

# Joseph Kodish

## A True Professional

By Audrey Cielinski Kessler

He took a somewhat circuitous route to his final destination as director of the Legal Defender Office of Summit County, but it is a journey and a destination about which he has no regrets. For Joseph S. Kodish, the recipient of the Akron Bar Association's Professionalism Award for 2000, satisfaction with the job comes from being able to help people who are indi-

gent and in trouble with the law but lack the financial resources to hire legal counsel to represent them in court.

"There is a segment of our society that needs help and especially through the criminal justice system," Kodish said. "It [the role of legal defender] affords an opportunity to serve that segment of society that needs help."

And it's a large segment, generating roughly 10,000 cases per year, including 1,000 juvenile cases -- up from 300 or 400 previously, said Kodish, adding that the numbers have "gone up progressively over the years." It's a rise that he attributes to both more crime being committed and more people being indigent. Kodish also notes that while crime statistics for "serious"

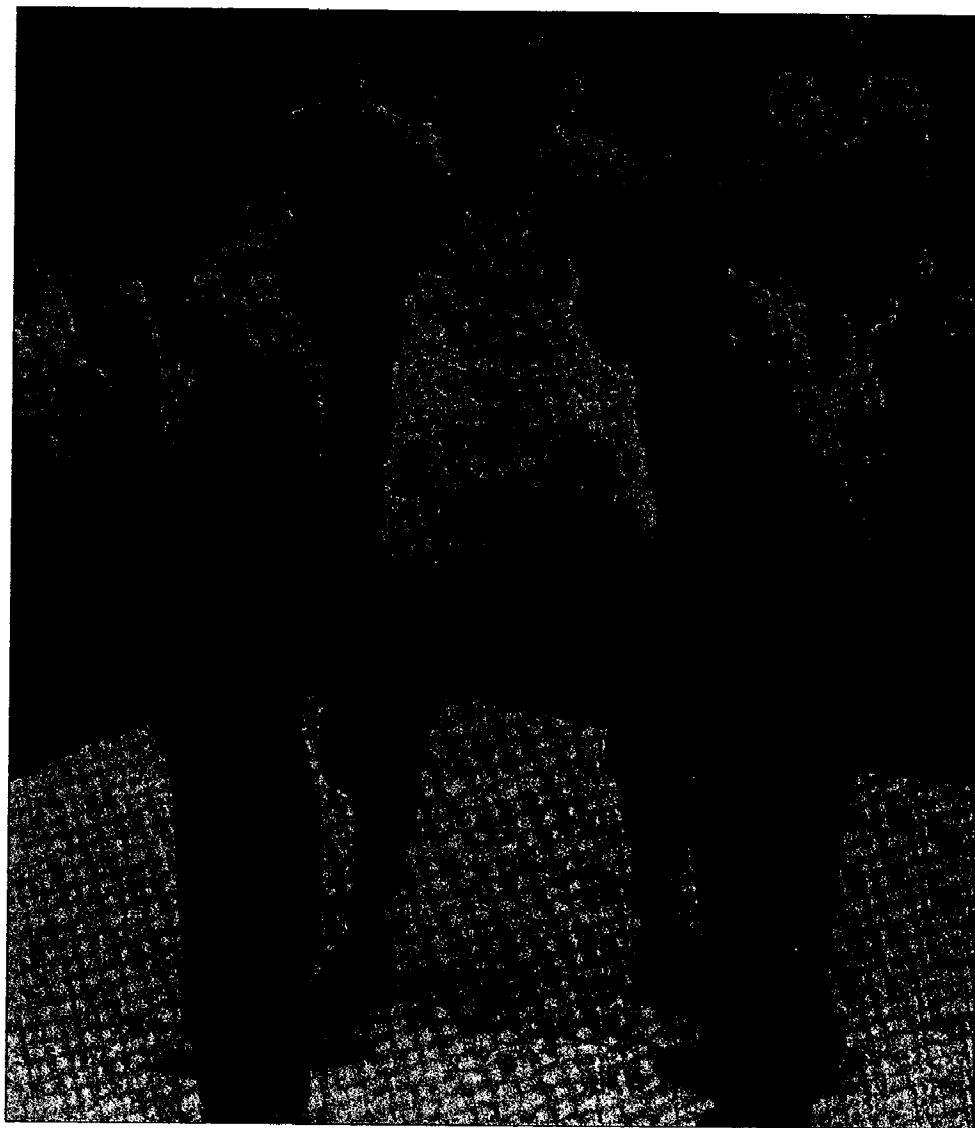
offenses have been going down, the same is not necessarily true for the types of crime the Legal Defender Office typically handles. For less serious offenses, including drunken driving, domestic violence, criminal damaging and minor drug-abuse infractions, the statistics apparently paint a different picture. "It seems, at least from our perspective," said Kodish, "certainly caseloads have gone up significantly."

