

SUPREME COURT OF OHIO

Caryn Groedel & Associates v. Hummer

145 Ohio St. 3d 1203 (Ohio 2015) · Decided September 14, 2015

SUMMARY

The Ohio Supreme Court denies Caryn Groedel’s affidavit seeking to disqualify Judge John Sutula from presiding over a breach-of-contract case. The court holds that dissatisfaction with a judge’s rulings and the judge’s caution that potential attorney misconduct might require reporting do not establish bias or prejudice warranting disqualification.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, J.
JURISDICTION	Ohio
DECIDED	September 14, 2015
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Caryn Groedel filed an affidavit under Ohio Revised Code 2701.03 seeking to disqualify Judge John Sutula from presiding over further proceedings in an underlying breach-of-contract action. The Supreme Court of Ohio considered the affidavit and the judge's written response.
STANDARD OF REVIEW	The court determines whether the affidavit establishes legally sufficient grounds for judicial disqualification; alleged legal errors are not reviewed in an affidavit-of-disqualification proceeding.
PRECEDENTIAL VALUE	published
PARTIES	Caryn Groedel & Associates v. Hummer

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a judge's allegedly erroneous or disproportionate legal rulings establish bias or grounds for disqualification.
2. Whether a judge's caution that an attorney may have to be reported to disciplinary authorities establishes bias requiring disqualification.
3. Whether the affidavit overcame the presumptions that a judge follows the law and is not biased.

HOLDINGS

1. A litigant's dissatisfaction with a judge's legal rulings, even if the rulings are erroneous or disproportionately favor one party, is not grounds for judicial disqualification.
2. A judge's caution that the judge may have a duty to report an attorney to disciplinary authorities does not establish bias or require disqualification when the caution is based on allegations or circumstances in the record.
3. The affidavit of disqualification must be denied because the evidence did not compellingly overcome the presumptions that the judge follows the law and is not biased.

KEY QUOTATIONS

"A judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions." (¶ 6)

FACTUAL BACKGROUND

Judge John Sutula had denied most of Groedel's motions while granting the defendant's motions and had permitted the defendant to make certain allegedly untimely or rule-violating filings. At a pretrial conference, Sutula showed Groedel's co-counsel a newspaper article about an attorney disciplined for professional misconduct and stated that he might have to report Groedel for similar misconduct. Sutula explained that his caution was based on circumstances and statements in the record.

PROCEDURAL HISTORY

The affidavit arose from an underlying breach-of-contract case brought by Caryn Groedel on behalf of her law firm against a former client. Groedel alleged that Judge Sutula was biased because of adverse rulings and because he cautioned her co-counsel that he might have a duty to report her for professional misconduct. Judge Sutula denied bias, and the Supreme Court of Ohio denied the affidavit of disqualification.

DISPOSITION

writ_denied

REMAND INSTRUCTIONS

None. The case may proceed before Judge Sutula.

CASES CITED

- In re Disqualification of Floyd, 101 Ohio St.3d 1217, 2003-Ohio-7351, 803 N.E.2d 818, ¶ 4
- In re Disqualification of Lawson, 135 Ohio St.3d 1243, 2012-Ohio-6337, 986 N.E.2d 6, ¶ 7
- In re Disqualification of Lynch, 135 Ohio St.3d 1277, 2013-Ohio-910, 986 N.E.2d 1000, ¶ 5
- In re Disqualification of George, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5

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