



# Hon. Edmund A. Sargus Jr.

## Chief Judge, U.S. District Court for the Southern District of Ohio

by Penny Barrick, Jonathan Olivito, and Nina Tandon



*Penny Barrick is career law clerk, and Jonathan Olivito and Nina Tandon are term law clerks to Chief Judge Sargus. © 2016 Penny Barrick, Jonathan Olivito, and Nina Tandon. All rights reserved.*

A warm smile, a greeting by name, a firm handshake, and sometimes even a pat on the back: you won't encounter a tepid reception when you enter the chambers of the Hon. Edmund A. Sargus Jr., chief judge of the U.S. District Court for the Southern District of Ohio. Without skipping a beat, Sargus directs the conversation toward his guests, ushering them into his office. The judge's office is spacious but somehow always feels cozy—it's the Southern District of Ohio variant of the family den, minus the fireplace. The conversation, interspersed with the judge's characteristic humor, flows smoothly from Civil War history to constitutional law trivia to the latest Sixth Circuit opinion. The farewell is no less cordial. Sargus holds the door and wishes everyone goodbye by name. Then his chambers gets back to work. "It's back to the salt mines," the judge quips. Sadly, the Joseph P. Kinneary United States Courthouse has, in its more than 80 years of operation, never quite lived up to its anticipated salt output.

A warm salutation and goodbye might seem minor, but it's indicative of the traits that define Sargus both on and off the bench. Setting aside his legal acumen and formidable memory, the judge has a gift for empathy. He is humble, and he cares profoundly about those around him. As noted by John Dierna, the judge's colleague of more than 20 years as well as the chief U.S. probation officer for the Southern District of Ohio, Judge Sargus "is a man of integrity, wisdom, patience, and fairness." According to Clerk of Court Richard Nagel, "Chief Judge Sargus is an incredibly considerate, approachable leader and based on these qualities, you want to do your absolute best to serve him and the court."

### St. Clairsville, Ohio, and Family Roots

Nestled in the hills of Eastern Ohio, and situated along the paths of Interstate 70 and U.S. Route 40, sits St. Clairsville, the seat of Belmont County. Sargus grew up in St. Clairsville and continued living there until 2014—long after his career had brought him to Columbus. But leaving wasn't easy—Sargus and his family have a deep connection to St. Clairsville. Sar-



gus' father was born just east of the city, in Bellaire, Ohio. The son of Lebanese immigrants, the elder Sargus became a lawyer at age 40, then served as a state senator and, for only four weeks, a juvenile and probate judge. On the day he died from a sudden heart attack in 1967, he announced to county officials that he would no longer send any juveniles to the county jail, where children were housed with adults. In the wake of his death, his friends began a long, successful campaign to erect in St. Clairsville the first separate multi-county juvenile detention center in Ohio named the Sargus Center, which continues to this day.

The elder Sargus served as a U.S. Navy Officer in World War II. While stationed at the Newport Naval Base, he met Anne Elizabeth Kearney, an Irish-American schoolteacher from Providence, R.I. After the war, the two married and raised three children in St. Clairsville. The judge's mother taught all three of her children during their elementary years. Not long after the sudden death of her husband, Anne Elizabeth died from a stroke at the age of only 52. Judge Sargus was 16 years old. Both parents left behind large, supportive families, and Sargus went to live with his uncle A.J. "Mel" Sargus, who served for 20 years as a Belmont County commissioner.

Sargus enjoys recalling the warmth and education given him by his legendary uncle. “My uncle spent the next 20 years sharing his life and wisdom with me. I could tell many stories to illustrate his understanding of people and public policy. My favorite involved his hiring of a new county dog warden, who proceeded to cite a large number of dog owners for failing to register their pets. Several long-time friends called my uncle demanding that he take care of the matter. He responded that, sure you are a great friend, I will go pay the fine for you. This was not what the friend wanted. My uncle would never have fixed a ticket, but he would pay the fine—which no one ever let him do. But the friend got the point.”

Returning to his mother’s hometown, Sargus graduated from Brown University with a degree in American history. He then attended and graduated from Case Western School of Law in 1978. In the summer of 1977, while working in the Ohio attorney general’s office, Sargus met Jennifer Smart, a law student at Vanderbilt University, whom he later married. They are the proud parents of two sons, Edmund and Christopher.

