

July 2015

A Tribute to the Honorable Oscar A. Hunsicker

William P. Kannel

William H. Victor

Robert D. Moss

Richard L. Aynes

Please take a moment to share how this work helps you [through this survey](#). Your feedback will be important as we plan further development of our repository.

Follow this and additional works at: <https://ideaexchange.uakron.edu/akronlawreview>



Part of the [Judges Commons](#), and the [Legal Biography Commons](#)

Recommended Citation

Kannel, William P.; Victor, William H.; Moss, Robert D.; and Aynes, Richard L. (1984) "A Tribute to the Honorable Oscar A. Hunsicker," *Akron Law Review*: Vol. 17 : Iss. 1 , Article 1.

Available at: <https://ideaexchange.uakron.edu/akronlawreview/vol17/iss1/1>

This Article is brought to you for free and open access by Akron Law Journals at IdeaExchange@UAkron, the institutional repository of The University of Akron in Akron, Ohio, USA. It has been accepted for inclusion in Akron Law Review by an authorized administrator of IdeaExchange@UAkron. For more information, please contact mjon@uakron.edu, uapress@uakron.edu.

THE HONORABLE OSCAR A. HUNSICKER — A COMMUNITY LEADER

by

THE HONORABLE WILLIAM P. KANNEL*

IFIRST MET Oscar A. Hunsicker when I was in college. He was always a man I looked up to and respected. His conduct as a respected Jurist, as a dedicated public official and as a person who gave great service to our community has been a great inspiration to me and many others.

Judge Hunsicker was elected to the Juvenile Court bench in 1930. He was a pioneer in the changing of Juvenile Courts and was primarily responsible for much of a lasting philosophy and many lasting procedures of our present day Juvenile Court. He served in that court until 1946 when he was elevated to the Ninth District Court of Appeals. His record as an outstanding Jurist is common knowledge.

When the Community Chest, the forerunner of the United Way, was organized, he was elected the first president of its board since he was a man respected by all facets of the community, business, labor; this is the kind of respect he was always afforded in the community. He gave so much in all phases of community service to welfare organizations, his church, his bar association, and his beloved University. As the first Protestant trustee to the new Catholic high school, Hoban, he made many lasting and solid contributions.

In many years in public service I have seen many dedicated public officials, but never one equal to Judge Hunsicker. As a solicitor to the Village of Kenmore, as a young prosecutor in some very difficult times, as Juvenile Court Judge and as a respected Jurist on the Court of Appeals, he never failed to recognize his sworn duty and was always aware of his duty to the citizenry. As a result, he had no difficulty in being elected and re-elected term after term — a tribute to his dedication.

This only tells you a little about the man who was Judge Oscar A. Hunsicker. Unless you have been privileged, as I have been privileged, to know and work with a man such as the Judge, it is difficult to put in a few words just what a great person he was — and what an inspiration he has been for me and many others over the years.

I have been privileged to know this great man and his lovely wife, Ruth, for many years — in all types of situations. No matter what the problem, he was always there with advice, a story, and a smile would make you feel the better

*Judge, Summit County Juvenile Court.
Published by IdeaExchange@UAKron, 1984

for having been with him.

I am proud to be able to call Judge Oscar A. Hunsicker my friend. My life as been enriched by having known him.

THE HONORABLE OSCAR A. HUNSICKER — A DISTINGUISHED CITIZEN

by

THE HONORABLE WILLIAM H. VICTOR*

WITH THE DEATH OF Oscar A. Hunsicker the Akron area has lost one of its most distinguished citizens. For over sixty years Oscar Hunsicker devoted his life to the legal profession with skill and distinction as a practicing lawyer, prosecuting attorney, juvenile judge, appellate judge, and as a law teacher and dean.

As juvenile judge of Summit County, he reorganized the juvenile court and made it a model for others throughout the State of Ohio to follow.

