

JUDICIAL DISQUALIFICATION SCENARIOS

Ohio Code of Judicial Conduct & Supreme Court of Ohio Case Law

Disqualification Scenario	YES	NO	IT DEPENDS	Authority
Prior Involvement as Counsel or Judge				
Judge is on a three-judge panel in a capital case and previously issued a blanket recusal order involving the assistant prosecutor on the case.	✓			<i>Burge</i> , 2014-Ohio-1458
Judge prosecuted the defendant in an earlier unrelated criminal proceeding.		✓		Jud.Cond.R. 2.11(A)(7)(b); <i>Batchelor</i> , 2013-Ohio-2626 ; <i>Stevenson</i> , 2014-Ohio-3176 ; <i>Robinson</i> , 2022-Ohio-4490
Judge, while elected prosecutor, gave law enforcement charging advice concerning defendant.	✓			<i>Kuhn</i> , 2023-Ohio-4882
Judge prosecuted the defendant; case now before the judge on a motion for post-conviction relief.	✓			Jud.Cond.R. 2.11(A)(2)
Judge was an assistant prosecutor at the time of indictment but was not personally involved in the case.		✓		<i>Gall</i> , 2013-Ohio-1319
Judge is likely to be a material witness in the case.	✓			<i>Hedric</i> , 2009-Ohio-7208
While judge was in private practice, a law partner handled the matter.	✓			Jud.Cond.R. 2.11(A)(7)(a)
Judge is former city council member who participated personally and substantially on the matter while on council.	✓			Jud.Cond.R. 2.11(A)(7)(b)
Judge represented one of the parties while in private practice on an unrelated matter.		✓		<i>Serrott</i> , 2012-Ohio-6340 ; <i>Breaux</i> , 2019-Ohio-5454 ; <i>Rosebrook</i> , 2020-Ohio-5360 ; <i>Ballard</i> , 2022-Ohio-775
Judge presides over "family drug court" and "neglect and dependency" cases involving the same juvenile. Parents of the juvenile alleged bias based on extrajudicial information learned while presiding in drug court.		✓		<i>Blanchard</i> , 2017-Ohio-5543
Familiarity with Counsel or Parties				
Judge has strong ties to a person involved in the case.	✓			<i>Sage</i> , 2011-Ohio-7082 ; <i>Disciplinary Counsel v. Oldfield</i> , 2014-Ohio-2963 ; <i>Padden</i> , 2018-Ohio-5420
The court's funding authority is a party.		✓		<i>Watson (1997)</i> , 1997-Ohio-16

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A court employee is a party.		✓		<i>Lotz</i> , 2002-Ohio-7480 ; <i>Bennett</i> , 2019-Ohio-2017
Counsel is the judge's former law partner from six months ago.	✓			<i>Vercillo</i> , 2013-Ohio-5763 ; <i>Ward</i> , 2002-Ohio-7467
Counsel is the judge's former law partner from 20 years ago.		✓		<i>Vercillo</i> , 2013-Ohio-5763 ; <i>Ward</i> , 2002-Ohio-7467
Counsel is a local lawyer.		✓		<i>O'Donnell</i> , 2013-Ohio-5762 ; <i>Schmidt</i> , 2021-Ohio-3571 ; <i>Kate</i> , 2019-Ohio-4449
Judge was a victim of the defendant in a crime (threats against public officials) that occurred over 20 years ago.		✓		<i>Deweese</i> , 2017-Ohio-9421
Counsel represents the judge in the judge's personal or official capacity in another matter.	✓			Badger, 47 Ohio St.3d 604 (1989)
Political / Campaign Activity				
Case involves a local officeholder and former party chair with personal connections to many local judges.	✓			<i>Corrigan</i> , 2005-Ohio-7153 ; <i>Celebrezze</i> , 2004-Ohio-7360 ; but see <i>Gallagher</i> , 2018-Ohio-5428
A member of the board of elections is a party in a proceeding.		✓		Villanueva, 74 Ohio St.3d 1277 (1995)
Opposing law firm made contribution to judge's campaign committee.		✓		<i>Bartolotta</i> , 2016-Ohio-8585 ; <i>Breaux</i> , 2017-Ohio-7374
Judge's campaign opponent is counsel in the case.		✓		<i>Floyd</i> , 2012-Ohio-6353 ; <i>Hurley</i> , 2014-Ohio-5874 ; <i>Burt</i> , 2015-Ohio-5670
Counsel is on the judge's campaign committee.			✓	Advisory Opinion 2014-1
Judge received a monetary campaign contribution from counsel for a party.		✓		<i>Wallace</i> , 2019-Ohio-5452
Judge's decade-old campaign statements vaguely referring to his former opponent's handling of a capital case, factually similar to the case at bar, warranted his disqualification to avoid the appearance of bias.	✓			<i>Cottrill</i> , 2022-Ohio-4800
Family and Friends				
Judge's spouse is the county prosecutor, who had no personal involvement in the case.		✓		<i>Bates</i> , 2012-Ohio-6342 ; <i>Carr</i> , 2004-Ohio-7357
Counsel is a friend of the judge.		✓		<i>Burt</i> , 2013-Ohio-5898 ; <i>Wallace</i> , 2019-Ohio-5452