In the spring of 1978, while still in law school, Sargus ran for state representative in his Eastern Ohio district. As Sargus recalls the election, “All looked well. There were five candidates whom I thought could be handled. At the last minute, Wayne Hays, a 28-year veteran of Congress ejected two years earlier over a sex scandal, decided to make a comeback. I ran second, made many lifetime friends, and never ran again.”

Sargus and his wife began practicing in Belmont County shortly after law school. Sargus had a typical small-town litigation practice—personal injury matters, commercial disputes, disability claims, and black lung cases. He also occasionally handled estate and family law matters. Sargus represented four local municipalities and served on the St. Clairsville City Council. He was also a special assistant Ohio attorney general for 13 years. In 1990, Jennifer Smart Sargus (“the greatest judge I know,” according to Sargus) began 24 years as a Belmont County Court of Common Pleas judge.

In 1993, Sens. Howard Metzenbaum and John Glenn recommended Sargus for the position of U.S. attorney. For the next three and a half years, Sargus was in charge of the office that prosecuted almost all federal crimes in the southern half of Ohio. According to Sargus, “This was a dream job. The staff was extremely professional. Every day was a great challenge.” As U.S. attorney, Sargus was determined to be a lawyer and not just an administrator. He regularly tried cases and argued cases in the Sixth Circuit Court of Appeals.

In late 1995, a judicial position opened on the District Court. Although Sargus was reluctant to leave the U.S. attorney position, he has thoroughly enjoyed his time on the bench. Sargus notes, “I miss being in the fray. I have to learn to sit still again. But there is nothing more rewarding than trying to dispense justice.”

## Life as a District Judge

Now, in his 20th year on the bench, Sargus has no doubt that he made the right decision. For Sargus, the most fulfilling aspect of the job is the relationships that he developed over the years. He describes the Southern District of Ohio district court community as a family. This way of thinking now permeates the Southern District, in large part due to his influence. When interviewed for this article, he remained true to form, placing the focus away from himself and on all aspects of the court. “It’s a treat to work with everyone here: the probation and pre-trial services officers, the marshals, the clerks, the attorneys, the judges,” he remarked.

Chambers staff, in particular, has always been a close-knit group. This core group, Sargus acknowledges, “makes my job possible.” The judge’s judicial assistant, Debra Hepler, first started working with Sargus in 1993 when he was still the U.S. attorney. At the time, Hepler “felt very fortunate” to be chosen to accompany the judge to the court; she feels “even more fortunate” 20 years later. Soon after arriving at the courthouse, Sargus started working with Laura Samuels and Andy Quisumbing. Samuels has served as Sargus’ court reporter since 1996. Quisumbing, the judge’s deputy clerk, also joined chambers staff that first year. Penny Barrick, Sargus’ career law clerk, started with the judge as a term clerk in her first year out of law school and “was blessed” to return to chambers to become the career clerk “for her mentor and friend, and certainly the best boss a lawyer could possibly hope for.” Rounding out the group are the term law clerks, Jonathan Olivito, Nina Tandon, and Pamela Barron. For Sargus, working with these bright attorneys is “a major perk of the job.”

For the judge and his staff, working in chambers is enjoyable and professionally fulfilling. As Quisumbing aptly summarizes: “With Judge Sargus, what you see is what you get. He’s such a kind and sincere person. He really loves his staff. He treasures them as colleagues and as friends.” A former career clerk, Elizabeth Preston Deavers—now a magistrate judge for the U.S. District Court for the Southern District of Ohio—echoes those remarks. To her, Judge Sargus “is the model of humility and loyalty. He inspired and continues to inspire me to learn more, do more, and become more.” Another prior career law clerk, Lisa Bolen, who is currently a CaseSmart attorney with Littler Mendelson P.C. in Washington, D.C., adds that the judge’s “legal intellect and ability to recall cases is unmatched,” noting that “he has the unique ability to take a complex issue and analyze it clearly and concisely, keeping in mind the duty to be fair and promote justice.” She counts her time with Judge Sargus as “the highlight of her career.”