After leaving the juvenile court, he served for twenty-four years as a judge of the Ninth District Court of Appeals, when that court was considered to be the preeminent appellate court in Ohio. Over 300 of his appellate opinions are reported; opinions noted for their clarity and logic. One legal scholar in commentary on a Hunsicker opinion said: "The decision was written by Judge Oscar Hunsicker, who, this author believes, has few equals as an opinion writer." After retiring from the appellate court, Judge Hunsicker continued to serve that court for twelve years by special assignment from the Supreme Court.

As a citizen he gave his time unstintingly to many civic endeavors throughout the years. The present United Way organization is a monument to his organizational efforts through his years of leadership with the Community Chest, its predecessor.

Those of us fortunate enough to know him personally can attest that he was a kind and friendly man genuinely concerned about the welfare of others. This concern for others, steeped as it was in a deep Christian faith, prompted Oscar A. Hunsicker to give generously of himself and his means to help those less fortunate than he. We shall never know the broad scope of his philan-

*Retired Judge, Court of Appeals of Ohio, Ninth Appellate District.

thropy, but I am certain it was as diffusive as the rays of the noonday sun.

Few men during my tenure at the Bar have given more to their profession and their community than Oscar Hunsicker. "A man whose service and labors added to and adorned the institution of justice will not soon be forgotten." How true. Oscar Hunsicker will be missed but his memory will remain with us all.

THE HONORABLE OSCAR A. HUNSICKER — A GENTLEMAN AND A SCHOLAR

by

ROBERT D. MOSS*

JUDGE OSCAR A. HUNSICKER was a gentleman and a scholar in every sense that those words imply. He was kind and considerate and thoughtful both on and off the bench, stern and tough when he had to be and where the circumstances warranted it. He was a scholar not only in the law, but in history. During his active career and when he sat on the bench at the Ninth District Court of Appeals, along with the late Judges Arthur Doyle and Perry Stevens, that court was considered one of the best in Ohio and throughout the country.

It was my privilege to know him throughout his judicial career, as the domestic relations judge in our Common Pleas Court, and later throughout his long tenure as an appellate judge. We were personal friends, as well as colleagues at the Bar, but he always set friendship aside when he was on the bench. One incident comes to mind vividly: we had invited Judge and Mrs. Hunsicker to our home for dinner on a day which turned out to be the very day that the Court of Appeals ruled against me in a case; the opinion came out by our dinner guest. When they arrived, I invited them in and asked them to have a drink. Both he and I remembered the incident afterwards, because he would cite it as an example of real friendship.

In World War II, I entered the service as Second Lieutenant in July 1942, but did not get my first leave for six months. I stopped in to visit the Judge, who then sat on the domestic relations branch of the court. When he saw me enter his crowded courtroom early that morning he rapped the bench and invited me to come forward and sit on the bench with him. I declined, but appreciated the gesture. In those days everyone was patriotic and recognition was given

to all the lawyers who left their practice to enter the military service.

For many years we had a little club of our own going, consisting of Judge and Mrs. Hunsicker, Bernie and Fran Amer, the late Kenny Baker and his wife Kate, and my wife Ruth and myself. One or another of us would entertain the group at the Akron City Club every few weeks, and before dining we would say grace four times, each in accordance with his own faith. With the passage of Judge Hunsicker, our little club is half gone, but from time to time we see or speak with the Amers.

Both of us were graduates of the Case Western Reserve University School of Law, and both of us were members of the Society of Benchers, a small select group of alumni of that institution. Once when he was Dean of the old Akron Law School, it was my pleasure to speak to a graduating class as the current resident of the Akron Bar Association. He was a good and fast friend for many years, even as he was a fine judge and distinguished citizen, and his passing will leave a void in the lives of all of us who knew him well.

