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SLIP OPINION NO. 2026-OHIO-3173

DISCIPLINARY COUNSEL v. ICKES.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Disciplinary Counsel v. Ickes*, Slip Opinion No. 2026-Ohio-3173.]

Judges—Misconduct—Violations of the Code of Judicial Conduct—Jud.Cond.R. 1.2, 2.8(B), 2.11(A), and 2.12(A)—Two-year suspension and immediate suspension from judicial office without pay for duration of disciplinary suspension.

(No. 2025-1323—Submitted December 10, 2025—Decided August 19, 2026.)

ON CERTIFIED REPORT by the Board of Professional Conduct of the Supreme Court, No. 2024-032.

KENNEDY, C.J., authored the opinion of the court, which FISCHER, HESS, HAWKINS, and SHANAHAN, JJ., joined. DEWINE, J., concurred in part and dissented in part and would impose a one-year suspension with six months stayed on that condition that respondent commit no further misconduct. DETERS, J., concurred in

part and dissented in part and would impose a two-year suspension, fully stayed on the conditions that respondent engage in no further misconduct and that respondent complete a course approved by relator on antiharassment training. MICHAEL D. HESS, J., of the Fourth District Court of Appeals, sat for BRUNNER, J.

KENNEDY, C.J.

{¶ 1} Respondent, Jon Marshal Ickes, of Fremont, Ohio, Attorney Registration No. 0059071, was admitted to the practice of law in Ohio in 1992. He was appointed to fill an unexpired term on the Sandusky County Court of Common Pleas, General and Domestic Relations Division, in July 2020. Ickes was later elected to a full term that commenced on January 1, 2021. He is one of two judges who serve on that court.

{¶ 2} In a January 2025 amended complaint, relator, disciplinary counsel, alleged that Ickes committed 17 ethical violations by harassing a pregnant employee, fostering an inappropriate and unprofessional workplace environment, using a racial slur within the earshot of a criminal defendant, using a lewd and vulgar nickname for a child-rape case, and failing to disqualify himself from two criminal cases in which his stepson testified as a law-enforcement witness for the State. The parties entered into stipulations of fact and some misconduct. They also stipulated to aggravating and mitigating factors and submitted as evidence more than 65 exhibits.

{¶ 3} In May 2025, a three-member panel of the Board of Professional Conduct conducted a four-day hearing and heard the testimony of 19 witnesses, including Ickes. After the hearing, the panel issued an order unanimously dismissing four of the alleged rule violations. The panel later issued a report finding that Ickes committed ten of the alleged rule violations and unanimously dismissing three others as not proved by clear and convincing evidence. After considering the relevant aggravating and mitigating factors and our applicable precedent, the panel

recommended that Ickes be suspended from the practice of law for one year fully stayed on the condition that he commit no further misconduct. The board adopted the panel's findings of fact, conclusions of law, and recommended sanction. No objections have been filed.

{¶ 4} After independently reviewing the board's report and recommendation, the record, and our applicable precedent, we adopt the board's findings of misconduct. However, judges are held "to a higher standard than attorneys who are not holding a judicial office." *Disciplinary Counsel v. Celebrezze*, 2026-Ohio-45, ¶ 35. And cases from this court involving attorneys committing only some of the same violations as Ickes have resulted in actual suspensions. Since Ickes is a judge with multiple violations, his sanction should be more, not less, severe. Therefore, for the reasons that follow, we find that a harsher sanction than that recommended by the board is warranted, and we suspend Ickes from the practice of law for two years.

I. MISCONDUCT

A. Count One: Conduct Toward J.D.

{¶ 5} In July 2022, Ickes hired J.D. as his assignment commissioner. In early 2024, J.D. learned that she was pregnant and shared that news with Ickes and Ickes's bailiff, Candice Talbot, because J.D. was experiencing morning sickness. On April 2, 2024, while Talbot and J.D. discussed the pregnancy, Ickes joined the conversation and told J.D. to "wait until the titty fairy comes." J.D. told Ickes that she did not "want to hear [that statement] again." Ickes then asked whether they could "talk about the butt fairy," to which J.D. said that she did not "want to talk about anything with body parts at all." J.D. further told Ickes and Talbot that talking and joking about sexual cases made her uncomfortable. Afterward, J.D. was upset and went to the court administrator to recount what had occurred. When she returned to the office, Ickes told her that he had a conference the next day and knew

that J.D. was “going to miss [him] at around 8:30, so [she should] just text [him] an emoji and [not] say any of the words that [they] can’t say.”

{¶ 6} Ickes informed his wife, Cynthia Ickes, of the conversation with J.D., and Mrs. Ickes called J.D. on April 3. J.D. recorded the conversation, worried that Ickes would not “let things go.” Mrs. Ickes mentioned Ickes’s concern that he would never be able to joke with J.D. again. J.D. told her that she did not feel comfortable with him joking about her body or making sexual comments. In response, Mrs. Ickes told J.D. that Ickes had said J.D. would be sensitive because of the “hormone fairy.” At the call’s end, J.D. felt afraid “[b]ecause [she] knew that the situation was progressing” since her boundary “was being pushed and belittled.”

