

SUPREME COURT OF OHIO

Schoenfeld v. Schoenfeld

142 Ohio St. 3d 1278 (Ohio 2014) · Decided December 19, 2014

SUMMARY

The Ohio Supreme Court denied an affidavit seeking to disqualify Judge Steven L. Hurley from continuing to preside over a Greene County domestic-relations case. The court held that the judge's prior election contest with counsel, recusals in other cases, a campaign contribution by the litigant's family trust, and adverse rulings did not establish bias or an appearance of impropriety warranting disqualification.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice
JURISDICTION	Ohio
DECIDED	December 19, 2014
DISPOSITION	other
PROCEDURAL POSTURE	An attorney filed an affidavit under Ohio Revised Code section 2701.03 seeking to disqualify the judge presiding over a pending domestic-relations case.
STANDARD OF REVIEW	The affiant bears the burden of proving judicial bias or prejudice under R.C. 2701.03(B)(1), and judges are accorded a presumption of impartiality.
PRECEDENTIAL VALUE	Published Ohio Supreme Court decision addressing judicial disqualification under R.C. 2701.03.

TOPICS

family law procedure

family law

civil procedure

PRACTICE AREAS

family law

judicial disqualification

judicial ethics

civil procedure

QUESTIONS PRESENTED

1. Whether Judge Hurley should be disqualified because Donatelli had been the judge's election opponent.

2. Whether Judge Hurley's prior recusals from other cases involving Donatelli required his disqualification from this case.
3. Whether Schoenfeld's family's campaign contribution and the judge's adverse rulings demonstrated bias or prejudice requiring disqualification.
4. Whether the affidavit-of-disqualification procedure was an appropriate forum for raising claims of perceived judicial partiality.

HOLDINGS

1. A judge is not ordinarily disqualified solely because a lawyer in a pending case opposed the judge in an election; disqualification requires record facts sufficient to cause the judge's impartiality to be reasonably questioned.
2. Prior recusals do not automatically require disqualification in a later case when the judge provides a reasonable explanation for treating the cases differently.
3. A party's opposition to a judge's election, campaign support for the judge's opponent, or dissatisfaction with adverse rulings is insufficient to require disqualification absent evidence demonstrating bias or prejudice.
4. Attorneys may challenge perceived judicial partiality through appropriate legal proceedings, including the affidavit-of-disqualification procedure, without the judge treating the challenge as an assault on the judge's integrity.

KEY QUOTATIONS

"In disqualification matters, the burden falls on the affiant to prove judicial bias, R.C. 2701.03(B)(1), and a "presumption of impartiality" is "accorded all judges,"" (§ 5)

"Adverse rulings, without more, are not evidence that a judge is biased or prejudiced" (§ 7)

"For the reasons stated above, the affidavit of disqualification is denied. The case may proceed before Judge Hurley." (§ 9)

FACTUAL BACKGROUND

Mark J. Donatelli, co-counsel for Chris Schoenfeld, had unsuccessfully run against Judge Steven L. Hurley in a primary election. Donatelli alleged that Hurley had recused himself from other cases involving Donatelli, that Schoenfeld's family trust had contributed to Donatelli's campaign, and that Hurley's adverse rulings demonstrated bias. Judge Hurley explained that the pending matter was a continuation of a hearing at which he had already heard half a day's testimony, that Donatelli had not yet been added as co-counsel when the hearing began, and that he had not known of Schoenfeld's campaign support.

PROCEDURAL HISTORY

The underlying proceeding was pending in the Domestic Relations Division of the Greene County Court of Common Pleas before Judge Steven L. Hurley. After Mark J. Donatelli was added as co-counsel and filed an affidavit alleging judicial bias based on an election contest, campaign support, prior recusals, and adverse

rulings, Judge Hurley submitted a responsive affidavit. The Supreme Court of Ohio denied the affidavit of disqualification and permitted the case to proceed before Judge Hurley.

DISPOSITION

other

CASES CITED

- In re Disqualification of Floyd, 135 Ohio St. 3d 1204, 2012-Ohio-6353, 985 N.E.2d 488, ¶ 6
- In re Disqualification of Maschari, 88 Ohio St. 3d 1212, 723 N.E.2d 1101 (1999)
- In re Disqualification of Celebrezze, 101 Ohio St. 3d 1224, 2003-Ohio-7352, 803 N.E.2d 823, ¶ 7
- In re Disqualification of Burge, 138 Ohio St. 3d 1271, 2014-Ohio-1458, 7 N.E.3d 1211, ¶¶ 7-8
- In re Disqualification of Kate, 88 Ohio St. 3d 1208, 1209, 723 N.E.2d 1098 (1999)
- State ex rel. Pratt v. Weygandt, 164 Ohio St. 463, 469, 132 N.E.2d 191 (1956)
- In re Disqualification of Osowik, 117 Ohio St. 3d 1237, 2006-Ohio-7224, 884 N.E.2d 1089, ¶ 6
- In re Disqualification of Celebrezze, 74 Ohio St. 3d 1231, 1232, 657 N.E.2d 1341 (1991)
- In re Disqualification of Russo, 110 Ohio St. 3d 1208, 2005-Ohio-7146, 850 N.E.2d 713, ¶ 5
- Disciplinary Counsel v. Shimko, 134 Ohio St. 3d 544, 2012-Ohio-5694, 983 N.E.2d 1300, ¶ 32
- United States v. Brown, 72 F.3d 25, 29 (5th Cir. 1995)