

**IN RE DISQUALIFICATION OF FERENC.**

**BORNSCHLEGEL ET AL. v. JONES ET AL.**

**[Cite as *In re Disqualification of Ferenc*, 167 Ohio St.3d 1232,  
2022-Ohio-1334.]**

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

(No. 21-AP-165—Decided January 14, 2022.)

ON AFFIDAVIT OF DISQUALIFICATION in Clermont County Court of Common  
Pleas, General Division, Case No. 2020CVC00669.

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**O’CONNOR, C.J.**

{¶ 1} Defendant Joshua Vance Jones has filed an affidavit pursuant to R.C. 2701.03 and Article IV, Section 5(C) of the Ohio Constitution seeking to disqualify Judge Richard P. Ferenc from the above-referenced defamation lawsuit.

{¶ 2} Mr. Jones alleges that the lawsuit is meritless and that Judge Ferenc has acted in a biased manner by refusing to dismiss the complaint. According to Mr. Jones, the judge has ignored the law and indisputable facts. Mr. Jones also asserts that Judge Ferenc failed to decide defendants’ motion to dismiss in accordance with timing requirements, which are set forth in the Rules of Superintendence. Judge Ferenc submitted a response to the affidavit and requests that it be denied.

{¶ 3} As previously explained,

it is well established that “[a]dverse rulings, without more, are not evidence that a judge is biased or prejudiced.” *In re Disqualification*

*of Russo*, 110 Ohio St.3d 1208, 2005-Ohio-7146, 850 N.E.2d 713, ¶ 5. Accordingly, affidavits of disqualification cannot be used to remove a judge from a case simply because a party is particularly unhappy about a court ruling or a series of rulings. “Procedures exist by which appellate courts may review—and, if necessary, correct—rulings made by trial courts.” *Id.* at ¶ 6. However, reviewing legal errors is not the role of the chief justice in deciding affidavits of disqualification, and “neither a party’s disagreement with a judge’s determination, nor its dissatisfaction with a particular result, can supply the evidentiary showing needed to so reflect upon a judge’s partiality as to mandate judicial disqualification.” Flamm, *Judicial Disqualification*, Section 16.2, 445–446 (2d Ed.2007).

*In re Disqualification of D’Apolito*, 139 Ohio St.3d 1230, 2014-Ohio-2153, 11 N.E.3d 279, ¶ 5.

{¶ 4} It is outside the scope of this matter to determine whether Judge Ferenc should have dismissed the underlying lawsuit. Mr. Jones’s disagreement with Judge Ferenc’s rulings is not evidence of bias. Similarly, the fact that a judge does not rule on a motion within 120 days in accordance with Sup.R. 40(A)(3) does not mean that a judge must be disqualified for bias. Here, Judge Ferenc thoroughly explained his handling of the underlying matter. *See In re Disqualification of Fuerst*, 134 Ohio St.3d 1267, 2012-Ohio-6344, 984 N.E.2d 1079, ¶ 17 (“An affidavit of disqualification is not the mechanism for determining whether a judge has complied with the law or, as here, whether a judge has failed to follow the Rules of Superintendence”).

{¶ 5} The affidavit of disqualification is denied. The case may proceed before Judge Ferenc.