{¶ 7} When Ickes returned to the office from his conference, he called out J.D. for not talking to him much and told her he could “come back th[at] afternoon and [the two of them could] not talk some more.” The next day, Ickes summoned J.D. into his chambers, asking what was wrong and stating that his comment about the “titty fairy” was not a sexual joke. He then “shooed” J.D. away, mumbling curses under his breath, before later asking her whether she wanted to be there, which J.D. interpreted as asking whether she wanted to continue working in his chambers or quit. He also insinuated that he would fire her.

{¶ 8} Once again, J.D. felt that the situation was escalating because Ickes was still discussing the incident and he stated that she was not going back to “normal,” leaving her in fear of losing her job and benefits. She testified at the hearing:

I know when Judge Ickes starts to not like somebody, how quick that can turn. And I was pregnant. I had a maternity leave saved up. I was at this point actively looking for another job, but I wasn’t seeing one that—I mean, even close to what I was making. And I know that pregnant women have a harder time finding employment. My

husband's factory was shutting down. The writing was on the wall.

And I was very scared.

{¶ 9} Eventually, while Ickes was on vacation, J.D. left her position to work for the court's other general-division judge, Judge Jeremiah S. Ray, to whom she disclosed the situation with Ickes. Judge Ray had J.D. write a summary of Ickes's and Talbot's conduct and reported it. Talbot was placed on administrative leave, but Ickes instructed county administrators to halt their investigation and hired human-resources consulting firm Clemans-Nelson & Associates to conduct an independent investigation into J.D.'s allegations.

{¶ 10} Attorney Brian D. Butcher, President and CEO of Clemans-Nelson, conducted the investigation and prepared two reports—one relating specifically to Talbot's conduct and the other relating specifically to Ickes's conduct. With regard to Ickes, Butcher noted that text messages provided by witnesses he spoke with during his investigation clearly showed that J.D. had participated in pranks, used vulgar language, and exchanged inappropriate comments and photos by text message with Ickes, Talbot, and others—some of which are discussed below. Although Butcher recognized that J.D.'s own conduct could cast doubt on her credibility, he found that J.D. was “well within her right to feel offended” by Ickes's unwelcome comment regarding her breasts, his continued harassment (including through the telephone call from his wife), his efforts to minimize his misconduct, and his subsequent efforts to ascertain why J.D. was so uncomfortable with his comment. With the benefit of hindsight, Ickes admitted to the panel that he had failed to handle the situation with J.D. appropriately.

{¶ 11} The parties stipulated and the board found by clear and convincing evidence that Ickes's misconduct as alleged in Count One violated Jud.Cond.R. 2.8(B) (requiring a judge to be patient, dignified, and courteous with litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the

judge deals in an official capacity and to require similar conduct of lawyers, court staff, court officials, and others subject to the judge’s direction and control). The board also found that clear and convincing evidence demonstrated that Ickes’s conduct violated Jud.Cond.R. 2.12(A) (providing that a judge shall require court staff, court officials, and others subject to the judge’s direction and control to act in a manner consistent with the judge’s obligations under the Code of Judicial Conduct). We adopt these findings of misconduct.

B. Count Two: Unprofessional Workplace Environment

{¶ 12} The independent investigator’s report not only addressed the incident involving J.D. but also detailed the unprofessional culture that Ickes had fostered among his staff.

1. Guns, Pranks, Name-Calling, and Vulgar Language

{¶ 13} Ickes kept a Nerf gun with him at work and used it to shoot people in his chambers and courtroom. This occurred even when defendants who were charged with serious crimes were present. In addition to the Nerf gun, Ickes had a firearm in his chambers and once told staff, “If you repeat this, I’ll call you a liar. If you repeat this, I will shoot you in the pinky toe.” In another incident, Ickes intended to “shoot” a staff member with his Nerf gun but mistakenly opened the drawer containing his firearm. He then joked about the incident, saying how “that would not have been good.”

{¶ 14} Additionally, Ickes routinely played pranks on his staff and encouraged them to do the same. Once, he put a device making cricket sounds in J.D.’s office. Another time he had police officers confront J.D. about a possible traffic violation, greatly upsetting her.

{¶ 15} There were also instances of name-calling, including his referring to a county human-resources employee as “pimple dick” and using fictitious titles with inappropriate acronyms to refer to probation staff—namely, Adult Supervision Specialist (A.S.S.), Pretrial Intensive Supervision Specialist (P.I.S.S.), and

Presentence Investigation Supervision Specialist (P.I.S.S.). Ickes also called probation staff various nicknames on the record, including “Number Two,” “Number Three,” “Number 39,” and “New Guy.” In addition, the record shows that in the workplace, Ickes

- called the probation secretary “Boris,” from the cartoon Natasha and Boris, because she was black,
- called a probation officer the “Angel of Death” for reporting another probation department employee’s illegal conduct,
- called a probationer “Dimebag Darrell,” which appeared to be referring to drug-related offenses even though the probationer had not been convicted of any such offenses,
- commonly called J.D. a “libtard,” meaning a stupid liberal, for disagreeing with his political views,
- regularly called people “dipshits” and “dumbasses,” and
- referred to a person who was breastfeeding as a “bosom buddy.”