Working in chambers is an especially meaningful experience for the judge’s term clerks. It often shapes their careers. Jessica Kim, now assistant U.S. attorney for the Southern District of Ohio, says: “During my time with Judge Sargus, I learned not only a great deal about federal practice, but the type of attorney and person I wished

to emulate. I have never known a more fair, effective, or kind individual.” Former clerks keep in regular contact with the judge and, as Kim relates, are “grateful to have the judge as a lifelong mentor” and are “fortunate to call him [a] confidante and friend.” This sentiment is repeated by the judge’s first law clerk, J.B. Hadden, a partner at Murray Murphy Moul & Basil LLP, who suggests that Judge Sargus’ “commitment and passion for jurisprudence are demonstrated by the loyalty and admiration of his law clerks.” Hadden recalls the judge’s “respect for the majesty of the federal court and his appreciation for its importance to those seeking its justice and mercy,” which has had a lasting effect on him.

Kevin Snell, a term clerk who moved on to the Federal Honors Program as a trial attorney in the Federal Programs branch of the Justice Department, reflects a similar sentiment. Snell describes the judge as “not only a jurist of the highest caliber, but also an incredible mentor and friend.” And Courter Shimeall, who moved on to a career at Bricker & Eckler LLP, adds: “I feel so lucky to be able to call Judge Sargus a friend and to have him as a mentor. He’s taught—and continues to teach me—so much about law and the practice of law, and also about how to treat those around you. I really do think ‘How would Judge Sargus handle this?’ on a daily basis.”

According to Sargus, “I have been blessed to have so many outstanding lawyers and genuinely good people as law clerks over the last 20 years.” He can easily recite the names of each one. In addition to those quoted in this article, Sargus fondly mentions Jennifer Henderson, Alan Dorhoffer, David Faure, Anne Vogel, Michelle Pfefferle, Kimberly Breedon, Anthony Molnar, Zachary Keller, and Allison Stechschulte.

Sargus also builds relationships with soon-to-be lawyers. He and Judge Jennifer Sargus are adjunct professors at The Ohio State University Moritz College of Law. His students appreciate the judge’s depth of knowledge and seemingly endless supply of courtroom anecdotes.

In addition to forging relationships within the Southern District of Ohio, Sargus, over the years, has had the opportunity to host various judicial delegations from abroad. Lawyers, scholars, judges, and other professionals have come to the Southern District from all across the world to learn more about the American judicial system. Sargus always enjoys these interactions. “We’ve had groups come from Turkey, Estonia, Azerbaijan, Uzbekistan, Ukraine, and Pakistan,” he recounts. Conversely, Sargus has traveled to Chile, Brazil, the Republic of Georgia, and, most recently, Thailand, to speak with members of the legal profession in those countries. “The trips give you a sense of perspective; I’ve also made some great friends.”

### **Multidistrict Litigation & Other Cases**

“I might be partial on this issue,” Sargus admits, “but I prefer my courtroom to any of the others in the building.” Courtroom 2 in the Joseph P. Kinneary U.S. Courthouse has seen its share of criminal proceedings, civil

trials, naturalization ceremonies, and all other variety of hearings since Sargus inherited the room in 1996. Two of the judge’s most complex cases, however, went to trial in different courtrooms.

In 2014, Sargus tried *Patricia Harris v. R.J. Reynolds Tobacco Co.* in the Middle District of Florida. The judge was recruited as a trial judge to hear one of the numerous *Engle*-progeny tobacco litigation cases winding their way through the Florida federal courts. Teaching moments regularly occur during Sargus’ trials (perhaps it’s the evidence professor in him). Barrick, the judge’s career clerk, relates that one of those moments occurred during a sidebar in *Harris*: While hearing objections to proffered evidence, Sargus explained the application of Federal Rule of Evidence 404(b) in the context of the civil litigation before him. The trial attorneys, who admitted that they had not had occasion to use the rule in civil cases, tongue-in-cheek maligned their misfortune, “What are the chances that we pull a trial judge who is an evidence professor?”

