a trial lawyer, but just couldn't survive on Geauga's judicial pay scale. The solution was simple. With the approval of the Governor, he moved a few blocks in Chagrin Falls, into a home in Cuyahoga County, resigned his judgeship in Geauga, and was promptly reappointed to an existing vacancy in Cuyahoga. The time was March, 1954.

Judge Thomas had to run for office again in November of 1954. He won, as a Democrat, to fill the remaining unexpired term. He had to campaign again for the full six year term in 1956, and nearly lost. At that time, both Sam Silbert, J., and Bill Thomas, J., were crusading for an independent, nonpartisan judiciary and both decided to run boldly as Independents. That was fine for Sam, who could have won as a Whig or a Federalist, but nearly fatal for Judge Thomas' career.

He actually went to bed election night believing he had lost. Late returns, while he slept, gave him a happy breakfast. The lesson was learned, and he won easily in 1962 as the Democratic party's choice.

THE FINAL CHAPTER OF HIS CAREER began with the District Court vacancy created by the passing of Judge Paul Jones. Governor Lausche was now Ohio's senior United States Senator, and he was not overly friendly with the junior Senator, Steve Young. Both Senators admired Bill Thomas, and called him to Washington for personal interviews. Both told him that much as they respected his ability and reputation, he was not their first choice.

Each senator had a different personal favorite for first, but each assured Bill that he was the strong second choice. The senatorial feud resulted in the predictable compromise. Neither Senator would yield to the other, and they had to agree on the man they should have made first choice in the first place.

So much for the vagaries of fate that shape a life. Brief vital statistics: Born, February 15, 1911. Graduated Ohio State Law School, 1935. Entered the firm of Harrison & Marshman to become a trial lawyer.

Enlisted in the Navy, 1944. Discharged, Senior Lieutenant, 1946. Saw active service, almost too active — survived torpedo attack and sinking ship off the coast of Wales. Returned to the practice of law in 1946 with his old firm, renamed Harrison, Thomas, Spangenberg & Hull.

Assessment by M.C. Harrison: "Exceptional trial lawyer. Brilliant in the law, dogged in preparation, skilled in trial persuasion. Only one flaw — he can always see

both sides of the case. Great attribute for a judge, but a handicap for an advocate."

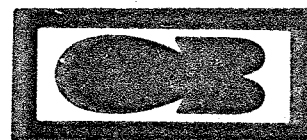
Always filled with compassion and driven by social conscience. President, Cleveland Chapter of the A.C.L.U. Board of Directors, Consumer's League. First President and Trustee of Chagrin Falls Park Allotment. Active in church, school and public causes. Judicial service, June, 1950 to date.

On February 15, 1981, United States District Court Judge William Kernihan Thomas reached age 70. He became entitled to take full, lifetime pension retirement. He did not. He could not. He loves judging too much.

He has elected Senior Status, and will retain the complete docket remaining on his last regular day. When that docket of 313 pending cases is worked down to about 150, Judge Thomas will resume drawing new case assignments under the random selection system, but will take only half of the full case load.

You will find him in the same familiar federal courtroom, but working only a full day instead of his normal day and a half. There he will happily be, as long as his faculties are facile.

May that be forever. If ever there was the ideal trial lawyer's trial judge, Bill Thomas is the one.



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