{¶ 16} Other vulgar comments Ickes made at work, sometimes on the record in court, contributed to the inappropriate workplace environment. When instructing juries not to look at or post on social media, he would say “snatch chat” instead of Snapchat, referring to a woman’s genitals. In addition, the record shows that

- after once hearing a witness use the word “throuple” to describe her relationship, Ickes later asked a prosecutor and a staff member of the court whether they were interested in becoming a throuple with his wife and himself,
- Ickes said that the value of a crime victim’s breasts had determined the amount of a settlement in a federal court case,

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- a woman who had been granted protection orders against her neighbors once came into court with a black eye, and Ickes commented that it “look[ed] like she need[ed] to be evened out,”
- after hearing someone describe a person who dates law-enforcement officers as a “badge bunny,” Ickes asked about “bench bunnies” and called a female prosecutor a “badge bunny,”
- after once giving a female probation officer a Bang Energy drink, Ickes said that she could then say that she had “been banged by a judge,”
- Ickes “continuously commented about [the court administrator’s] sultry face and [her] sultry makeup and how sultry [she] looked on [a] day” that she was wearing makeup, and after she wore a dress to work, Ickes lamented that he “only got to see [her] walk around in [her] dress once,”
- Ickes once commented about how a female attorney “sat sexy” in a chair,
- After a victim advocate wore lollipop earrings one day in court, Ickes said that “they look[ed] real enough to lick,”
- Ickes showed court staff pictures of a woman dressed in a short skirt and crop top and, separately, pictures of women in bikinis that he covertly took while on vacation,
- when J.D. got a haircut, Ickes told her she looked like actress Winona Ryder and that he thought Ryder was hot,
- Ickes once asked the chief probation officer, “If a picture of a penis is called a ‘dick pic,’ then what is the female version?”,
- Ickes would apply lotion to his legs in front of J.D., and he asked others who came into his chambers whether they or their partners moisturized,
- when the judges went to conferences, Ickes would say that “they were going drinking and chasing whores,” and

- at one conference, Ickes held out a stress ball to a female staff member, asking whether she wanted to hold his ball.

{¶ 17} In his independent report regarding Ickes’s conduct, Butcher stated that the witnesses he interviewed had recalled specific instances of Ickes’s inappropriate and unprofessional conduct consistent with the statements provided by J.D. and two other complainants. Butcher noted that some witnesses who had not observed any of the alleged misconduct described Ickes’s office as “inappropriate,” “unique,” “relaxed,” and the “polar opposite” of Judge Ray’s office.

{¶ 18} Butcher reported that one witness had described Ickes as having a “playfulness about him that some people don’t like” and that another witness had told him that “this is the type of workplace that [Ickes] has cultured.” Butcher also stated that other witnesses, including those from the prosecutor’s office, told him that they “really enjoy[ed] being in [Ickes’s] courtroom” and that there was no question regarding his ability as a judge when he was on the bench. Butcher concluded that Ickes had fostered a culture of unprofessionalism and an inappropriate workplace environment. He determined, however, that Ickes had not targeted any race, gender, or other protected class with his inappropriate behavior.

{¶ 19} In an email sent to Judge Ray and all courthouse staff, Ickes acknowledged that he had made “mistakes” in the way he managed his courtroom and chambers and that he was taking corrective action to make sure those mistakes did not recur. He also informed staffers that the court was in the process of reviewing an employee handbook that would establish clear processes for handling work-related issues going forward.

2. Inappropriate Comments to a Victim in the *Strub* Matter

{¶ 20} One particular instance of Ickes’s unprofessionalism that received attention during the board’s proceedings was his treatment of probation officer Logan Risch. After criminal defendant Krista Strub was brought to Sandusky

County Jail for booking, Risch conducted a routine pat-down on her, going beyond protocol by wearing not only the required gloves but also a mask. When Risch moved Strub's hair, fentanyl became airborne, resulting in Risch overdosing, blacking out, and hitting her head on a counter. Her partner performed CPR on her, and Risch was rushed to the hospital. She required physical therapy for a neck injury as well as therapy for a panic attack and anxiety she experienced after returning to work.

{¶ 21} Strub pled guilty to illegal conveyance of drugs of abuse onto grounds of a specified governmental facility, with Ickes presiding over the case. Risch attended Strub's sentencing hearing, although she did not testify as a victim because she was not asked to. Ickes sentenced Strub to 120 days in jail and four years of community control.

{¶ 22} A couple of days later, Ickes came to the probation department's offices and asked Risch why she had not testified, calling her a "dumbass" in front of her colleague. Later, Risch was in Ickes's chambers with others for another case when the *Strub* matter came up; Ickes commented that "some dumbass [correction officer] at the jail didn't have their gloves on and touched fentanyl." That comment made Risch feel dismissed, "like what [she] had [gone] through wasn't really a big deal."

{¶ 23} Later, Strub filed a motion for credit for time served, and Risch gave victim-impact testimony. Ickes denied the motion but days later called Risch into his chambers to discuss the hearing. Specifically, Ickes told Risch that she had acted unprofessionally by shaking her head while Strub spoke and that she needed to act more professionally as a probation officer. This confused Risch since she had been acting in the capacity of a victim, not a probation officer, at the hearing. She did not believe Ickes had treated her as a victim at all.