As an undergraduate at Ohio State University in the late 1950s, Kodish pursued an entirely different career path, earning a degree in business administration and, he would add tongue-in-cheek, a degree in one of his passions: Ohio State football. The idea of attending law school, however, did not surface until seven years after graduation, an array of jobs in the business sector -- ranging from having a laundromat to selling typewriter equipment -- and marriage to wife Jo Ellen, whom he met on a blind date when he returned to the campus for an Ohio State football game. Then one day it hit him.

"I just woke up one morning," said Kodish, "and decided I wanted to be a lawyer. I just wanted to have a profession. I thought that it would be better." And he has no regrets. "It was one of the best moves I ever made. For me it was [a good decision]. I enjoy it."

While a law student taking night classes at the Cleveland-Marshall Law School (now known as the Cleveland-Marshall College of Law) in the mid 1960s, he was employed by the City of Akron in its Land Acquisition Department with fellow Cleveland-Marshall law student and now general-practice attorney Robert Thomson.

"We went into the same class,



*Always a sports fan, young Joe (right) psychs out his opponent in a 1947 boxing match.*

and there he was, the little rascal," Thomson recalled with a light-hearted chuckle. "I thought he was trouble. One look at him, I said 'uh-oh.'" But he was only jesting. "Joe's a sweetheart," Thomson said, returning to a more serious tone. "He's a good man. He's very fair. I have a lot of respect for him."

So when the two men found

themselves in the same city department, sharing a desk wasn't such a bad thing. "Little Joe and I sat right across the desk from each other, him on one side, me on the other." And while it may not have been an ideal setup, they did, recalled Thomson, get their work done and had fun as well. "It was interesting, and we did accomplish a lot."

**"For him, it's not about his own satisfaction. It's about doing a good job for the clients."**

**- Eric Kodish, Son**

One thing Kodish accomplished was a career move that introduced him to the prosecutorial side of the law. When both the city's mayor and its law director asked Kodish to transfer to the prosecutor's office as an assistant prosecutor, Kodish accepted. He remained in that position for about one year before becoming chief prosecutor. Later he crossed over to the defense side when the Legal Defender Office was established. "It's more challenging professionally as to what we do," said Kodish. "It's more of a personal basis with respect to clients as opposed to [being] part of the system in representing the city or the state. We represent people who are in trouble and in need. So it's a little different."

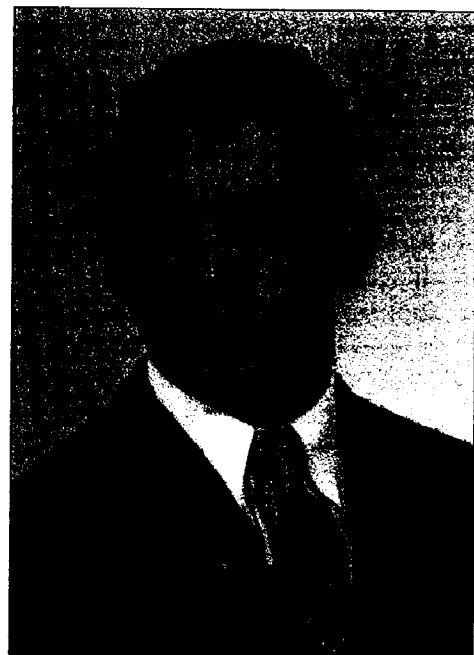
Making the transition from prosecutor to defense attorney may seem to some to be a bit like a chameleon. And in a sense they would be correct. Just as a

chameleon has an unusual ability to change the color of its skin, Kodish was able to excel on both sides of the prosecutorial desk.

"He went from being high up on the prosecutorial side to being high up on the defense side without missing a beat," said R. Douglas Paige, former deputy director of the Legal Defender Office and a retired attorney since April 1996. "He is truly dedicated to the law."

