

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE COUNTY

Arnoff v. Patterson

2026-Ohio-1227 · No. 2025-L-083 · Decided April 6, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals affirmed summary judgment for Attorney David Patterson in Bruce Arnoff’s legal malpractice action arising from Patterson’s representation in federal habeas proceedings. The court held that Arnoff failed to present evidence establishing breach, causation, or resulting damages, including evidence that Patterson caused dismissal of the untimely habeas petition. The court also upheld the denial of Arnoff’s motions for joinder and jury trial, found his discovery claim forfeited, and rejected his judicial-bias arguments.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Lake County
WRITING FOR THE COURT	Robert J. Patton; John J. Eklund; Eugene A. Lucci
JURISDICTION	Court of Appeals of Ohio, Eleventh Appellate District, Lake County
DECIDED	April 6, 2026
DOCKET	2025-L-083
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Lake County Court of Common Pleas's judgment granting the defendant attorney's motion for summary judgment in a legal-malpractice action and denying the plaintiff's cross-motion for summary judgment and other motions.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, independently and without deference to the trial court. Decisions concerning necessary or permissive joinder are reviewed for abuse of discretion. Issues not raised in the trial court are forfeited on appeal absent plain error.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Bruce Arnoff v. Attorney David Patterson

TOPICS

- professional negligence
- summary judgment
- civil procedure
- standard of review
- appellate procedure

PRACTICE AREAS

legal malpractice

civil procedure

appellate procedure

professional negligence

QUESTIONS PRESENTED

1. Whether summary judgment was properly granted to Patterson on Arnoff's legal-malpractice claim.
2. Whether the trial court abused its discretion by denying Arnoff's motions to join additional plaintiffs under Civ.R. 19 and Civ.R. 20.
3. Whether Arnoff forfeited his claim concerning Patterson's failure to answer interrogatories by failing to seek an order compelling discovery.
4. Whether summary judgment deprived Arnoff of his right to a jury trial or due process.
5. Whether the appellate court could grant relief based on alleged judicial bias and whether the record demonstrated a due-process violation.

HOLDINGS

1. Summary judgment for Patterson was proper because Arnoff failed to present evidence creating a genuine issue that Patterson breached the applicable duty or that Patterson's conduct proximately caused damage or loss.
2. The trial court did not abuse its discretion by denying Arnoff's motion to join Gillespie, McMahon, and Eckmeyer as plaintiffs.
3. Arnoff forfeited his claim concerning Patterson's failure to answer interrogatories because he did not seek an order compelling discovery in the trial court and did not argue plain error.
4. Arnoff was not denied a jury trial or due process because a properly entered summary judgment resolves the case without a jury when no factual issues remain for trial.
5. The appellate court found no due-process violation because the record contained no evidence of judicial bias or prejudice compelling enough to overcome the presumption of judicial integrity.

KEY QUOTATIONS

“To establish a cause of action for legal malpractice based on negligent representation, a plaintiff must show (1) that the attorney owed a duty or obligation to the plaintiff, (2) that there was a breach of that duty or obligation and that the attorney failed to conform to the standard required by law, and (3) that there is a causal connection between the conduct complained of and the resulting damage or loss.” (¶ 35)

“A litigant is not denied due process or the right to a jury trial when a judgment is properly entered against him in accordance with Civ.R. 56.” (¶ 48)

“A judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions.” (¶ 54)

FACTUAL BACKGROUND

Arnoff, who was incarcerated after an aggravated-murder-related conviction, filed a pro se federal habeas petition in March 2022. He retained Patterson in February 2023, after the federal district court had raised the timeliness issue; the federal court ultimately dismissed the petition as untimely. Arnoff then sued Patterson for legal malpractice, alleging professional-conduct violations, mishandling of motions, false statements, and responsibility for dismissal of the habeas petition. Patterson submitted expert evidence that his conduct met the applicable standard of care and did not cause Arnoff's loss, while Arnoff submitted no expert testimony.