3. Findings of Misconduct

{¶ 24} The parties stipulated and the board found by clear and convincing evidence that the misconduct alleged in Count Two violated Jud.Cond.R. 2.8(B), in that Ickes failed to conduct himself in a patient, dignified, and courteous manner with lawyers, court staff, court officials, and others while acting in his official capacity. The board also found by clear and convincing evidence that Ickes failed to promote public confidence in the independence, integrity, and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety, in violation of Jud.Cond.R. 1.2. We adopt these findings of misconduct.

C. Count Three: Inappropriate Racial Comments in the Simmons Matter

{¶ 25} On November 17, 2023, Nathaniel Simmons, a black man, was indicted on single felony counts of possessing and trafficking marijuana and his case was assigned to Ickes's docket. A pretrial hearing was scheduled for January 10, 2024—while J.D. still was serving as Ickes's assignment commissioner. Simmons and his counsel checked in with J.D. on the morning of the hearing. While his counsel waited in J.D.'s office, Simmons exited and sat on a bench in the hallway.

{¶ 26} Ickes passed Simmons on his way to his chambers, making eye contact, and Simmons believed that Ickes recognized him from previous court appearances. From where he was seated, Simmons could hear conversations that were taking place in J.D.'s office.

{¶ 27} At some point, someone in J.D.'s office mentioned the 1974 movie *Blazing Saddles*, an “American satirical Western comedy film,” Wikipedia, *Blazing Saddles*, https://en.wikipedia.org/wiki/Blazing_Saddles (accessed Mar. 13, 2026) [<https://perma.cc/R4WK-5U4Q>]. Ickes explained the movie's premise and sang the African American spiritual featured in the movie, *Swing Low, Sweet Chariot*. He then proceeded to quote the movie, specifically a scene when a sheriff says,

“Morning, ma’am” to an elderly woman, who replies, “Up yours, n* * * *r.” Simmons heard the entire conversation.

{¶ 28} Thereafter, Simmons’s attorney requested a different judge, and Ickes continued the case. Ickes later recused himself with no explanation. He then self-reported his misconduct to relator, and a visiting judge was assigned to preside over the case. Simmons pled guilty to one count of possession of marijuana and was sentenced to 90 days’ incarceration.

{¶ 29} While in jail, Simmons’s cellmate, Timothy Norris—a black defendant with a pending case before Ickes—learned of the incident. Norris requested a different judge because of Ickes’s “prejudice and lack of respect [for Norris’s] culture.” At the hearing on the request, Norris contended that Ickes had used a “racial slur.” Ickes responded that he did not use the word as a slur or direct it toward any inmate and that the incident was inapplicable to Norris. Norris replied that “it applie[d] to all colored people,” but Ickes maintained that he was simply quoting a movie. Ickes verbally denied Norris’s motion, but he never issued an entry to document the ruling.

{¶ 30} The parties stipulated and the board found by clear and convincing evidence that Ickes’s misconduct alleged in Count Three resulted in additional violations of Jud.Cond.R. 1.2 and 2.8(B). We find that Ickes’s use of an offensive racial slur in his chambers and within earshot of the public was undignified, discourteous, and profoundly disrespectful to court staffers, the African American litigant present for a hearing that day, and to all who seek justice in his courtroom. Moreover, his use of the divisive slur as a judge and in the confines of the courthouse—even in the context of quoting a movie—diminished public confidence in the independence, integrity, and impartiality of the judiciary. We therefore adopt these findings of misconduct.

*D. Count Four: Inappropriate Case Nickname and Text Messaging
from the Bench in the Stratton Matter*

{¶ 31} In July 2023, Leroy A. Stratton was indicted on one count of rape for live-streaming himself performing oral sex on an 18-month-old victim. *See State v. Stratton*, Sandusky C.P. No. 23 CR 594. During the eight months the case was on his docket, Ickes regularly referred to the case as the “baby cocksucker case.” Ickes testified that he had used the vulgar phrase as a way to psychologically process a very serious and troubling case. However, one member of his staff testified that the nickname was “disgusting,” and another said that it made her feel “[e]xtremely uncomfortable and disturbed.”

{¶ 32} During the trial in February 2024, Ickes participated in a text conversation that included J.D., Talbot, and the court administrator, Megan Miller. Concerning a potential juror who was simply sitting in the gallery during voir dire, the four had the following exchange:

Ickes: I think we have a potential defendant in the array.

Miller: Who?

Talbot: Who?

Ickes: Tan button shirt with the porn stash.

Miller: You’re being silly?

Ickes: Next Christian creeper.

Talbot: Gross.

Miller: Rushed down here for nothing.

J.D.: He looks like a [G]uess [W]ho character.

“Christian creeper” referred to the type of child predator that Ickes’s stepson, Christian Ortolani, would investigate in his capacity as a detective at the Fremont Police Department.

{¶ 33} A video of the crime was shown during Stratton’s trial. During trial testimony, Ickes sent videos of a woman eating a banana and a dancing banana in the following text exchanges:¹

Miller:  [D]oes he say he did it more than once?
Talbot: Don’t think he’s been asked that yet.

