

SUPREME COURT OF OHIO

Disciplinary Counsel v. Carr

2022-Ohio-3633 (Ohio 2022) · No. 2021-1518 · Decided October 18, 2022

SUMMARY

The Supreme Court of Ohio indefinitely suspended Judge Pinkey Suzanne Carr from the practice of law for multiple violations of the Ohio Code of Judicial Conduct and Rules of Professional Conduct. The court also immediately suspended her from judicial office without pay for the duration of the disciplinary suspension, based on misconduct including improper capias warrants, ex parte communications, arbitrary dispositions, misuse of bonds to compel payment, lack of courtroom decorum, abuse of contempt power, and failure to recuse.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; O'Connor, C.J.; Fischer, J.; Myers, J.; Sadler, J.; Brunner, J.
JURISDICTION	Ohio
DECIDED	October 18, 2022
DOCKET	2021-1518
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding based on a certified report of the Board of Professional Conduct of the Supreme Court of Ohio. The respondent objected to the recommended sanction, and the Supreme Court of Ohio reviewed the board's findings and sanction recommendation.
STANDARD OF REVIEW	The court reviewed the stipulated record, the board's findings, the aggravating and mitigating factors, and sanctions imposed in comparable disciplinary cases to determine the appropriate sanction.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Ohio.

TOPICS

- administrative law
- municipal law
- criminal procedure
- sentencing

PRACTICE AREAS

judicial discipline

professional responsibility

criminal procedure

administrative law

municipal law

QUESTIONS PRESENTED

1. Whether the board applied the correct legal standard in evaluating Carr's diagnosed mental disorders as a mitigating factor.
2. Whether the evidence established that Carr's mental disorders contributed to cause her misconduct and therefore warranted mitigating effect.
3. Whether the board's recommended two-year suspension with no stay was an appropriate sanction for Carr's extensive judicial and professional misconduct.
4. Whether Carr should be immediately suspended from judicial office without pay during the disciplinary suspension.

HOLDINGS

1. The board applied the proper standard under Gov.Bar R. V(13)(C)(7); a respondent must establish a causal nexus showing that the mental disorder contributed to cause the misconduct, along with the rule's other requirements.
2. Carr failed to establish that her diagnosed mental disorders contributed to cause her misconduct, so the disorders were properly rejected as a mitigating factor.
3. Carr's extensive, repeated, dishonest, and harmful misconduct warranted an indefinite suspension from the practice of law rather than the board's recommended two-year suspension.
4. Carr was immediately suspended from judicial office without pay for the duration of her disciplinary suspension.

KEY QUOTATIONS

"Under this caselaw, there must be a causal nexus between a respondent's mental disorders and the misconduct in order for the respondent's mental disorders to qualify for mitigating effect—i.e., the disorders must be shown to have "contributed to cause" the misconduct." (§ 80)

"That misconduct warrants an indefinite suspension from the practice of law." (§ 97)

FACTUAL BACKGROUND

Carr served as a Cleveland Municipal Court judge and engaged in more than 100 stipulated incidents of misconduct over approximately two years. She issued capias warrants contrary to an administrative order postponing court proceedings during the COVID-19 pandemic, engaged in improper ex parte communications and plea bargaining, issued arbitrary dispositions, falsified journal entries, and used warrants and bonds to compel payment of fines and costs. She also displayed persistent courtroom disrespect and lack of decorum, abused the contempt power, and failed to recuse herself from contempt proceedings involving a defendant with whom she had become personally embroiled.

PROCEDURAL HISTORY

Disciplinary counsel filed an amended complaint charging Judge Pinkey Suzanne Carr with five counts of judicial and professional misconduct. The parties entered 583 factual and misconduct stipulations, and a three-member panel of the Board of Professional Conduct held a bifurcated hearing, adopted the stipulations, and recommended a two-year suspension with conditions. The board adopted the panel's findings and recommendation, and the Supreme Court of Ohio adopted the misconduct findings but increased the sanction to an indefinite suspension, with immediate suspension from judicial office without pay.

DISPOSITION

other

CASES CITED

- Cleveland v. [A.B.], 2020-Ohio-5180, 163 N.E.3d 153 (8th Dist.)
- State v. Ellis, 2d Dist. Montgomery No. 22189, 2008-Ohio-2719
- Disciplinary Counsel v. Bachman, 163 Ohio St.3d 195, 2020-Ohio-6732, 168 N.E.3d 1178
- Disciplinary Counsel v. Repp, 165 Ohio St.3d 582, 2021-Ohio-3923, 180 N.E.3d 1128
- Warren Cty. Bar Assn. v. Vardiman, 146 Ohio St.3d 23, 2016-Ohio-352, 51 N.E.3d 587
- Disciplinary Counsel v. Engel, 154 Ohio St.3d 209, 2018-Ohio-2988, 113 N.E.3d 481
- Disciplinary Counsel v. Joltin, 147 Ohio St.3d 490, 2016-Ohio-8168, 67 N.E.3d 780
- Cleveland Metro. Bar Assn. v. King, 159 Ohio St.3d 122, 2019-Ohio-4715, 149 N.E.3d 444
- Disciplinary Counsel v. Rumizen, 156 Ohio St.3d 575, 2019-Ohio-2519, 130 N.E.3d 283
- Disciplinary Counsel v. Johnson, 131 Ohio St.3d 372, 2012-Ohio-1284, 965 N.E.2d 294
- Disciplinary Counsel v. Chambers, 125 Ohio St.3d 414, 2010-Ohio-1809, 928 N.E.2d 1061
- Disciplinary Counsel v. O'Neill, 103 Ohio St.3d 204, 2004-Ohio-4704, 815 N.E.2d 286
- Disciplinary Counsel v. Burge, 157 Ohio St.3d 203, 2019-Ohio-3205, 134 N.E.3d 153
- Disciplinary Counsel v. Horton, 158 Ohio St.3d 76, 2019-Ohio-4139, 140 N.E.3d 561
- Disciplinary Counsel v. Medley, 104 Ohio St.3d 251, 2004-Ohio-6402, 819 N.E.2d 273
- Disciplinary Counsel v. Parker, 116 Ohio St.3d 64, 2007-Ohio-5635, 876 N.E.2d 556
- Disciplinary Counsel v. Berry, 166 Ohio St.3d 112, 2021-Ohio-3864, 182 N.E.3d 1184
- Disciplinary Counsel v. Kelly, 121 Ohio St.3d 39, 2009-Ohio-317, 901 N.E.2d 798
- Disciplinary Counsel v. McAuliffe, 121 Ohio St.3d 315, 2009-Ohio-1151, 903 N.E.2d 1209
- Ohio State Bar Assn. v. McCafferty, 140 Ohio St.3d 229, 2014-Ohio-3075, 17 N.E.3d 521
- Ohio State Bar Assn. v. Mason, 152 Ohio St.3d 228, 2017-Ohio-9215, 94 N.E.3d 556