THE HONORABLE OSCAR A. HUNSICKER — AN OLD-FASHIONED GENTLEMAN

by

RICHARD L. AYNES*

WILL ROGERS USED TO SAY that “[t]he two finest things that can happen to a man is to have a good wife and to know that he’s accepted by the people he comes from.”¹ At the 1982 Law School’s Dean Club Dinner, Judge Hunsicker brought a smile to everyone in describing the early days when he was “courting” his wife. I think of seeing the inseparable Hunsickers at civic dinners, weddings and remember that just a few days before his death, he told the present Dean of the Law School that he would attend the 1983 Annual Law School Alumni Dinner as long as his wife was well enough to come. Having seen them there that evening, I can not help but believe that they were still “courting.”

The people he came from did not merely “accept him” — they conferred upon him the highest honors and offices of trust to which a lawyer could aspire. He won election to every judicial office he sought and served with distinction

*Associate Professor of Law, The University of Akron.

¹Hallmark, *Will Rogers* 8 (1969).

not only in the trial courts but especially on the Ninth District Court of Appeals. He commanded the universal respect not only of lawyers, but of his colleagues upon the bench.²

Judge Hunsicker authored more than 200 reported opinions³ which stand as strong testimony to his skill and craftsmanship as a jurist. One might conclude that Judge Hunsicker earned his reputation because he was a man of intelligence, skill, and integrity. But there are others who meet that same criteria and yet may never occupy the same place in the hearts and memories of the community.

I suspect that what sets Judge Hunsicker apart was that in addition he was what we might term an “old-fashioned gentlemen.” He had a graciousness and warmth of character which, while perhaps containing a little of the formality of eras gone by, still demonstrated a concern and love for people that made even those who may have not known him well feel good in his presence.

Lawyers are famous for reliving their victories. But I have a particularly fond recollection, because Judge Hunsicker was one of the members of the panel hearing the argument of a case that I lost in the Ninth District Court of Appeals.⁴

The case was one to which I had been appointed by the court and involved a question of state constitutional law concerning the composition of grand juries and the number of votes necessary to return an indictment. Though I thought then, as now, that the criminal rules were in conflict with the Ohio Constitution, such an interpretation would have rendered void every criminal conviction in the State of Ohio for the last three years and I had little expectation of prevailing in a case that would have had such consequences.

This was in the “old days” when each side received a half hour for an oral argument. This was one of the best oral arguments that I have ever had, due primarily to Judge Hunsicker’s probing inquiries into common law with respect to grand juries, and the modifications made by the Ohio Constitution. It was truly a “dialogue” between the court and counsel. Though, as expected, the case was ultimately resolved against me, the entire argument was given the

²I well remember that I first met Judge Hunsicker while I was serving as a law clerk in another Ohio appellate district where Judge Hunsicker came to sit as a visiting judge. The division of judicial districts in Ohio sometimes results in rivalry and competition among the judges. Nevertheless, the judges of that court did not hesitate to tell their law clerks that Judge Hunsicker was an outstanding judge and that during his active tenure the Ninth District Court of Appeals was the finest appellate panel in the state. This is not the result of mere congeniality, for there were many other judges who visited that court and no other for whom I ever heard such praise.

³A LEXIS search for Judge Hunsicker’s opinions indicated that he had authored 228 opinions. The first of these was *Wioland v. Motors, Inc.* 80 Ohio App. 310, 75 N.E.2d 443 (1947). The most recent opinion to be published was *Fisher v. Austriaco*, 2 Ohio App. 3d 133, 440 N.E.2d 1240 (1981).

⁴*State v. Stoneburner*, No. 8770 (June 28, 1978).

most serious consideration and conducted on the highest plane of professionalism. This argument is representative of others that I had before Judge Hunsicker and, I think, of his conduct toward all counsel: never taking unfair advantage; always probing to reach the real issues in the case, and always acting in a “gentlemanly fashion.”

Because he meant so many different things to so many different people, Judge Hunsicker’s death leaves a void in all of our lives. While our past experiences and associations with him are all different, he leaves behind a common example of a professional and personal life which we can all aspire to emulate.