Ickes:

...

Talbot: Pleasuring himself with a dildo....



Miller: WHAT!



Ickes:



1. The corresponding photos below are screenshots of the two videos Ickes sent.



Talbot:

Talbot: Look at the mom.

Miller: What's she doing?

Talbot: She looks like she's about to kill him. He just admitted to [the detective] in the video that he kissed his penis.

{¶ 34} The board found by clear and convincing evidence that Ickes's misconduct in the *Stratton* case violated Jud.Cond.R. 1.2 and 2.12(A). We find that Ickes engaged in impropriety by using a vulgar nickname for the case and by engaging in social texting with court staff from the bench during Stratton's trial. The conduct of Ickes and his staff demeaned the seriousness of the charged offense and failed to promote public confidence in the integrity of the judiciary. We therefore adopt the board's findings of misconduct with respect to Count Four of relator's complaint.

E. Count Five: Failure to Recuse

{¶ 35} Jud.Cond.R. 2.11(A) provides: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances" The rule then provides a nonexhaustive list of circumstances that require a judge's recusal. One of the enumerated circumstances is that "[t]he judge knows that the judge, the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is . . . [l]ikely to be a material witness in the proceeding." Jud.Cond.R. 2.11(A)(2)(d).

{¶ 36} At all times relevant to this disciplinary proceeding, Ickes's stepson, Christian Ortolani, was employed as a patrol officer or detective for the Fremont

Police Department. In the course of that employment, Ortolani was involved in the underlying investigation of two cases brought against Curtis L. Elkins and in the investigation of the *Stratton* case, discussed above. All three cases were assigned to Ickes.

1. The *Elkins* Matters

{¶ 37} On December 28, 2022, Curtis L. Elkins was charged with five felonies for allegedly firing a semi-automatic handgun several times from his vehicle into other vehicles (“the drive-by case”). Ortolani arrested Elkins and signed the criminal complaints against him. Elkins had also been indicted in an unrelated assault case in September 2022 (“the assault case”). Both cases were originally assigned to Judge Ray, but he had them transferred to Ickes because Judge Ray had previously represented Elkins.

{¶ 38} Ickes presided over pretrial hearings in both cases and over voir dire in the assault case, but he never disclosed his relationship and potential conflict of interest on the record or secured a waiver of disqualification from the parties even though potential jurors were asked whether they were related to any of the State’s witnesses, including Ortolani.

{¶ 39} During trial in the assault case, Ortolani testified about investigating crimes in the Fremont area and interviewing Elkins. He also authenticated the videotaped interview that was played for the jury, admitted into evidence, discussed in closing argument, and available to the jury during deliberations.

{¶ 40} The jury found Elkins guilty of felonious assault, and Ickes revoked his bond and scheduled the case for sentencing. At sentencing, the State referred to the videotaped interview with Ortolani. Ickes sentenced Elkins to a six-to-nine-year term of incarceration. Throughout, Ickes neither disclosed his relationship to Ortolani on the record nor secured a waiver of the conflict from the parties. *See* Jud.Cond.R. 2.11(C) (providing that a judge who is subject to disqualification for reasons other than personal bias or prejudice may disclose on the record the basis

of the judge’s disqualification and ask the parties and their lawyers to consider whether to waive disqualification and requiring any agreed waiver to be incorporated into the record of the proceeding); *see also* Official Comment 5 to Jud.Cond.R. 2.11 (“A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.”). Elkins filed a notice of appeal in the Sixth District Court of Appeals.

{¶ 41} Separately, in the drive-by case, Elkins filed a motion for recusal given Ickes’s “familial relationship” with Ortolani, whom Elkins identified as the “lead detective” in the investigation. Elkins noted that the State had identified Ortolani as a witness in its discovery responses and disclosed that Ortolani had authored one of the investigative reports in the case. During the hearing on Elkins’s motion for recusal, Ickes claimed that Jud.Cond.R. 2.11 required disqualification only if Ortolani was a material witness in the case—even though the plain language of the rule requires disqualification in any proceeding in which a judge’s impartiality might reasonably be questioned. Because the parties agreed that Ortolani would be a material witness at trial, Ickes recused himself and the drive-by case was reassigned to another judge. The drive-by case was subsequently dismissed after the eyewitness left Ohio.

{¶ 42} In the June 2023 appeal of his convictions in the assault case, Elkins argued, among other things, that Ickes erred by failing to disqualify himself from that case when Ortolani testified on behalf of the State and by failing to secure a waiver of the conflict from Elkins. He also requested and obtained leave of court to supplement the record with his motion for recusal and Ickes’s entry of recusal in the drive-by case.

{¶ 43} The Sixth District reversed Elkins’s assault conviction, finding no evidence indicating that Elkins or his attorney knew about Ickes’s relationship with

Ortolani until after sentencing. It found an “unconstitutional potential for bias, where, as here, the judge’s family member is a testifying officer and the judge does not inform the parties of the relationship during the pendency of the trial court case so that the issue of bias can be addressed.” *State v. Elkins*, 2024-Ohio-5351, ¶ 14 (6th Dist.). The court found noteworthy that Ickes had granted Elkins’s motion for recusal in the drive-by case on the basis of Ickes’s relationship with Ortolani. Therefore, the court remanded the assault case for further proceedings. *Id.* at ¶ 17.

