

IN RE DISQUALIFICATION OF CORRIGAN.

CRENSHAW v. KING

HEMMONS ET AL. v. CRENSHAW

CRENSHAW v. HEMMONS

CRENSHAW v. CITY OF EAST CLEVELAND LAW DEPARTMENT

and

CRENSHAW v. THE CITY OF EAST CLEVELAND ET AL.

**[Cite as *In re Disqualification of Corrigan*, 170 Ohio St.3d 1221,
2022-Ohio-4000.]**

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

(No. 22-AP-095—Decided September 9, 2022.)

ON AFFIDAVIT OF DISQUALIFICATION in Cuyahoga County Court of Common
Pleas, General Division, Case Nos. CV-21-957655, CV-20-931726,
CV-21-957785, CV-22-958316, and CV-21-944012.

O’CONNOR, C.J.

{¶ 1} Mariah S. Crenshaw has filed an affidavit pursuant to R.C. 2701.03 and Article IV, Section 5(C) of the Ohio Constitution seeking to disqualify Judge Peter J. Corrigan from the above-referenced cases and any other case in which she appears as a party.

{¶ 2} Ms. Crenshaw claims that Judge Corrigan has failed to timely rule on motions and is biased against her. Judge Corrigan submitted a response to the affidavit in which he denies unnecessarily delaying Ms. Crenshaw’s cases and denies having any bias against her.

{¶ 3} In disqualification requests, “[t]he term ‘bias or prejudice’ ‘implies a hostile feeling or spirit of ill-will or undue friendship or favoritism toward one of the litigants or his attorney, with the formation of a fixed anticipatory judgment on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.’ ” *In re Disqualification of O’Neill*, 100 Ohio St.3d 1232, 2002-Ohio-7479, 798 N.E.2d 17, ¶ 14, quoting *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 132 N.E.2d 191 (1956), paragraph four of the syllabus. “The proper test for determining whether a judge’s participation in a case presents an appearance of impropriety is * * * an objective one. A judge should step aside or be removed if a reasonable and objective observer would harbor serious doubts about the judge’s impartiality.” *In re Disqualification of Lewis*, 117 Ohio St.3d 1227, 2004-Ohio-7359, 884 N.E.2d 1082, ¶ 8. In addition, a “presumption of impartiality” is accorded all judges in affidavit-of-disqualification proceedings. *In re Disqualification of Celebrezze*, 101 Ohio St.3d 1224, 2003-Ohio-7352, 803 N.E.2d 823, ¶ 7.

{¶ 4} For the reasons explained below, Ms. Crenshaw has not established that Judge Corrigan has hostile feelings toward her or that the judge has formed a fixed anticipatory judgment on any issue in the underlying cases. Nor has Ms. Crenshaw set forth a compelling argument for disqualifying Judge Corrigan to avoid an appearance of partiality.

{¶ 5} First, Ms. Crenshaw alleges that Judge Corrigan has failed to diligently oversee her cases, failed to rule on motions in accordance with the applicable time periods prescribed in Sup.R. 40(A), and violated Sup.R. 40(B) by failing to report to the administrative judge the cases that have not been ruled upon within the time periods allowed. The delay of her cases, Ms. Crenshaw asserts, has diminished her confidence in Judge Corrigan’s ability to impartially preside over the matters. Although “[l]engthy delays diminish confidence in the legal system and are especially injurious when they profoundly affect the lives of those before

the court,” *In re Disqualification of Yarbrough*, 160 Ohio St.3d 1244, 2020-Ohio-4439, 155 N.E.3d 963, ¶ 5, Ms. Crenshaw has not established that the delays in her cases were solely caused by Judge Corrigan or were the product of judicial bias. Nor has Ms. Crenshaw proved that Judge Corrigan’s actions or inaction were so egregious that he must be removed for neglecting his judicial duties. *See In re Disqualification of Collier-Williams*, 150 Ohio St.3d 1286, 2017-Ohio-5718, 83 N.E.3d 928, ¶ 7-8. “[T]he 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 [the] judge must be disqualified for bias.” *In re Disqualification of Ferenc*, 167 Ohio St.3d 1232, 2022-Ohio-1334, 193 N.E.3d 589, ¶ 4. To the extent that motions remain pending beyond the applicable time periods, Judge Corrigan should rule on them as expeditiously as possible. However, Ms. Crenshaw has not proved that the judge should be removed for allegedly violating the Rules of Superintendence.

{¶ 6} Second, Ms. Crenshaw’s disagreement or dissatisfaction with Judge Corrigan’s rulings is not evidence of bias. It is well established that a judge’s adverse rulings, even erroneous ones, are not grounds for disqualification. *See In re Disqualification of D’Apolito*, 139 Ohio St.3d 1230, 2014-Ohio-2153, 11 N.E.3d 279, ¶ 5. Therefore, it is outside the scope of this matter to determine whether Judge Corrigan—as Ms. Crenshaw claims—improperly consolidated Ms. Crenshaw’s cases, misapplied the public-records laws, or unfairly dismissed her counterclaims. Ms. Crenshaw may have other remedies, including appeal, for such legal claims, but they cannot be litigated in an affidavit-of-disqualification matter.

{¶ 7} Third, Ms. Crenshaw alleges that Judge Corrigan should be disqualified because he ignored unethical conduct of two attorneys involved in the underlying cases and failed to report their misconduct to the appropriate disciplinary authorities. To succeed on this argument, Ms. Crenshaw must prove that Judge Corrigan had knowledge that the attorneys engaged in misconduct raising questions regarding their honesty, trustworthiness, or fitness as lawyers, *see*

In re Disqualification of Hendon, 156 Ohio St.3d 1203, 2018-Ohio-5458, 123 N.E.3d 1044, ¶ 4, and that the judge’s failure to report the misconduct demonstrated bias against Ms. Crenshaw. “However, this is not the proper forum to evaluate whether * * * an attorney engaged in any wrongdoing or professional misconduct.” *In re Disqualification of Pokorny*, 135 Ohio St.3d 1268, 2013-Ohio-915, 986 N.E.2d 993, ¶ 8. Ms. Crenshaw has failed to establish that Judge Corrigan was under any duty to report the attorneys or that he should be disqualified for failing to do so.

{¶ 8} Finally, Ms. Crenshaw’s affidavit of disqualification exceeds 44 pages in length. S.Ct.Prac.R. 21.01(D)(3) provides that “[a]n affidavit of disqualification shall not exceed fifteen numbered pages, exclusive of the certificate of service and any exhibits.” Ms. Crenshaw failed to request leave to exceed the page limitation, and she failed to otherwise explain why it was necessary for her to exceed the limitation. *See In re Disqualification of Rapp*, 157 Ohio St.3d 1248, 2019-Ohio-4812, 136 N.E.3d 534, ¶ 5.

{¶ 9} The affidavit of disqualification is denied. The cases may proceed before Judge Corrigan.
