

1 The State ex rel. Robinson, Appellant, v. Cuyahoga County Common Pleas Court,
2 Appellee.

3 [Cite as State ex rel. Robinson v. Cuyahoga Cty. Court of Common Pleas
4 (1996), ____ Ohio St.3d __.]

5 *Mandamus to compel common pleas court to vacate its order*
6 *appointing a guardian ad litem for relator -- Writ denied where*
7 *adequate remedy at law exists.*

8 (No. 95-2110 -- Submitted February 20, 1996-- Decided April 17,
9 1996.)

10 Appeal from the Court of Appeals for Cuyahoga County, No. 69476.

11 Lewis G. Robinson appeals from a decision of the Court of Appeals
12 for Cuyahoga County dismissing his August 25, 1995 complaint for a writ
13 of mandamus. The complaint sought to require the Cuyahoga County Court
14 of Common Pleas to vacate its order of January 26, 1990 in which it
15 appointed a guardian *ad litem* for Robinson.

16 In dismissing Robinson's complaint, the court of appeals found that
17 since a court of common pleas has jurisdiction to appoint a guardian *ad*
18 *litem*, a writ of mandamus will not lie to compel vacation of the

1 appointment order and the appropriate remedy for Robinson was by an
2 appeal.

3 The cause is now before this court upon an appeal as of right.

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5 *Lewis G. Robinson, pro se.*

6 *Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, and*

7 *Gregory B. Rowinski, Assistant Prosecuting Attorney, for appellee.*

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9 *Per Curiam.* We agree with the court of appeals. Since *Sturges v.*

10 *Longworth* (1853), 1 Ohio St. 544, we have approved of a court of common

11 pleas' appointing a guardian *ad litem*, literally a guardian for the case, who

12 has no duties prior to the institution of a suit or after its termination but

13 whose sole duty is to defend in a particular cause. Civ.R. 17(B) authorizes a

14 court, as incident to its power to try a case, to order the appointment of a

15 guardian *ad litem*. Robinson's remedy was appeal from that order.

16 Mandamus will not issue where, as here, there was an adequate remedy at

17 law.

18 The judgment of the court of appeals is hereby affirmed.

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Judgment affirmed.

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MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and COOK,

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JJ., concur.

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WRIGHT, J., not participating.