2. The *Stratton* Matter

{¶ 44} In the *Stratton* case mentioned above, Ortolani arrested Stratton, read him his rights, executed a search warrant, and was involved in the investigation. At a February 2024 hearing, Stratton made a verbal motion for Ickes to recuse himself due to Ickes’s familial relationship with Ortolani, noting that Ickes had failed to disclose that relationship. The State argued that Ortolani was not a material witness and that he would not testify “to any fact or piece of evidence that other witnesses [were] not able to testify to.” Ickes later denied Stratton’s motion for recusal, finding that the Code of Judicial Conduct “requires disqualification where impartiality might reasonably be questioned” and determining that “the assertion in [the *Stratton*] matter [did] not arise to that standard.”

{¶ 45} During the trial, Ortolani testified, authenticated a video of the crime, and sat at the State’s counsel table. Stratton was convicted of rape and sentenced to a term of life imprisonment without the possibility of parole. He appealed his conviction based on, among other things, Ickes’s failure to recuse himself. While Stratton’s appeal was pending, the court of appeals issued its decision in *Elkins*, 2024-Ohio-5351 (6th Dist.). In February 2025, the court of appeals ordered the parties in *Stratton* to brief the issue whether Ickes’s refusal to recuse himself based on Ortolani’s involvement in the case was reversible error under *Elkins*. And on May 6, 2025, the court found that Ickes’s participation in Stratton’s trial presented the probability of bias and therefore violated Stratton’s

due-process rights. *State v. Stratton*, 2025-Ohio-1621, ¶ 24 (6th Dist.). This, the court said, constituted reversible error in light of its decision in *Elkins*. *Id.* at ¶ 29. The court therefore reversed Stratton’s conviction and remanded the case for further proceedings. *Id.* at ¶ 32.

3. Findings of Misconduct

{¶ 46} The board acknowledged that we have ““long held that “a mere mistake in the exercise of judicial discretion by a judge is not and should never be the cause or subject of a disciplinary proceeding under” the judicial-conduct rules.”” Board report at ¶ 50, fn. 5, quoting *Disciplinary Counsel v. Gaul*, 2023-Ohio-4751, ¶ 44, quoting *Mahoning Cty. Bar Assn. v. Franko*, 168 Ohio St. 17, 30 (1958). Relying on that precedent, the board apparently determined that Ickes’s erroneous denial of Stratton’s motion for recusal should not result in a finding of judicial misconduct.

{¶ 47} In contrast, the board determined that Elkins was not informed of Ickes’s relationship with Ortolani before the trial of his felonious-assault case and that Ortolani’s involvement in Elkins’s cases was not merely ministerial. The board acknowledged that Ickes had credibly testified that he was often unaware at the commencement of cases of Ortolani’s participation. But it found that even as Ortolani’s role became apparent as Elkins’s cases progressed, Ickes never disclosed their relationship on the record to give the parties the opportunity to make informed legal decisions.

{¶ 48} The parties stipulated that Ickes’s misconduct alleged in Count Five violated Jud.Cond.R. 2.11(A), but Ickes disputed relator’s assertion that his conduct also violated Jud.Cond.R. 1.2. However, based on the parties’ stipulations and the evidence presented at the hearing, the board found by clear and convincing evidence that Ickes’s conduct alleged in Count Five violated both Jud.Cond.R. 2.11(A) and 1.2.

{¶ 49} We agree that Ickes’s failure to recuse himself from Elkins’s felonious-assault case—in which his stepson actually testified as a material witness for the prosecution—violated Jud.Cond.R. 2.11(A). We also find that Ickes’s failure to disclose his relationship with Ortolani to the parties in that matter created an appearance of impropriety and called into question the independence, integrity, and impartiality of the judiciary, in violation of Jud.Cond.R. 1.2. We therefore adopt the board’s findings of misconduct.

II. THE BOARD’S RECOMMENDATION

{¶ 50} In its posthearing brief, relator recommended that Ickes be suspended from the practice of law for two years with one year conditionally stayed, while Ickes argued in his brief that a fully stayed one-year suspension is the appropriate sanction for his misconduct. The board recommends that we suspend Ickes from the practice of law for one year with the entire suspension stayed on the condition that he commit no further misconduct.

III. SANCTION

{¶ 51} “The primary purposes of judicial discipline are to protect the public, guarantee the evenhanded administration of justice, and maintain and enhance public confidence in the integrity of the judiciary.” *Disciplinary Counsel v. Bachman*, 2020-Ohio-6732, ¶ 22, citing *Disciplinary Counsel v. O’Neill*, 2004-Ohio-4704, ¶ 33. “When imposing sanctions for judicial misconduct, we consider all relevant factors, including the ethical duties that the judge violated, the aggravating and mitigating factors listed in Gov.Bar R. V(13), and the sanctions imposed in similar cases.” *Celebrezze*, 2026-Ohio-45, at ¶ 31, quoting *Ohio State Bar Assn. v. Winkler*, 2024-Ohio-3141, ¶ 21. Aggravating factors weigh in favor of “recommending a more severe sanction.” Gov.Bar R. V(13)(B). Mitigating factors weigh in favor of “recommending a less severe sanction.” Gov.Bar R. V(13)(C).