Others, including Kodish's wife Jo Ellen, who comes from a family of lawyers, were baffled by his ability to make the transition to what one can argue are two diametrically opposed positions.

"It was really hard for me to understand, not being a lawyer, how you could go from being on the good-guy side to the bad-guy side. It didn't phase him." He explained to her, Jo Ellen added, that "there are certain things you follow and you just do." Jo Ellen, however, offers her own explanation.



*Joe's 1954 Buchtel High School graduation photo.*

tion. "He believes that everyone deserves a defense, [that] no matter what, you deserve to be represented. He treats everybody equally. It's more than a job to him. It's a passion."

Concurring with this assessment from the wife of the chief legal defender is Akron Municipal Court Judge Elinore Marsh Stormer. She knows Kodish well, having worked with him for the roughly 10 years she has been a judge. "He is so dedicated to not only the individual clients but [also to] the concept of what public defenders are supposed to be about -- that they represent the least of our brothers." He knows, said Stormer, that being poor and unable to afford private legal counsel does not mean being accorded a lower level of representation within the criminal justice system. "He never loses sight of his role as an advocate for the indigent," said Stormer.

Among those who see it as only natural that Kodish was able to make such a smooth transition to



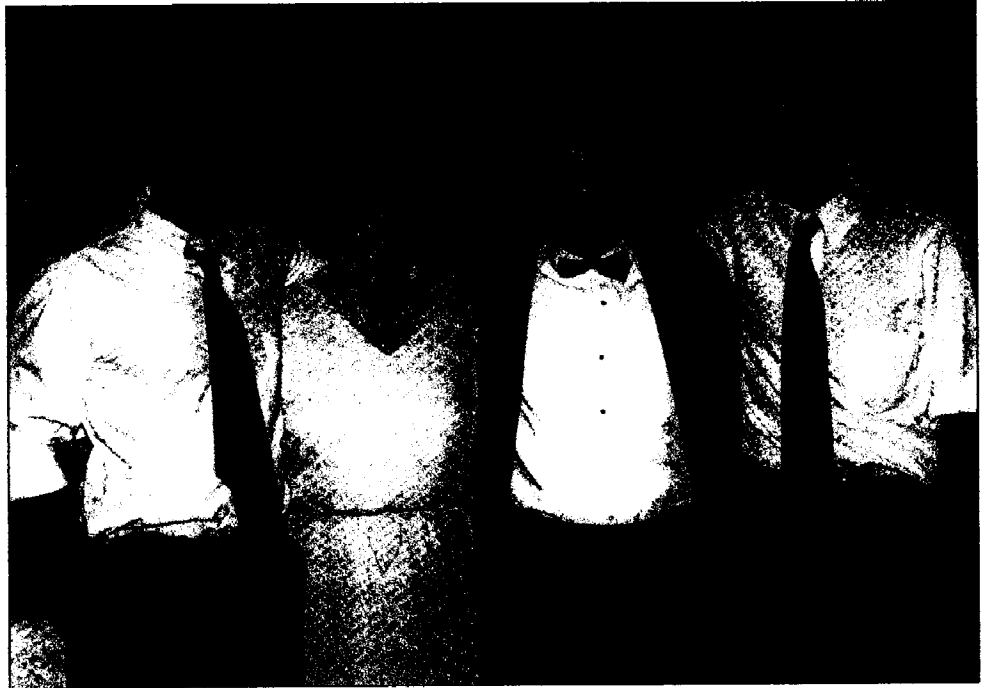
*Just married - Wife Jo Ellen and Joe.*

the "other side" is Kodish's oldest son, Jeff, an attorney himself specializing in environmental law in Boulder, Co. To Jeff, there's nothing baffling about it at all and is what he would expect. "Although a lot of people think that's a strange transition, it doesn't strike me as strange for him. I think he just believes that if you do a good job and you treat people well and are honest in what you do, you can serve [well] on any side of a case."

Kodish's success as a public defender and, most likely also, his success as a prosecutor and lawyer in general stems from his character, or what Paige refers to as Kodish's "humanity." He distinguishes this encompassing trait with that of one's persona which, Paige notes, is "more superficial." And superficial, Paige and others would agree, is not a word that describes Kodish in either his professional or personal life. To them, he is much more than that. In working as a legal defender, said Paige, "you have to have a feel for humanity," because the people who find themselves in the Legal Defender Office all have one thing in common. And that one thing, said Paige, is that they are poor, regardless of their race or other physical or social characteristics. "Many of them are on hard times," said Paige. "They've seen better days. Some will never see a good day."

