

KMK Attorneys James E. Burke and Charles M. Miller Win Unanimous Ohio Supreme Court Ruling; KMK Protects Ohio Voters

October 2, 2008

James E. Burke and Charles M. Miller, attorneys at Keating Muething & Klekamp (KMK), won an unanimous decision today from the Ohio Supreme Court which issued the Writ of Mandamus KMK requested. [2008-1842. State ex rel. Myles v. Brunner, Slip Opinion No. 2008-Ohio-5097.] The Ohio Supreme Court ruled 7-0 in favor of two Hamilton County voters KMK represented who wished to have their McCain-Palin absentee ballot applications accepted by the Hamilton County Board of Elections. Because of the efforts of these KMK attorneys, thousands of predominately elderly voters across Ohio will receive absentee ballots.

The Court rejected Secretary of State Brunner's argument that the voters should not receive ballots because the applications they submitted were "unintentionally ambiguous." Instead, the Court ruled, "No vital public purpose or public interest is served by rejecting electors' applications for absentee ballots because of an unmarked check box next to a qualified-electors statement." The court stated that Burke and Miller "persuasively asserted the 'only reason to complete the form was to obtain an absentee ballot for the November 4, 2008 election.'"

Miller stated, "This decision will ensure that thousands of voters who properly applied for absentee ballots will receive them."

Please click the following links to read the case related legal documents in Adobe Acrobat format:

- [Absentee Ballot Slip Opinion](#)
- [Merit Brief Of Relators](#)
- [Reply Brief Of Relators](#)

Mr. Burke's practice focuses on complex corporate and commercial litigation, including both trial and appellate practice, in state and federal court. He has handled cases before courts in Ohio, Kentucky, California, New York, Illinois, Pennsylvania, Michigan, Georgia, Colorado and Delaware. He has significant experience in financial and transactional cases, commercial matters, class and derivative actions and actions arising under the federal securities laws. In 1997, Mr. Burke was inducted into the American College of Trial Lawyers, membership in which is extended by invitation only to "experienced trial lawyers who have demonstrated exceptional skill as advocates and whose career has been marked by the highest standards of ethical conduct, professionalism and civility." He received his J.D. from the University of Cincinnati College of Law (1978) and his B.A. from Yale University (1975).

Mr. Miller's practice is concentrated in litigation. He has experience in appeals, class actions, product liability, financial services, insurance coverage, and personal injury litigation. Mr. Miller also has developed expertise in Banking Regulation. Prior to joining KMK, Mr. Miller served as a law clerk to the Honorable Justice Maureen O'Connor, Supreme Court of Ohio (2003-2005) and as a litigation associate at Gallagher, Sharp, Fulton & Norman in Cleveland, Ohio (2002-2003). Mr. Miller regularly returns to the Ohio Supreme Court as counsel for appellate litigants. In addition to traditional engagements, Mr. Miller is frequently appointed by the court to represent pro se parties in merit cases on which the court has ordered briefing and oral argument. He received his J.D. from Boston University School of Law, and his B.A. from The Ohio State University (1998).

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About Keating Muething & Klekamp PLL

The law firm of Keating Muething & Klekamp, based in Cincinnati, was founded in 1954. KMK has approximately 110 lawyers and a support staff of more than 150 employees. For more than 50 years, KMK has contributed to the success of many businesses from Fortune 500 corporations to small start-up companies. Their mission is to provide high quality legal counsel to business clients by meeting their identified needs and developing appropriate solutions. KMK's vision is to excel as a law firm by recruiting and retaining the highest quality attorneys and personnel with diverse social, ethnic and political backgrounds.