

**IN RE DISQUALIFICATION OF SCHNEIDER CARTER.**

**DAVIS v. DAVIS.**

**[Cite as *In re Disqualification of Schneider Carter*, 151 Ohio St.3d 1234,  
2017-Ohio-8042.]**

*Judges—Affidavits of disqualification—R.C. 2701.03—Affiant failed to present  
sufficient evidence that judge acted in a negative or hostile manner to him—  
Disqualification denied.*

(No. 17-AP-069—Decided July 26, 2017.)

ON AFFIDAVIT OF DISQUALIFICATION in Butler County Court of Common Pleas,  
Domestic Relations Division, Case No. DR2013-12-1277.

---

**O’CONNOR, C.J.**

{¶ 1} Defendant, Theodore Davis Jr., has filed an affidavit with the clerk of this court under R.C. 2701.03 seeking to disqualify Judge Barbara Schneider Carter from presiding over any further proceedings in the above-captioned divorce case in the Butler County Court of Common Pleas, Domestic Relations Division.

{¶ 2} Mr. Davis alleges that Judge Schneider Carter is biased against him based on a series of judicial rulings in the case. For example, he asserts that the judge made legal decisions “without evidence” and that she denied all his motions but granted the motions filed by his ex-wife. He also asserts that at a June 22, 2017 hearing, the judge acted in a negative and hostile manner toward him.

{¶ 3} Judge Schneider Carter has responded in writing to the affidavit, denying any bias against Mr. Davis and thoroughly detailing her handling of this case.

{¶ 4} For the reasons explained below, Mr. Davis has not established that the judge’s disqualification is necessary.

{¶ 5} First, it is well settled that “a party’s disagreement or dissatisfaction with a court’s legal rulings, even if those rulings may be erroneous, is not grounds for disqualification.” *In re Disqualification of Lawson*, 135 Ohio St.3d 1243, 2012-Ohio-6337, 986 N.E.2d 6, ¶ 6. Therefore, an affidavit of disqualification is not the mechanism for determining whether a judge has properly interpreted the evidence in a case or has otherwise complied with the law. Further, “[a] party is not entitled to a certain number of favorable rulings, and a judge must be free to make rulings on the merits without the apprehension that a disproportionate number of rulings in favor of one party will create the impression of bias toward that party or against its adversary.” *Id.* at ¶ 7. Here, Mr. Davis may have other remedies for his dissatisfaction with Judge Schneider Carter’s legal decisions, but he has not proven that those decisions were the product of bias thereby requiring her removal.

{¶ 6} Second, Mr. Davis has failed to properly substantiate his claim that the judge acted in a negative and hostile manner toward him at the June 22, 2017 hearing. To support his claim, he submitted a 111-page transcript of that proceeding. However, he failed to provide page references for the alleged biased conduct. In an affidavit of disqualification, the burden falls on the affiant to set forth specific allegations of bias and the facts to support those claims. *See* R.C. 2701.03(B)(1). It is not the chief justice’s job to sift through a transcript to find support for an affiant’s allegations or to speculate about what conduct the affiant considers hostile or negative. *See In re Disqualification of Forchione*, 134 Ohio St.3d 1235, 2012-Ohio-6303, 983 N.E.2d 356, ¶ 30; *In re Disqualification of Sheward*, 136 Ohio St.3d 1262, 2013-Ohio-4244, 995 N.E.2d 1201, ¶ 6. Mr. Davis had the burden not only to identify specific allegations of bias but also to ensure that those allegations could be verified by the record. He failed to carry that burden. *See id.* at ¶ 5.

{¶ 7} For these reasons, the affidavit of disqualification is denied. The case may proceed before Judge Schneider Carter.

January Term, 2017

---