

IN RE DISQUALIFICATION OF GHIZ.

THE STATE OF OHIO v. WOODS.

[Cite as *In re Disqualification of Ghiz*, 157 Ohio St.3d 1202, 2019-Ohio-3351.]

Judges—Affidavits of disqualification—R.C. 2701.03—Affiants failed to demonstrate bias or prejudice—Disqualification denied.

(No. 19-AP-059—Decided May 29, 2019.)

ON AFFIDAVITS OF DISQUALIFICATION in Hamilton County Court of Common
Pleas Case Nos. B1901860-C and B1800202.

O’CONNOR, C.J.

{¶ 1} Steven R. Adams, counsel for defendant Donell Woods, and Mr. Woods himself have filed affidavits with the clerk of this court pursuant to R.C. 2701.03 seeking to disqualify Judge Leslie Ghiz from presiding over any further proceedings in the above-referenced cases.

{¶ 2} The affiants claim that Judge Ghiz has a personal bias against Mr. Adams for three reasons. First, Mr. Adams claims that he previously represented the judge’s ex-husband in her divorce proceedings. Second, Mr. Adams claims that Judge Ghiz made disparaging comments about him to his ex-wife, Joelle Adams, who is a former friend and former employee of the judge. To support this allegation, Mr. Adams submitted an affidavit from Ms. Adams, who averred that Judge Ghiz expressed personal disdain toward Mr. Adams on multiple occasions. Third, Mr. Adams claims that after he requested Judge Ghiz’s recusal from the underlying matters, she “exhibited rudeness and yelled” at him.

{¶ 3} Judge Ghiz has responded to the affidavits and denies any bias against Mr. Adams. According to the judge, she has no recollection of him representing her ex-husband in her divorce proceedings, which she described as having ended

“years ago.” The judge acknowledges that Joelle Adams was a personal friend and employee of hers and that their parting was “not amicable.” The judge further notes, however, that Steven and Joelle Adams divorced long before she became a judge and that if she ever discussed Mr. Adams with Ms. Adams, she did so “solely in the context of [their] friendship.” According to Judge Ghiz, many of the other allegations in Ms. Adams’s affidavit are “untrue.” Finally, the judge admits that she became frustrated with Mr. Adams when he initially requested her recusal, but she denies yelling at him.

{¶ 4} The general rule is that “the more intimate the relationship between a judge and a person who is involved in a pending proceeding, the more acute is the concern that the judge may be tempted to depart from the expected judicial detachment or to reasonably appear to have done so.” *In re Disqualification of Shuff*, 117 Ohio St.3d 1230, 2004-Ohio-7355, 884 N.E.2d 1084, ¶ 6. Based on this record, Judge Ghiz does not have the type of personal relationship with Mr. Adams that warrants her disqualification.

{¶ 5} Judge Ghiz states that she has no recollection of Mr. Adams being involved in her divorce proceeding, and Mr. Adams asserts only that he “briefly represented” the judge’s ex-husband. The affiants allege that Judge Ghiz made disparaging comments about Mr. Adams to Joelle Adams, but the judge denies making some of the alleged comments. Any such comments she did make were made in the context of her personal friendship with Ms. Adams—not in her judicial capacity. Moreover, the judge notes that she has not spoken to Ms. Adams in three years. Finally, although Judge Ghiz acknowledges becoming frustrated when Mr. Adams mentioned her divorce in seeking her recusal, the isolated moment of frustration does not show that the judge is biased against him—especially considering the neutral tone and content of her response to the affidavits of disqualification. *See, e.g., In re Disqualification of Martin*, 149 Ohio St.3d 1233, 2016-Ohio-8590, 75 N.E.3d 225, ¶ 6 (“Notwithstanding [the judge’s] isolated

comment in a moment of frustration, the content and tone of the judge's response to [the] affidavits of disqualification show that the judge is neither hostile toward nor biased against the defendants").

{¶ 6} "The statutory right to seek disqualification of a judge is an extraordinary remedy. 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." (Citation omitted.) *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5. Those presumptions have not been overcome in this case.

{¶ 7} The affidavits of disqualification are denied. The cases may proceed before Judge Ghiz.
