

SUPREME COURT OF OHIO

In re Complaint Against Resnick

108 Ohio St. 3d 160, 2005-Ohio-6800 · No. 2005-2396 · Decided December 28, 2005

SUMMARY

The Supreme Court of Ohio adjudicated a judicial-discipline complaint against Justice Alice Robie Resnick arising from her conviction for driving under the influence of alcohol. The court found that she violated Canon 2 of the Code of Judicial Conduct and imposed a public reprimand.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Stephen R. Shaw, J.; Mike Fain, C.J.; Rupert A. Doan, J.; James A. Brogan, J.; Peter B. Abele, J.; John F. Boggins, J.; Arlene Singer, J.; Gene Donofrio, J.; Patricia Blackmon, J.; Lynn C. Slaby, J.; Susan Brown, J.; Donald R. Ford, J.; William W. Young, J.
JURISDICTION	Ohio
DECIDED	December 28, 2005
DOCKET	2005-2396
DISPOSITION	other
PROCEDURAL POSTURE	Original judicial-discipline adjudication before a specially constituted panel of the Supreme Court of Ohio under Gov.Jud.R. II. The parties submitted an agreement consenting to discipline in lieu of a further hearing.
STANDARD OF REVIEW	The court independently determined, on the complaint, admissions, stipulations, affidavit, and exhibits, whether a Canon 2 violation occurred and what sanction was appropriate; the determination was made by clear and convincing evidence.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Jeffrey R. McQuiston, relator v. Alice Robie Resnick, respondent

TOPICS

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QUESTIONS PRESENTED

1. Whether Justice Alice Robie Resnick's conduct in driving under the influence of alcohol violated Canon 2 of the Code of Judicial Conduct.
2. Whether a public reprimand was the appropriate disciplinary sanction for the violation.

HOLDINGS

1. Justice Alice Robie Resnick violated Canon 2 by driving a motor vehicle while under the influence of alcohol.
2. A public reprimand was the appropriate disciplinary sanction under the circumstances presented.

KEY QUOTATIONS

“it is the unanimous determination of the court by clear and convincing evidence that respondent, Alice Robie Resnick, violated Canon 2 of the Code of Judicial Conduct as alleged in the complaint.” (¶ 7)

“It is further the unanimous determination of the court that a public reprimand is the appropriate disciplinary sanction to entirely conclude all aspects of this case.” (¶ 7)

“Respondent, Alice Robie Resnick, is hereby publicly reprimanded for her conduct on January 31, 2005.” (¶ 8)

FACTUAL BACKGROUND

On January 31, 2005, Justice Alice Robie Resnick drove a motor vehicle while under the influence of alcohol, was arrested, and was subsequently convicted of the offense. She admitted the allegations and the Canon 2 violation, pleaded guilty to the charges, complied with her sentence, and cooperated with the disciplinary investigation. The record contained no aggravating factors and reflected multiple mitigating circumstances, including the absence of a prior disciplinary record and her distinguished legal career.

PROCEDURAL HISTORY

After a panel of appellate judges found sufficient cause for investigation, Jeffrey R. McQuiston was appointed special investigator. He filed a formal disciplinary complaint alleging that Justice Alice Robie Resnick violated Canon 2 by driving under the influence of alcohol. Resnick admitted the allegations and jointly submitted an agreement recommending a public reprimand, which the court accepted without further hearing.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Connor, 105 Ohio St. 3d 100, 2004-Ohio-6902, 822 N.E.2d 1235

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