A large multidistrict litigation (MDL), MDL 2433: *In re E.I. du Pont de Nemours and Company C-8 Personal Injury Litigation* is unfolding closer to home. Currently, over 3,500 cases are pending before Sargus as part of this MDL. The first of these cases went to trial in September 2015. On the eve of trial, the parties advised Sargus that, despite previous representations that few objections would be raised, there were over 11,300 objections to voluminous exhibits. Viewing the shortest distance between two points, Sargus advised counsel he could not adequately resolve each objection in the numbered days before trial. As a result, the case would proceed “the old fashioned way”—with each exhibit offered but not admitted or viewed by the jury until deliberations unless the parties expressly agreed otherwise. Shortly thereafter, counsel resolved all but a few disagreements.

Regardless of the case, Sargus always brings to the bench a calm demeanor, a sharp intellect, and a passion for fairness. As Quisumbing explains, the judge “possesses an ideal judicial temperament. He’s a gentleman on the bench, just as he is outside of the courtroom.” Sargus is respectful of the parties and their counsel. His respect extends to jurors as well. In particular, he has a keen appreciation for the time that they commit to hearing a case. Samuels notes: “Judge Sargus gives the parties the time that they need to try their cases and make their arguments. But he carefully monitors that time. He doesn’t want trial to intrude into the jurors’ normal lives more than necessary.” At the conclusion of each jury trial, Sargus and some chambers staff speak with the jurors. His first question, Samuels relates, is always “What can we do to make this a better experience for you?”

Sargus’ character on the bench has another dimension: humorous peacekeeping. In litigation involving high stakes and lengthy, complicated legal and medical matters, litigants become testy. The word “testy” can be euphemistic. In the midst of one such encounter involving

raised voices speaking over raised voices, Sargus called the attorneys to the bench. (“White noise” shielded the jury from the conversation.) The judge leaned over to the attorneys and advised them in a flat voice that “these repeated motions to limit opposing counsel’s selection of loud and flamboyant ties has got to stop.” The attorneys relaxed and the real objection was resolved without acrimony.

In another example of the judge using humor to defuse a tense situation, Barrick recalls attorneys zealously arguing about a topic. Sargus, in his customary cool-under-pressure demeanor, interjected to one set of attorneys, “you call it a four-legged animal,” and looking to the other side stated, “and you call it a quadruped; I think we can come to some agreement here that we are really talking about the same animal.” After laughter erupted on both sides, the counsels’ advocacy became much less heated, and the issue was resolved.

Many of the cases assigned to Sargus do not go to trial, though. Of those cases that settle before trial, the judge has often had a hand in helping to resolve the matter. When parties come in for a settlement conference, they typically take part in a Southern District of Ohio version of shuttle diplomacy, with the parties shuffling back and forth from their separate rooms to converse privately with Sargus. “The judge is a genius for compromise,” Samuels observes. “There have been more cases than I can count where the parties came in to the conference worlds apart but left the courthouse with their dispute settled,” she reflects.

### **Life Outside the Court & Restored Citizens**

Sargus’ experiences on the bench have become a part of his life outside the Court. One such experience began in 2010 when he sentenced 29 members of Maurice “Papa Joe” Williams’ cocaine-trafficking empire in central Ohio. At many of the sentencing, the gang-members’ former pastor, Donald Fitzgerald, made statement after statement on his parishioners’ behalf, pleading with the judge not to punish them too severely. The pastor indicated that, while he certainly did not condone their criminal behavior, he wanted Sargus to know that the men were good people who made some serious mistakes. The pastor and the judge agreed to have coffee and have been close friends ever since. The friendship that Pastor Fitzgerald and Sargus started blossomed into the Restored Citizens Project. The program is designed to help people re-entering society after federal imprisonment overcome the myriad of obstacles in the way of successful rehabilitation.

Restored Citizens was born of meetings in the basement of the pastor’s Christian Valley Missionary Baptist Church, attended by Sargus, Pastor Fitzgerald, and Chief Probation Officer John Dierna. “We come into the church, grab a plate of food, and we sit together,” Dierna said. “We intermingle and leave all the labels at the door. When we walk in, it’s basically men and women there to help one another. The judges aren’t judges.