The ability to deal effectively with this segment of society is, according to Paige, a part of Kodish's professionalism.

Fellow attorney and member of the legal defender staff of eight, Patti Michelle Schacter, concurred. "He treats everyone with respect and is very compassionate," she said, adding that he never displays a better-than-you-are attitude. "He's a very bright man," said



*It's a family affair - Son Jeff, wife Jo Ellen, Joe and son Eric at a wedding in 1987.*

Schacter, who has worked with Kodish in the Legal Defender Office since 1976, just two years after Kodish himself arrived and Schacter was an intern working at first without pay for law school

## Congratulations Joe

The employees of the Legal Defender Office wish to take this opportunity to congratulate our boss, Joseph S. Kodish, as the 2000 recipient of the Professionalism Award. Joe's influence, leadership, and guidance of young lawyers since 1973, along with his high standards of ethics and professionalism, have produced a long line of well-respected and successful attorneys throughout the years. Everyone who has passed through these doors has taken a little piece of Joe with them. Those of us who have worked with Joe for many years, and those who have just joined us, wish to congratulate him.

Patti, Jim, Rita, Traci, Ed, Susan, Tim, Bill, Suzanne, John, Angie, Tami, Robin, Peggy and Janean.

credit. She has been there ever since and attributes her longevity to the atmosphere of trust that exists in the office and which she indicated Kodish had a hand in creating. "He knows we are professionals and will get the work done," she said. Today she describes him as both "a role model and a very good friend."

Schacter, however, is not alone in her description of Kodish as a role model. "He's able to give advice without being mandatory," said younger son Eric, a pediatric

oncologist at Rainbow Babies & Children's Hospital and an associate professor at Case Western Reserve Medical School in Cleveland. "He's able to set an example

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**-Richard Sternberg,  
Sternberg Newman Shifrin & Associates**

by his actions, which is a much more effective way of teaching than words. He's a role model for me as a physician in terms of serving my patients the way that he serves his clients." For his father and for himself, Eric noted, that means treating all persons with compassion and caring.

Tenacity also has played a role in Kodish's success as a legal defender and champion of the plight of persons too poor to be able to afford private legal counsel. When Summit County commissioners shut down the Public Defender Office in 1979, it was Kodish who fought to keep it open by contracting with Akron Municipal Court. "He kept the office afloat, and we landed on our feet" said Paige, who had been at the office only a few months when the closure was announced.

Kodish's rescue plan was welcome news for the court's judges, some of whom, said Paige, were "just aghast" that they would no longer have the attorneys in the Public Defender Office to appoint as legal counsel to the indigent and would instead have to appoint private counsel for each case and pay the fees involved on an individual basis. But what was seen as a crisis, according to Paige, Kodish handled with finesse. "I thought it was the end," said Paige. "I could not have done what he did."

Today the office still works on a contract basis but not with just



*Joe with his granddaughter, Tamar, in 1996.*

Akron Municipal Court. A broader net is cast, leading to contracts with Summit County, Barberton and Cuyahoga Falls municipal courts, and with nearly all municipalities in the county on a per-case basis. Juvenile courts also are covered. "It's an interesting financial situation," said Kodish, who oversees a budget of roughly \$630,000 and a hefty caseload.

But it's not all work and no play for the 64-year-old Kodish. "It's good to get a break," said Kodish. "I work very hard, so if I'm here, I'm going to work because I really like my work. [But] I have to get away to get a little bit of a break."

He gets those breaks in a number of ways, not all of which are to far-flung destinations. Some diversions, such as football -- Ohio State football, of course -- are virtually in his own backyard and rank at or near the top of Kodish's list of leisure activities. "He absolutely loves Ohio State football," said Jeff Kodish of his father's passion for the sport.

Family ranks high as well, and always has. "He always made time for the family. Absolutely," said son Jeff. "We'd get together every Sunday and go see my grandparents. The whole family would always get together for Sunday dinner."

Adds wife Jo Ellen, "If we have other plans, he will work that out, but he does work very long hours. [And] he loves it. He doesn't think of it as work. He really feels very lucky that he found something that he just adores."

