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**HEADLINE:** Ohio Hail, hail, the gang's all gone

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**BODY:**  
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The "Gang of Four" is no more.

With this week's Ohio Supreme Court victory by Lt. Gov. Maureen O'Connor to fill the seat of retiring Justice Andrew Douglas, the court's four-vote activist majority appears to have dissipated. Justice Douglas had teamed with Justices Alice Resnick, Francis Sweeney and Paul Pfeifer in rulings on school funding, tort reform, liability and other issues that strained the court's credibility as a dispassionate arbiter of the law, precedent and constitutional principles. Presumably, Justice-elect O'Connor will help forge a new "gang" with Chief Justice Thomas Moyer, Justice Deborah Cook (until she ascends to the U.S. 6th Circuit) and Justice Evelyn Stratton, who won re-election herself last week. Presumably, if you believe the news accounts that reported this as fact, this new majority will issue "pro-business" decisions.

That's a lot of presumption. Anyone who presumes to know how a justice will vote could be sadly mistaken (see Souter, David). This includes Gov. Bob Taft, who in a moment of irrational exuberance called Justice Stratton "the most pro-business justice." Ouch. "I strongly reject that notion," she told the Enquirer, noting she gets only a 66 percent favorable score from the Ohio Chamber of Commerce. She insists she's never advocated tort reform.

What does seem clear is that the new court will have a majority of justices who profess a belief in judicial restraint. In practice, that could disappoint insurance companies as well as trial lawyers, Republicans as well as Democrats, depending on the case. That's the way it should be.

It also seems clear that the new court's rulings will be more likely to make sense and less likely to leave legal scholars giggling in derision. For example, in a scathing opinion last year, U.S. District Judge James S. Gwin said the state court has made a "mess" of Ohio's motorist insurance law and has "destroyed the predictability needed to price and administer" auto insurance.

During the campaign, Judge Janet Burnside, Justice Stratton's opponent, criticized her for writing too many dissents. Judge Burnside may be happy to know that Justice Stratton should be writing lots of majority opinions now.

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