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The defendant is the judge's daily workout partner.	✓			<i>Rastatter</i> , 2009-Ohio-7205
The judge has personal and professional connections to a key witness in the case.		✓		<i>Leuthold</i> , 2023-Ohio-4775
Judge's family member has an economic interest in the proceeding.	✓			Jud.Cond.R. 2.11(A)(3)
Judge married to police officer employed by arresting agency of defendant.		✓		<i>Farmer</i> , 2014-Ohio-2046 ; Advisory Opinion 89-19
Judge became social friends with political opponent of criminal defendant after conviction that was alleged as politically motivated.	✓			<i>Crawford</i> , 2017-Ohio-9428
Personal Knowledge or Bias				
Judge has a personal bias or prejudice concerning a party or a party's lawyer.	✓			Jud.Cond.R. 2.11(A)(1)
Judge has expressed dissatisfaction with a lawyer's time-wasting tactics.		✓		<i>Holbrook</i> , 2013-Ohio-5863 ; <i>Harwood</i> , 2013-Ohio-5256 ; <i>Corrigan</i> , 2004-Ohio-7354 ; <i>Swenski</i> , 2014-Ohio-3299 ; <i>Russo</i> , 2021-Ohio-1246
Judge has personal knowledge of the facts in dispute.	✓			Jud.Cond.R. 2.11(A)(1)
During case, the judge's actions or words would cause a reasonable person to believe there is a hostile feeling or spirit of ill will.	✓			<i>Sheward</i> , 2013-Ohio-3643
Comments made by judge during sentencing suggesting defendant's parents were "gang members" and that defendant was responsible for ruining the lives of heroin users.	✓			<i>Sutula</i> , 2016-Ohio-8599
Judge made public comments on a radio show about an unrelated case involving a child victim prior to sentencing a defendant in a child victim case.			✓	<i>Ghiz</i> , 2016-Ohio-8586 ; ; Jud.Cond.R. 2.11(A)(5)
Judge's unnecessary and isolated comments about counsel's credibility and lack of professionalism; threatening contempt.		✓		<i>Yarbrough</i> , 2019-Ohio-4450 ; <i>Stucki</i> , 2019-Ohio-4534
Speculation that the judge may be called as witness.		✓		<i>Kelbley</i> , 2019-Ohio-5450
Judge presides over two civil cases arising from a criminal case he previously presided.		✓		<i>Finnegan</i> , 2019-Ohio-4533
Counsel for party briefly represented judge's ex-husband during divorce proceedings.		✓		<i>Ghiz</i> , 2019-Ohio-3351

