



Judge Edmund A. Sargus, Jr. Bio

Biographical Information: Appointed in 1996 by President Clinton. Confirmed by a unanimous United States Senate vote on July 22, 1996. Chief Judge of the Southern District of Ohio, January 1, 2015 to September 13, 2019.

Education: Brown Univ., A.B., with honors in American History, 1975; Case Western Reserve Univ. School of Law, J.D., 1978.

Private Practice: Partner, Burech & Sargus, 1983-93, Associate, Cinque, Banker, Linch, Gromen & White, 1978-79; Associate, Burech Law Firm, 1980-83.

Government Positions: U.S. Attorney, Southern District of Ohio, 1993-96, appointed by President Clinton and confirmed by unanimous senate vote; Special Counsel, Ohio Attorney General, 1979-93; St. Clairsville City Council, 1988-91; Law Director, City of Bellaire, 1991-93; Solicitor, Powhatan Point, Ohio, 1979-93.

Professional Associations: Belmont Count Bar Association; Columbus Bar Association; Federal Bar Association; Board, House of Hope, a long term drug treatment facility for indigent patients, Columbus, OH, 2014-present; Board, Ohio Legal Assistance Program, assisting lawyers with addictions; 2016-present; Foundation Board, Belmont College, 2012-present; Board, International Visitors Counsel of Columbus, 2017-present.

Judicial Committees and Activities: 6th Circuit Judicial Council, 2015-2019; Federal Judiciary- Bureau of Prisons Working Group, 2019-present; Security Committee, Judicial Conference of the United States, 2002-2009.

Academic Positions: Adjunct Professor of Law, the Moritz College of Law, The Ohio State University, 2005-Present, teaching Trial Advocacy (fall semester) and Evidence in Trials (spring semester).

Honors & Awards: Honorary Doctor of Humane Letters, Muskingum College, 2006; Ohio Crime Prevention, Executive Director's Award, 1995; Annual President's Award, Franklin County-Columbus Domestic Violence Shelter, 1998; Annual Public Service Award, Ohio State Univ. Criminal Justice Research Center, 1999; Peacemaker Award, Tri-County Domestic Violence Shelter, 2006.

Noteworthy Rulings:

- 2018:** Assigned by the Chief Judge of the 6th Circuit Court of Appeals to handle a case involving the attempted murder of a federal judge in Toledo, Ohio. The defendant, also charged with aiding Al Qaeda, eventually pleaded guilty to the charges, after protracted proceeding involving highly classified government information.
- 2008:** The Libertarian Party sued the Ohio Secretary of State after she refused to place the name of its candidate for President, Robert Barr, on the Ohio ballot. Sargus found that rules promulgated by the Secretary of State, following an earlier decision by the Court of Appeals invalidating Ohio's ballot access laws, were unconstitutional. Sargus held that the Constitution expressly delegated the method of electing federal officeholders to the state legislatures and not state executive officials. Sargus also held unconstitutional the requirement that a putative candidate secure the signatures of over 20,000 registered voters on or before

November 26, 2007 in order for a party's candidate to be placed on the November 4, 2008 ballot. *Libertarian Party of Ohio v. Brunner*, 567 F. Supp. 2d 1006 (2008).

3. **2005:** The State of Ohio contended that the Religious Land Use and Institutionalized Persons Act (RLUIPA) was unconstitutional in that the increased protection given to religious activities in prisons violated the Establishment Clause. Sargus rejected the claim, but was reversed by the Court of Appeals. The Supreme Court unanimously reversed the Court of Appeals. *Cutter v. Wilkinson*, 544 U.S. 709 (2005).

4. **2003:** The U.S. and several states sued Ohio Edison regarding emissions from a coal-burning power plant. The case was one of 11 cases filed nationwide in an effort to clarify grandfathered provisions of the Clean Air Act. Sargus found Ohio Edison had violated the Clean Air Act in the first decision issued in those cases. *United States of America, et al. v. Ohio Edison Company, et al.*, 276 F. Supp. 2d 829 (S.D. Ohio 2003). He thereafter mediated the remedy phase of the case, resulting in a settlement requiring the installation of emission controls costing \$1.2 billion. He also mediated a similar case involving nine American Electric Power plants, which resulted in \$4.6 billion of emission controls.

5. **2002:** Taxpayers brought an action to invalidate local government's issuance of tax-exempt revenue bonds to benefit a building project undertaken by a private, religious university. Sargus, writing for the Court of Appeals, held that, because no government monies were expended, the criteria for economic development did not favor one religion over another, and no governmental entity guaranteed repayment, the issuance of the bonds was not direct aid to a religious organization. *Steele v. Ind. Dev. Board of Metropolitan Nashville*, 301 F.3d 401 (6th Cir. 2002); cert. denied, 537 U.S. 1188 (2003).

6. **2000:** Plaintiff Sharon Pfenning filed a claim under the Truth in Lending Act, 15 U.S.C. § 1640(e), challenging the "over limit charge assessment" utilized by her defendant credit card company, Household Credit, Inc. Plaintiff alleged that defendant routinely permitted cardholders to exceed the applicable credit limit and thereafter assessed a twenty-nine dollar per month fee to the cardholder together with an additional finance charge. Plaintiff claimed that these fees and charges had to be disclosed pursuant to the Truth in Lending Act and Federal Reserve Board Regulation Z, 12 C.F.R. §226.4(w). Sargus held that, in light of the plain language of Regulation Z, the over limit charge assessment is not a finance charge subject to disclosure under the Truth in Lending Act. Plaintiff appealed the decision and the Sixth Circuit Court of Appeals reversed. The United States Supreme Court granted certiorari over the matter and ultimately reversed the Sixth Circuit's decision. *Household Credit Services, Inc. v. Pfenning*, 124 S. Ct. 1741 (2004).

7. **1999:** The Village of Stratton enacted an ordinance that prohibits "canvassers" from "going in and upon" private residential property to promote any "cause" without first obtaining a permit from the mayor's office by completing and signing a registration form. Plaintiffs, a society and a congregation of Jehovah's Witnesses that publish and distribute religious materials, brought an action for injunctive relief, alleging that the ordinance violates their First Amendment rights to the free exercise of religion, free speech, and freedom of press. Sargus struck down or narrowed most provisions of the ordinance. He did uphold the requirement that canvasser's be required to register with the Village. The Sixth Circuit affirmed, but the Supreme Court found that the pre-registration requirement for canvassers was unconstitutional. *Watchtower Bible & Tract Society of New York v. Stratton, Ohio*, 61 F. Supp. 2d 734 (S.D. Ohio 1999), aff'd 240 F.3d 553 (6th Cir. 2001), rev'd, 536 U.S. 150 (2002).

Publications

2020: co-author with Eric Wittenberg and Penny Barrick, "Seceding from Secession", Savas and Beatie Publishing. The book describes the events leading to the State of West Virginia.

2015: co-author with Edmund C. Sargus, "The Editor Turned Soldier", April 1, 2015, *New York Times*. The article describes the life of Thomas Drummond, an anti-slavery State Senator, newspaper editor and captain in the 5th U.S. Calvary during the Civil War who died at the climatic Battle of Five Forks. The article was published on the 150th anniversary of his death.