I’m not just a probation officer. We begin to break down commonly held stereotypes that exist. When we’re in that basement, we all come together as one.” Restored Citizens currently has several judges, lawyers, and other public servants who volunteer to make the monthly programs successful. Sargus explains that “[a] lot of these folks have a hard time navigating the system, so we’re trying to untie the knots for them.” Some of the subjects addressed each month include how to find a job after a conviction, including resume and interview workshops; how to maneuver challenges such as restoring a driver’s license or finding housing; and how to obtain health insurance. Volunteers from local agencies and potential employers set up information booths and give hands-on help.

Former Ohio State football star Maurice Clarett, who spent three and a half years in prison on robbery and weapons convictions, is now a success story. He recently spoke at a Restored Citizens meeting, describing how he took the right track after his incarceration. “When I was released, I had no idea how to make my life happen again,” Clarett said. “You need assistance and help ... to give yourself a fighting chance.” Another success story is Albert McCall, 51, who has been imprisoned twice. McCall was unable to secure a job until he attended a Restored Citizens session and was connected to a city program for ex-prisoners. He currently works full time as a travel consultant and part time as a shuttle driver. “Now, I can give back to the community,” McCall said. “I pay my taxes. I’m paying on my house and my car. It wouldn’t have happened without the program.” He has since brought several other ex-offenders to the program in hopes that they’ll find help, too.

Restored Citizens also builds relationships in the community of federal probationers by holding Christmas and holiday parties and yearly back-to-school events that provide the probationers’ children with school supplies and their families with winter coats and clothing. Sargus’ iPhone is filled with pictures of happy children from the Christmas parties featuring a “professional Santa,” played by Assistant U.S. Attorney Doug Squires. The judge has also joined in a neighborhood litter collection sponsored by Pastor Fitzgerald’s church. Sargus has truly become a fundamental part of the bricks-and-mortar of rebuilding the lives of the men and women he has sentenced.

When Sargus isn’t busy teaching, trying cases, writing opinions, working with Restored Citizens, or serving on the boards of Ohio Lawyers Assistance Program, Star House, House of Hope, and Belmont College Foundation, he’s often outside running. One of his prouder running moments came in Washington, D.C., when he competed against fellow members of the judiciary and finished with the fastest time of all of the Article III judges in the race. Sargus usually mentions that the runner up Article III judge was using a cane.

Sargus is also a student of the American Civil War. This interest actually has its roots in St. Clairsville. The

Sargus family home sat next to an old cemetery. As a boy, and then later as a lawyer, the judge would walk his dogs through the cemetery. One gravestone grabbed his attention: the marker for a captain in the Fifth U.S. Cavalry. Captain Thomas Drummond—who, tragically, died in the Battle of Five Forks just days before the end of the Civil War—captured Sargus' imagination. Drummond is, in the judge's words, "the most interesting person from Belmont County that you never heard of." Sargus and his son, Edmund, have since written an article about Drummond that was published in the *New York Times*. The father-son team is currently finishing a book about Drummond that highlights his abolitionist views and heroic battlefield performances. The book also describes the captain's lifelong struggle with alcohol addiction. In addition to his scholarship on Drummond, Sargus spearheaded an effort to have a historical marker placed in the St. Clairsville cemetery to commemorate the captain's life. This past December, the judge and his chambers staff made the trek east to see the marker unveiled by the Ohio History Connection.

### Becoming Chief Judge

Judge Sargus assumed the role of chief judge of the Southern District of Ohio in January 2015. His term ends in 2019. The title has not gone to his head: "I'd like

to think that I was elected, but really, I just happened to be alive when my turn to be chief came up," Sargus jokes self-deprecatingly. He views his position much more modestly: "The position of chief judge is ill defined. The chief doesn't wield much statutory authority, so garnering consensus is my most important tool. I'm first among equals." To facilitate thoughtful decision-making, Sargus empowers colleagues and builds relationships. As Melanie Furry, chief U.S. pre-trial services officer for the Southern District of Ohio, attests: "Regardless of position or influence, he has the ability to make you feel a partnership is in place, one where you can be heard and your voice is valued."

As chief, Sargus hopes to continue strengthening the collegiality that has made the Southern District of Ohio such a special place to work. One smile at a time, one handshake at a time, and one joke at a time, Chief Judge Sargus guides the diverse Southern District of Ohio family toward consensus. He values the relationships that he's made along the way, and he looks forward to developing many more. As Sargus reiterates, "[t]his is a team effort." ☺

# community

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