A. Ickes's Aggravating and Mitigating Factors

{¶ 52} The parties stipulated and the board found that two aggravating factors are present in this case: Ickes engaged in a pattern of misconduct and committed multiple offenses. *See* Gov.Bar R. V(13)(B)(3) and (4). The board rejected relator's claims that Ickes had acted with a selfish motive and that J.D. was a vulnerable victim who had been harmed by Ickes's misconduct.

{¶ 53} Nevertheless, we note that the convictions in Elkins's felonious-assault case and Stratton's case were reversed and that the cases were remanded based on Ickes's failure to disclose his familial relationship with Ortolani to the parties. Ickes's decision to remain assigned to those cases knowing that his stepson had played a significant role in them created a situation in which Ickes's impartiality might reasonably be questioned—regardless of whether Ortolani was a material witness. Ickes's failure to recuse himself in Stratton's case and his failure to at least disclose his relationship with Ortolani to the litigants in Elkins's assault case not only wasted prosecutorial, public-defender, and judicial resources but also caused incalculable harm to public confidence in the independence, integrity, and impartiality of the judiciary. His misconduct also left Elkins, Stratton, and their victims to endure a second trial. We therefore find the additional aggravating factor that Ickes's misconduct caused harm to vulnerable victims. *See* Gov.Bar R. V(13)(B)(8).

{¶ 54} As for mitigation, the parties stipulated and the board found that Ickes had a clean disciplinary record, had exhibited a cooperative attitude toward the disciplinary proceedings, and had presented evidence of his good character and reputation. *See* Gov.Bar R. V(13)(C)(1), (4), and (5).

{¶ 55} The board also found that Ickes had made timely, good-faith efforts to remedy the consequences of his misconduct and to prevent further misconduct from occurring. *See* Gov.Bar R. V(13)(C)(3). Specifically, the board found that when the allegations of misconduct regarding the culture in his courtroom and

chambers came to light, Ickes immediately sought to hire an independent investigator. He followed the investigator’s recommendations regarding disciplining his bailiff, commenced personal counseling, completed workplace-related trainings, and implemented a new court-employee handbook. Ickes also apologized to county officials for his conduct and the embarrassment it had caused—though we note that at the time of his disciplinary hearing, he had not yet apologized to J.D. Furthermore, Ickes implemented new screening procedures to identify potential conflicts and no longer presides over any cases involving Ortolani.

B. This Court’s Caselaw Warrants an Actual Suspension of Two Years

{¶ 56} “Each disciplinary case involves unique facts and circumstances.” Gov.Bar R. V(13)(A). Accordingly, this court relies on applicable precedent—cases involving similar misconduct and aggravating and mitigating factors—to ensure a fair and equitable disciplinary system. In reaching its recommendation, the board considered six cases advanced by the parties in which we imposed sanctions ranging from a public reprimand to an indefinite suspension for acts of judicial—or, in some cases, attorney—misconduct bearing some similarity to the various aspects of Ickes’s misconduct in this case. We find one of those cases—in which we imposed a two-year suspension with six months conditionally stayed—to be most analogous to this case: *Disciplinary Counsel v. Black*, 2025-Ohio-1790.

{¶ 57} *Black* involved an attorney serving in a public office—a county prosecutor—who committed one rule violation by using inappropriate language and engaging in a pervasive pattern of sexual harassment toward his female employees. In this court’s opinion, we mentioned only two women he treated this way: an assistant prosecutor and a victim’s advocate. *Id.* at ¶ 10, 14. *Black* made numerous inappropriate sexual comments to both women in the office, in public, and over text. *Id.* at ¶ 10-12, 16. This ranged from discussing his “guns and carrots” to joking about terminating a woman’s pregnancy and her subsequent

miscarriage. *Id.* at ¶ 11-12, 15. He also made obscene gestures such as simulating oral sex. *Id.* at ¶ 10. Black also had sexual intercourse with the victim's advocate and then continuously pressured her for sex again. *Id.* at ¶ 24-25. Both women left employment with Black's office, and the victim's advocate filed a lawsuit against him. *Id.* at ¶ 13, 26.

{¶ 58} Although Black was not sanctioned for misconduct apart from that outlined above, this court noted that he created an unprofessional workplace environment through his language and behavior. *Id.* at ¶ 6. He asked interviewees whether they would be fine with the word "fuck" and mentioned "dogshit pay." *Id.* Black also had a temper, resulting in one employee's doing everything in her power to avoid him. *Id.* at ¶ 7-8.

