

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

civil procedure

contracts

PRACTICE AREAS

civil procedure

judicial disqualification

legal ethics

contracts

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

OPINION

CONNOR, J.

O'Connor, J. {¶ 1} Caryn Groedel, attorney for plaintiff, has filed an affidavit with the clerk of this court under R.C. 2701.03 seeking to disqualify Judge John Sutula from presiding over any further proceedings in the above-captioned breach-of-contract case, which Groedel brought on behalf of her law firm against a former client. {¶ 2} Groedel claims that Judge Sutula has “repeatedly demonstrated his inability to be fair and impartial” to her and her law firm.

Judge Sutula has responded in writing to the affidavit, stating that he does not have any bias against any party in the underlying case. For the reasons explained below, no basis has been established to order the disqualification of Judge Sutula. {¶ 3} First, Groedel’s primary complaint is that Judge Sutula is biased against her because he has denied almost all of her motions but granted all of defendant’s motions.

Specifically, Groedel avers that the judge has repeatedly abused his discretion by allowing defendant to submit filings out of time and in violation of the Civil Rules and discovery orders. It is well settled, however, that a litigant’s dissatisfaction with a court’s legal rulings, even if those rulings are erroneous, is not grounds for disqualification.

In re Disqualification of Floyd, 101 Ohio St.3d 1217, 2003-Ohio-7351, 803 N.E.2d 818, ¶ 4. Procedures exist by which appellate courts may review — and, if necessary, correct — rulings made by trial courts, but reviewing alleged legal errors is not the role of the chief justice in deciding an affidavit of disqualification. Further, a party is not entitled to a certain number of favorable rulings, and a judge must be free to make rulings without the apprehension that a disproportionate number of rulings in favor of one party will create the impression of bias toward that party or against its adversary.

In re Disqualification of Lawson, 135 Ohio St.3d 1243, 2012-Ohio-6337, 986 N.E.2d 6, ¶ 7. *1204{¶ 4} Second, Groedel claims that Judge Sutula disrespected her at a recent pretrial conference when he showed her co-counsel a newspaper article about a local attorney who had been disciplined for professional misconduct and indicated that he might have to “report” Groedel for similar misconduct.

According to Groedel, Judge Sutula's suggestion that she may have engaged in inappropriate conduct was based on "unsubstantiated allegations" from defendant. In response to Groedel's allegations, Judge Sutula summarized the circumstances and statements in the record that led him to caution Groedel's co-counsel that he might have a duty to report Groedel to disciplinary authorities. {¶ 5} In general, a judge's disqualification is not warranted merely because the judge files a grievance against a lawyer in a pending case.

See *In re Disqualification of Lynch*, 135 Ohio St.3d 1277, 2013-Ohio-910, 986 N.E.2d 1000, ¶ 5. Indeed, judges have the duty to inform the appropriate authorities when they have knowledge that an attorney has violated a disciplinary rule raising a question regarding the attorney's honesty, trustworthiness, or fitness as a lawyer. See Jud.Cond.R. 2.15(B).

Thus, the fact that Judge Sutula cautioned Groedel's co-counsel that if certain allegations were true he may have a duty to report Groedel does not show that he is biased against her. {¶ 6} "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." *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5.

Those presumptions have not been overcome in this case. {¶ 7} Accordingly, the affidavit of disqualification is denied. The case may proceed before Judge Sutula.