

SUPREME COURT OF OHIO

Disciplinary Counsel v. Runyan

108 Ohio St. 3d 43 (Ohio 2006) · Decided January 25, 2006

SUMMARY

The Supreme Court of Ohio publicly reprimanded Judge Jeffrey Lynn Runyan for judicial and professional misconduct. The misconduct included attempting to impose conditions on the prosecution after declaring a mistrial, making improper comments and settlement proposals concerning a pending case, and ruling on a former client’s motion despite a duty to disqualify himself.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O’Connor, J.; O’Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	January 25, 2006
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which Disciplinary Counsel charged an Ohio common pleas judge with violations of the Code of Judicial Conduct and Code of Professional Responsibility. A hearing panel found misconduct, the Board of Commissioners on Grievances and Discipline adopted the findings and recommended a public reprimand, and the Supreme Court of Ohio reviewed and adopted that recommendation.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the stipulated violations and the recommended sanction, considering the duties violated, respondent's mental state, injury caused, aggravating and mitigating circumstances, and applicable precedent.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential.
PARTIES	Disciplinary Counsel v. Jeffrey Lynn Runyan

TOPICS

administrative law

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

legal ethics

judicial discipline

professional responsibility

criminal procedure

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QUESTIONS PRESENTED

1. Whether Runyan's conduct in attempting to impose conditions on the prosecutor and police department, and in seeking corrective action concerning a pending criminal matter, violated the Code of Judicial Conduct and Code of Professional Responsibility.
2. Whether Runyan violated the judicial disqualification requirement by ruling on a former client's motions to terminate his prison sentence after previously representing that client.
3. Whether a public reprimand was the appropriate sanction for the proven misconduct.

HOLDINGS

1. Runyan violated Canons 2, 3, 3(B)(9), and 4 of the Code of Judicial Conduct and DR 1-102(A)(5) by attempting to use judicial authority to control prosecutorial and police conduct, by making improper comments and proposals concerning a pending proceeding, and by engaging in conduct prejudicial to the administration of justice.
2. Runyan violated Canon 3(E)(1)(b) by ruling on a former client's motions to terminate his prison sentence when his impartiality could reasonably be questioned because he had previously represented the client in the criminal matter.
3. A public reprimand was appropriate for Runyan's violations, and costs were properly taxed to him.

KEY QUOTATIONS

“When deciding what sanction to impose, we consider the duties violated, respondent’s mental state, the injury caused, the existence of aggravating and mitigating circumstances, and applicable precedent.” (47)

“Respondent is therefore publicly reprimanded for his violations of Canons 2, 3, 3(B)(9), 3(E)(1)(b), and 4, and DR 1-102(A)(5).” (47)

FACTUAL BACKGROUND

While presiding over a criminal trial, Runyan declared a mistrial after a police detective warned a prospective defense witness that the witness might be prosecuted. Although Runyan later found that retrial was not barred by double jeopardy, he ordered the prosecutor's office to post a bond for retrial costs and dismissed the indictment when the prosecutor refused. He also attempted to condition the withdrawal of the state's appeal and other prosecutorial and police actions on promises concerning future proceedings. Separately, Runyan ruled on motions to terminate the prison sentence of a former client whom he had represented in the underlying criminal case, without disqualifying himself.

PROCEDURAL HISTORY

Disciplinary Counsel filed an amended two-count complaint against Runyan. After a panel hearing, the board found violations arising from Runyan's interference with law-enforcement and prosecutorial decisions in the

Songer case and his failure to disqualify himself from a former client's sentencing-related motions. Neither party objected to the board's recommendation of a public reprimand, which the Supreme Court of Ohio accepted.

DISPOSITION

other

CASES CITED

- State v. Songer, Ashland App. No. 03COA051, 2004-Ohio-1281, 2004 WL 540305
- State v. Songer, 103 Ohio St. 3d 1477, 2004-Ohio-5405, 816 N.E.2d 254
- Ohio State Bar Assn. v. Vukelic, 102 Ohio St. 3d 421, 2004-Ohio-3651, 811 N.E.2d 1127
- Disciplinary Counsel v. Christ, 74 Ohio St. 3d 308, 658 N.E.2d 746 (1996)
- Disciplinary Counsel v. Medley, 93 Ohio St. 3d 474, 756 N.E.2d 104 (2001)
- Disciplinary Counsel v. Evans, 89 Ohio St. 3d 497, 501, 733 N.E.2d 609 (2000)

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