

SUPREME COURT OF OHIO

Barnes v. University Hospitals of Cleveland

119 Ohio St. 3d 173 (Ohio 2008) · Decided July 9, 2008

SUMMARY

The Ohio Supreme Court held that a retired judge who was appointed but never elected to judicial office may receive civil referrals and serve as a private judge under Ohio Revised Code 2701.10. The court also held that a court reviewing punitive damages for constitutional excessiveness must independently analyze the three guideposts from *BMW of North America, Inc. v. Gore*: reprehensibility, the ratio to actual harm, and comparable sanctions. The court affirmed the private judge's eligibility ruling, reversed the punitive-damages ruling, and remanded for further review.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Lanzinger, J.; Moyer, C.J.; O'Connor, J.; Cupp, J.; Pfeifer, J.; Stratton, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	July 9, 2008
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	MedLink appealed an Eighth District Court of Appeals decision affirming a trial judgment that included compensatory and punitive damages. The Supreme Court of Ohio accepted two propositions of law for discretionary review.
STANDARD OF REVIEW	A court reviewing punitive damages for constitutional excessiveness must independently analyze the three Gore guideposts; the Supreme Court of Ohio remanded for appellate review under that framework.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential.
PARTIES	MedLink of Ohio, Inc., The MedLink Group v. Andrea Barnes, University Hospitals of Cleveland

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QUESTIONS PRESENTED

1. Whether a retired judge who had been appointed but never elected to judicial office was eligible to receive civil referrals and serve as a private judge under R.C. 2701.10.
2. Whether the trial court was required to independently analyze the three punitive-damages guideposts identified in *BMW of North America, Inc. v. Gore* when reviewing the constitutionality of a punitive-damages award.

HOLDINGS

1. A retired judge who was never elected but served as a judge by appointment is eligible to receive civil referrals and serve as a private judge under R.C. 2701.10.
2. A party that consented on the record to a retired judge's authority to preside and waived appellate challenge cannot later raise the issue as a subject-matter-jurisdiction objection.
3. A court reviewing a punitive-damages award for excessiveness must independently analyze the three *Gore* guideposts: the degree of reprehensibility, the ratio of punitive damages to the actual harm, and sanctions available for comparable conduct.

KEY QUOTATIONS

"Thus, a court reviewing an award of punitive damages for excessiveness must independently analyze (1) the degree of reprehensibility of the party's conduct, (2) the ratio of the punitive damages to the actual harm inflicted, and (3) sanctions for comparable conduct." (at 182-183)

"Accordingly, we hold that a retired judge who has never been elected but who has been appointed to the position of judge is eligible to receive civil referrals and serve as a private judge pursuant to R.C. 2701.10." (at 179)

FACTUAL BACKGROUND

Natalie Barnes, who had mental retardation, epilepsy, and kidney disease, underwent regular hemodialysis using an implanted catheter. Her mother warned MedLink and the Cuyahoga County Board of Mental Retardation and Developmental Disabilities that Natalie might pull out the catheter and requested continuous monitoring. MedLink assigned Endia Hill, who lacked a high school diploma and had a felony conviction, to supervise Natalie; Hill left the dialysis unit, Natalie's catheter became detached, and Natalie suffered an air embolism, severe brain damage, and ultimately died.

PROCEDURAL HISTORY

Andrea Barnes brought medical-malpractice and wrongful-death claims against MedLink and University Hospitals after her daughter died following the dislodging of a dialysis catheter. The parties agreed to have a retired judge preside as a private judge under R.C. 2701.10, and a jury awarded compensatory and punitive

damages. The private judge denied MedLink's posttrial challenge to the punitive damages award, and the Eighth District affirmed without applying the BMW of North America, Inc. v. Gore guideposts. The Supreme Court of Ohio affirmed the private judge's eligibility but reversed the punitive-damages ruling and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the court of appeals to review the punitive-damages award in light of the three Gore guideposts.

CASES CITED

- BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996)
- State Farm Mutual Automobile Insurance Co. v. Campbell, 538 U.S. 408 (2003)
- Pacific Mutual Life Insurance Co. v. Haslip, 499 U.S. 1 (1991)
- Honda Motor Co. v. Oberg, 512 U.S. 415 (1994)
- TXO Production Corp. v. Alliance Resources Corp., 509 U.S. 443 (1993)
- Cooper Industries, Inc. v. Leatherman Tool Group, Inc., 532 U.S. 424 (2001)
- Wightman v. Consolidated Rail Corp., 86 Ohio St. 3d 431, 715 N.E.2d 546 (1999)
- Dardinger v. Anthem Blue Cross & Blue Shield, 98 Ohio St. 3d 77, 2002-Ohio-7113, 781 N.E.2d 121
- Browning-Ferris Industries of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257 (1989)
- In re J.J., 111 Ohio St. 3d 205, 2006-Ohio-5484, 855 N.E.2d 851
- State ex rel. Russo v. McDonnell, 110 Ohio St. 3d 144, 2006-Ohio-3459, 852 N.E.2d 145
- MedLink Group, Inc. v. Glickman, 109 Ohio St. 3d 1448, 2006-Ohio-2192, 846 N.E.2d 876

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