Traveling to destinations both within and outside the United

*Joe and Shana Margolis at a 1998 softball game pitting the Legal Defenders Office against the Prosecutors/Probation/Jailers team.*



States, including cruises to Europe and the Caribbean, and trips to Ocean City, Md., or Florida and, this year, a trip to the Canadian Rockies, provides another diversion from the long work hours for a man dedicated to his profession. Boulder, home of son Jeff, is a big draw as well. He likes to visit as often as he can, said Kodish, so he can see not only his first-born son but also his daughter-in-law and granddaughter.

With son Eric and his family living closer by in Shaker Heights, the opportunities for visiting are, of course, more readily available and include traveling to Columbus for none other than... Ohio State football games.

But it's always back to work to a profession that he obviously loves and a task into which he doesn't mind pouring his time and energy for the sake of ensuring that every individual, regardless of his or her ability to pay for legal services can be represented in a court of law. This ability to stay focused on the cause is part of the key to a highly successful career. "He's *really* a hard worker," said son Jeff. "I would say the two most important things that make him successful are treating people fairly and working really hard."

Brother Eric seconds the sentiment, describing his father as someone who works "extremely hard" but adding his own theory on why Kodish, by all accounts, has been so successful in his professional life. "True success is finding a career that gets you intellectually stimulated and personally satisfied," said Eric, adding that his father gets that satisfaction from the help he is able to give his clients, virtually all of whom have meager financial resources and few of the opportunities that oth-

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Akron Municipal Court

ers have been able to tap. "I don't think how much he likes it [being a lawyer and legal defender] is the issue," said Eric. "For him, it's not about his own satisfaction. It's about doing a good job for the clients."

One would have to look far and wide to find someone who disagrees with that assessment and likely would come up empty-handed.

"He's probably the hardest worker in the United States of America bar none," said Richard Sternberg, a friend and law partner with the firm Sternberg Newman

Shifrin & Associates in Akron. "He works very hard, and he does a thousand things at the same time."

Flexibility, high ethical standards and empathy for others further unlock the secret to Kodish's professional achievements. The ability to adapt to whatever circumstances confront him served Kodish well when faced with the closure of the Legal Defender Office more than 20 years ago, and it serves him well today as new challenges arise.

"Part of being an advocate," said Judge Stormer of Kodish's role as chief legal defender, "is to be able



A holiday lunch - Belinda Hinton, J. Dean Carro, Joe and Rita Marks, Christmas 1999.

to recognize times to be flexible and to work within the system to get what you want which is separate from being an individual advocate [though] he does that also."

As for ethics, Kodish's are seen as beyond reproach. "His standards," said retired legal defender Paige, "have been something that any attorney should emulate whether they're newly starting out or whether they are seasoned."

Kodish also shows his commitment to high ethical standards by putting his beliefs into action. In past years, for example, Kodish has served as chairman of the Akron Bar Association's Grievance Committee and has been involved with the Ohio State Bar Association's Ethics Committee. He now is involved with the Bar Association's Criminal Law Committee, giving lectures on criminal law and legal ethics. "I try to contribute to the profession as well in some small way," Kodish said of his bar and legal-practice activities.

To at least one colleague, however, Kodish's contribution is anything but small. "He's been very effective and one of the major people in the area trying to keep us lawyers in line -- doing the right thing and acting properly. He's a good model," said Sternberg.

Kodish's best quality, Sternberg ventured, is his honesty. It is this trait, Sternberg noted, that makes a person well-respected by his or her peers and makes for a good lawyer and a professional. "You will be honored," he noted, "if you are honest."

Added Thomson, "He's disgustingly honest. He's a straight-shooter, and he's just a hard worker. He's fair. That's why he's done well."

It's also what has won him the

accolades of his peers and endeared him to so many both within and outside the profession. "He has the toughest of all jobs," said Sternberg. "As a public defender, he defends the people who don't have anything. And he works as hard for them as he

would for a person who pays for legal services. And he runs an office that way. He just is dynamite. He's done it for years, and everybody at the Bar will tell you that that job is relatively a thankless job. He does it better than anyone could ever hope to."



*Love on the rocks? Joe and wife Jo Ellen enjoying the mountain scenery while on vacation in the Canadian Rockies, Summer 2000.*