PROCEDURAL HISTORY

Arnoff sued Patterson for legal malpractice arising from Patterson's representation of him in federal habeas proceedings. The Lake County Court of Common Pleas granted Patterson summary judgment, denied Arnoff's cross-motion for summary judgment, and denied or overruled Arnoff's motions concerning joinder, jury trial, an evidentiary hearing, and correction of manifest injustice. Arnoff appealed, and the Eleventh District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Arnoff, 2020-Ohio-3520, ¶¶ 5, 15 (9th Dist.)
- Arnoff v. Black, 2024 WL 5514817, *3, *7 (N.D. Ohio May 15, 2024)
- Arnoff v. Black, 2025 WL 925824, *1, *21 (N.D. Ohio Mar. 27, 2025)
- Arnoff v. Fender, 2025 WL 2985844, *1 (6th Cir. Sept. 16, 2025)
- Miller Transp., Inc. v. Hocking Athens Perry Community Action, 2024-Ohio-1017, ¶ 30 (10th Dist.)
- Ford Motor Credit Co. v. Ryan, 2010-Ohio-4601, ¶ 67 (10th Dist.)
- Hambleton v. R.G. Barry Corp., 12 Ohio St.3d 179, 184 (1984)
- Coffman v. Ohio State Adult Parole Auth., 2013-Ohio-109, ¶ 17 (10th Dist.)
- N. Side Bank & Trust Co. v. Performance Home Buyers, L.L.C., 2009-Ohio-1277, ¶ 12 (2d Dist.)
- State v. Beechler, 2010-Ohio-1900, ¶ 62 (2d Dist.)
- Fifth Third Bank v. Richards, 2015-Ohio-638, ¶ 26 (11th Dist.)
- Trumbull Career & Technical Ctr. Bd. of Edn. v. Trumbull Career & Technical Ctr. Edn. Assn., 2012-Ohio-5838, ¶ 9 (11th Dist.)
- State ex rel. Zollner v. Indus. Comm., 66 Ohio St.3d 276, 278 (1993)
- State v. Payne, 2007-Ohio-4642, ¶ 23
- Superior Waterproofing, Inc. v. Karnofel, 2017-Ohio-7966, ¶ 19 (11th Dist.)
- Brown v. Cty. Commrs. of Scioto Cty., 87 Ohio App.3d 704, 711 (4th Dist. 1993)
- Grafton v. Ohio Edison Co., 1996-Ohio-336, ¶ 10
- Dresher v. Burt, 1996-Ohio-107, ¶¶ 17-18
- Found. Medici v. Butler Inst. of Am. Art, 2022-Ohio-2923, ¶ 19 (11th Dist.)
- Bender v. Logan, 2016-Ohio-5317, ¶ 49 (4th Dist.)

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Garland v. Simon-Seymour*, 2009-Ohio-5762, ¶ 47 (11th Dist.)
- *Vahila v. Hall*, 1997-Ohio-259, syllabus
- *Passerell v. Cordell*, 2015-Ohio-1767, ¶¶ 26, 28 (11th Dist.)
- *C & K Indus. Servs. v. McIntyre, Kahn & Kruse Co., L.P.A.*, 2012-Ohio-5177, ¶ 16 (8th Dist.)
- *Eastminster Presbytery v. Stark & Knoll*, 2012-Ohio-900, ¶¶ 6-7 (9th Dist.)
- *Environmental Network Corp. v. Goodman Weiss Miller, L.L.P.*, 2008-Ohio-3833, ¶ 18
- *Hinton v. Masek*, 2014-Ohio-2890, ¶¶ 14-15 (11th Dist.)
- *Brunstetter v. Keating*, 2003-Ohio-3270, ¶ 16 (11th Dist.)
- *Bloom v. Dieckmann*, 11 Ohio App.3d 202, 203 (1st Dist. 1983)
- *Brown v. Morganstern*, 2004-Ohio-2930, ¶ 38 (11th Dist.)
- *Fred Siegel Co., L.P.A. v. Arter & Hadden*, 1999-Ohio-260, ¶ 27
- *Butorac v. Osmic*, 2025-Ohio-709, ¶ 11 (11th Dist.)
- *Godale v. Chester Twp. Bd. of Trustees*, 2005-Ohio-2521, ¶ 50 (11th Dist.)
- *Security Natl. Bank and Trust Co. v. Jones*, 2001-Ohio-1534 (2d Dist.)
- *Truist Bank v. Eichenberger*, 2023-Ohio-779, ¶ 31 (10th Dist.)
- *State v. West*, 2022-Ohio-2060, ¶ 34 (2d Dist.)
- *National Collegiate Student Loan Trust 2005-3 v. Dunlap*, 2018-Ohio-2701, ¶ 48 (4th Dist.)
- *State v. Sankey*, 2018-Ohio-2677, ¶ 16 (11th Dist.)
- *State v. Russell*, 2017-Ohio-7198, ¶ 16 (2d Dist.)
- *State v. Qualls*, 2015-Ohio-2182, ¶ 8 (2d Dist.)
- *State v. Haywood*, 2017-Ohio-8299, ¶ 20 (9th Dist.)
- *King v. Divoky*, 2021-Ohio-1712, ¶¶ 44-48 (9th Dist.)
- *State v. Loudermilk*, 2017-Ohio-7378, ¶ 20 (1st Dist.)
- *In re Murchinson*, 349 U.S. 133, 136 (1955)
- *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980)
- *State v. LaMar*, 2002-Ohio-2128, ¶ 34
- *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, paragraph four of the syllabus (1956)
- *In re Disqualification of George*, 2003-Ohio-5489, ¶ 5
- *State v. Smith*, 2024-Ohio-2187, ¶ 10 (1st Dist.)
- *State v. Sharp*, 2020-Ohio-3497, ¶ 11 (12th Dist.)
- *State v. Harris*, 2025-Ohio-5438, ¶¶ 83-84 (1st Dist.)
- *State v. Elkins*, 2024-Ohio-5351, ¶ 11 (6th Dist.)
- *State v. McCain*, 2015-Ohio-449, ¶ 14 (2d Dist.)
- *Coley v. Bagley*, 706 F.3d 741, 751 (6th Cir. 2013)
- *Arnoff v. Ferguson*, 2023-Ohio-3511, ¶ 9 (9th Dist.)

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