

**IN RE DISQUALIFICATION OF WILLIAMS-BYERS.**

**[Cite as *In re Disqualification of Williams-Byers*, 157 Ohio St.3d 1269,  
2019-Ohio-5448.]**

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

(No. 19-AP-102—Decided August 29, 2019.)

ON AFFIDAVIT OF DISQUALIFICATION in the South Euclid Municipal Court.

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**O’CONNOR, C.J.**

{¶ 1} Michael P. Lograsso, the South Euclid Director of Law, has filed an affidavit pursuant to R.C. 2701.03 seeking to disqualify Judge Gayle Williams-Byers from all criminal and traffic cases in which South Euclid appears as a party. Mr. Lograsso avers that Judge Williams-Byers—as the administrative and presiding judge of the South Euclid Municipal Court—filed two lawsuits against South Euclid and city officials regarding the municipal court’s 2019 budget. Because of those lawsuits and alleged “contentious interactions among the parties,” Mr. Lograsso believes that an appearance of impropriety and bias will exist if Judge Williams-Byers continues to preside over any case in which the city appears as a party. He therefore requests the judge’s removal from all criminal and traffic matters until the budget litigation is resolved.

{¶ 2} Judge Williams-Byers submitted a response to the affidavit and requests that it be denied. According to the judge, she filed the two complaints in her official capacity to ensure that the municipal court has the necessary funds to maintain its operations and to ensure proper administration of court funds. She states that she has had little personal interaction with city officials regarding the budget matters but that “what little interaction that has occurred has been

professional” rather than contentious. The judge does not believe that she has exhibited any bias or prejudice warranting her disqualification.

{¶ 3} “The statutory right to seek disqualification of a judge is an extraordinary remedy.” *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5. The relief sought by Mr. Lograsso, however, differs from most disqualification requests, in which a litigant seeks a judge’s removal from a single case. Here, Mr. Lograsso requests the disqualification of a duly elected judge from every criminal and traffic case involving South Euclid, which according to Judge Williams-Byers, amounts to her entire criminal and traffic dockets. The standard for such a disqualification request is necessarily high. In a similar matter in which a county prosecutor sought to disqualify a common-pleas-court judge from all criminal and civil cases involving the prosecutor’s office, the chief justice explained:

In order for [the judge] to be removed from all cases involving the prosecutor’s office, [the prosecutor] must demonstrate that [the judge] has illustrated bias toward [the prosecutor] that manifests itself in the judge’s official duties, thereby materially impacting the fair and impartial administration of justice in [the county].

*In re Disqualification of Burge*, 142 Ohio St.3d 57, 2014-Ohio-5871, 28 N.E.3d 48, ¶ 12.

{¶ 4} Mr. Lograsso has not met that heavy burden. He alleges that because of his conflict of interest with the judge, her decisions will be tainted with “the appearance of impropriety and bias” and that any adverse decisions against his office will carry “the specter of having been made for the purpose of influencing the pending litigation.” At this point, Mr. Lograsso’s allegations are based on speculation, which is insufficient to establish a judge’s bias or prejudice. *See In re*

*Disqualification of Flanagan*, 127 Ohio St.3d 1236, 2009-Ohio-7199, 937 N.E.2d 1023, ¶ 4 (“Allegations that are based solely on hearsay, innuendo, and speculation \* \* \* are insufficient to establish bias or prejudice”). He has not sufficiently alleged—let alone established—that Judge Williams-Byers has exhibited actual bias against the city in a pending case or that the budget dispute has affected her in-court duties or impacted the fair and impartial administration of justice in her courtroom.

{¶ 5} The affidavit of disqualification is denied.

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