Disqualification Scenario	YES	NO	IT DEPENDS	Authority
Judge is allegedly Facebook "friends" with several persons related to defendant's prior criminal case.		✓		<i>Muench-McElfresh</i> , 2019-Ohio-4451 ; <i>Kerenyi</i> , 2020-Ohio-1082 ; ; See also <i>Adv. Op. 2010-07</i>
During the pendency of a matter, the defendant allegedly threatened to kill the judge.			✓	<i>Binette</i> , 2021-Ohio-1753
Judge in a capital murder case referred to patients as "victims," referred to defendant's actions as "murder," and sarcastically referred to defendant as "the killer" in chambers; was quoted in press regarding pending decisions and his opinions about defense's trial strategy.		✓		<i>Holbrook</i> , 2022-Ohio-2141
Judge excluded certain counsel from hearings, spoke to counsel in a rude tone, and made sarcastic comments.	✓			<i>Clark</i> , 2023-Ohio-4774
Judge who was the victim of a past crime committed by the defendant in an underlying case is "otherwise . . . disqualified" under R.C. 2701.03 to avoid the appearance of impropriety.	✓			<i>Leuthold</i> , 2024-Ohio-6133
Judge's comment on the record that counsel had asserted "blatant lies" in an appellate-court filing created an appearance of impropriety.	✓			<i>Gallagher</i> , 2024-Ohio-6136
Conflicts				
A party filed a lawsuit against the judge in state or federal court.		✓		<i>Pokorny</i> , 2013-Ohio-915 ; <i>Mattingly</i> , 2014-Ohio-3065 ; <i>Saffold</i> , 2018-Ohio-5258 ; <i>Schooley</i> , 2021-Ohio-3568 ; <i>Giulitto</i> , 2022-Ohio-749
Judge was formerly an adjunct professor at a law school that is a party in the case.		✓		<i>Froelich</i> , 2015-Ohio-3423
Judge previously recused himself/herself in an unrelated matter involving the same party.		✓		<i>Celebrezze</i> , 2012-Ohio-6304 ; <i>VonAllman</i> , 2016-Ohio-8589 ; <i>Goslee</i> , 2018-Ohio-5422 ; <i>Leuthold</i> , 2018-Ohio-5426 ; <i>Serrott</i> , 2022-Ohio-3203 ; <i>Forchione</i> , 2011-Ohio-7077 ; <i>Inderlied</i> , 2015-Ohio-5676
Judge is a party in a federal lawsuit defended by same firm involved in underlying appellate case.	✓			<i>O'Toole</i> , 2017-Ohio-7053
Grievances Filed / Disciplinary Cases				
A party filed a grievance against the judge with the disciplinary authorities.		✓		<i>Celebrezze</i> , 2012-Ohio-6304

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Judge filed a grievance against counsel with the disciplinary authorities.			✓	<i>Lynch</i> , 2013-Ohio-910 ; <i>Ghiz</i> , 2022-Ohio-4585 ; cf. <i>OSBA v. Evans</i> , 2013-Ohio-4992
Judge is likely to be an adverse witness in counsel's disciplinary case.			✓	<i>Lynch</i> , 2013-Ohio-910 ; <i>Maschari</i> , 1999-Ohio-8
Ex Parte Communications				
Judge had an "academic" ex parte conversation with one lawyer regarding general issues in the case.	✓			<i>Sheward</i> , 2012-Ohio-6289
Ex parte communication via staff requesting counsel to prepare entry.			✓	<i>Spitler</i> , 2014-Ohio-5875 ; <i>Disciplinary Counsel v. Stuard</i> , 2009-Ohio-261
Ex parte communication with lawyer who was a regular member of judge's carpool.		✓		<i>Gall</i> , 2016-Ohio-8602
Going forward with a hearing in the absence of a party.		✓		<i>McMonagle</i> , 2020-Ohio-4666
Judge had access to the police report that is included in the case file.		✓		<i>Bonfiglio</i> , 2021-Ohio-4669
Miscellaneous				
Judge presiding over trial and post-conviction proceedings of defendant.		✓		<i>Nastoff</i> , 2012-Ohio-6339 ; <i>Callahan</i> , 2014-Ohio-3175
Judge caused unreasonable delay in the case and characterized the state's position to pursue the death penalty in the case as "silly" and a "waste of time."		✓		<i>Collier-Williams</i> , 2017-Ohio-5718 ; <i>Yarbrough</i> , 2020-Ohio-4439
Judge failed to adequately explain or clarify her conduct after a request from the Court; allegation that judge entrusted judicial functions to staff.	✓			<i>Saffold</i> , 2021-Ohio-114
COVID-19: if a judge cannot prove that he or she has taken steps to protect the safety of individuals in the courtroom, the judge may be disqualified.	✓			<i>Fleegle</i> , 2020-Ohio-5636 ; <i>Carr</i> , 2020-Ohio-2868
Administrative judge assigned case to herself despite requirement to randomly assign cases was disqualified to avoid the appearance of impropriety.	✓			<i>Celebrezze</i> , 2023-Ohio-4383
An objective observer would reasonably conclude that the judge had already determined that a party would be guilty of contempt regardless of evidence adduced at a future contempt hearing.	✓			<i>Ruehlman</i> , 2024-Ohio-1306
Jud.Cond.R. 2.11 does not prohibit a judge who recused from a case from returning to preside over the case once the conflict of interest has abated.		✓		<i>Hejmanowski</i> , 2024-Ohio-4477

Disqualification Scenario	YES	NO	IT DEPENDS	Authority
Judge ignored higher court mandate and told counsel for one party off the record, "I don't like you ... [and] you don't like me."	✓			<i>Triggs</i> , 2025-Ohio-983