{¶ 59} In all, this court found that Black committed one violation of Prof.Cond.R. 8.4(h). *Id.*, 2025-Ohio-1790, at ¶ 27. Aggravating factors included acting with a dishonest or selfish motive, harming vulnerable victims, and engaging in a pattern of misconduct. *Id.* at ¶ 29. Mitigating factors included the absence of prior discipline as well as Black's cooperative attitude toward the disciplinary proceedings, acceptance of responsibility, participation in interim rehabilitation, presentation of evidence of his good character and reputation, and resignation from office. *Id.* at ¶ 29-32. While not mitigating factors, Black's mental health and substance abuse were considered in determining the appropriate sanction. *Id.* at ¶ 42-43. We imposed a two-year suspension with six months conditionally stayed. *Id.* at ¶ 53.

{¶ 60} While this case involves some similarities to *Black*, Ickes's misconduct is worse. Additionally, Ickes is a judge, and therefore he is held to a higher standard than other attorneys. Accordingly, Ickes's sanction should be more severe than Black's.

{¶ 61} Though Black's misconduct was serious, it pales in comparison to Ickes's actions. Ickes's comments were pervasive and directed toward more than

just two women. And Ickes violated the Code of Judicial Conduct by cultivating an unprofessional workplace environment in his chambers and courtroom. He also treated victims—the woman whose federal case was settled, Risch, and the 18-month-old rape victim and his family—with disrespect, acted childishly, and used racist and vulgar language. Additionally, in the *Elkins* and *Stratton* cases, Ickes violated both defendants’ rights by presiding over the proceedings with a glaring conflict of interest, which he inexplicably chose not to reveal to the parties. This caused the State, the defense, and the jurors to invest time and expense in those trials only to have both cases reversed on appeal and remanded for new trials.

{¶ 62} Further, although there are some similarities between the two cases in terms of their respective aggravating and mitigating factors, there are also significant differences. Like Black, Ickes harmed vulnerable victims and engaged in a pattern of misconduct. Similarly, he has no prior discipline, cooperated during the disciplinary process, and presented evidence of his good character or reputation. However, unlike in Black, the board here did not find the mitigating factor of accepting responsibility or the existence of any mental-health or substance-abuse issues. And importantly, Ickes has not resigned despite the harm his actions have caused to the public’s perception of the judiciary. Given that Ickes perpetrated numerous pervasive acts, has not resigned from office, and committed multiple violations, he should receive a harsher sanction than Black and be suspended for a full two years with no stay.

{¶ 63} It is also important to remember that Ickes is not just an attorney in a public office but a judge, and therefore he is automatically held to a higher standard than Black. *See Celebrezze*, 2026-Ohio-45, at ¶ 35. This heightened standard is long-standing in Ohio:

[A]n attorney at law does not, upon assuming a judicial position, cease to be a member of the legal profession, but becomes such a

member who has assumed a position of public trust which demands of him an even greater degree of responsibility and an even higher and more specialized standard of conduct than that demanded of a practicing attorney.

Franko, 168 Ohio St. at 24. The reason for this higher standard is that “misconduct committed by a judge vested with the public’s trust causes incalculable harm to the public perception of the legal system.” *Disciplinary Counsel v. Dann*, 2012-Ohio-5337, ¶ 22. Therefore, the “primary purpose of judicial discipline is to protect the public, guarantee the evenhanded administration of justice, and maintain and enhance public confidence in the integrity of this institution.” *O’Neill*, 2004-Ohio-4704, at ¶ 33.

{¶ 64} As a judge, Ickes committed plenty of misconduct in the public’s view by engaging in name-calling on the record, using vulgar language in his jury instructions, and speaking in J.D.’s office within earshot of defendants who had come to check in. Although we know of only the *Blazing Saddles* incident, the likelihood of other defendants hearing vulgar, lewd, and/or racist comments while waiting for their hearings is very high given ample testimony stating that Ickes routinely used this language. Not only that, but it is also public knowledge that two of Ickes’s cases were reversed because his failure to recuse himself violated the constitutional rights of the defendants in those cases. *See Stratton*, 2025-Ohio-1621 (6th Dist.); *Elkins*, 2024-Ohio-5351 (6th Dist.).

{¶ 65} Consequently, Ickes’s actions tainted the public’s trust. His conduct toward J.D., women in general, and especially defendants and victims undermined the credibility of and public faith in the government, impeded the common good, and were not in the best interests of the American people. Ickes is not only in a supervisory position over his staff, but he is also an Ohio judge and possesses all the power of that position. It would be hard to justify fully staying his suspension

if these higher standards were not enough to deter Ickes's misconduct. Rather, an actual suspension is necessary to protect the public and demonstrate that we will not tolerate the childish, inappropriate, and vulgar behavior Ickes exhibited in chambers and in the courtroom.

{¶ 66} While Ickes testified that he acted the way he did in order to be liked, that is not a mitigating factor. Ickes knew the requirements of his office and how to conduct himself, and he stipulated that his conduct had directly violated those expectations. His misguided attempt to make some people like him was completely self-serving at the expense of others and the justice system. It affected J.D.'s mental health, as she felt uncomfortable working for him and was in fear of losing her job simply for setting an appropriate boundary. It negatively affected the perception of the integrity of Ickes's office, as people found his chambers and courtroom unprofessional and inappropriate. It cost the judicial system time and money, as both *Elkins* and *Stratton* involved jury trials and appeals, and those cases were remanded to the trial court to repeat the process. Ickes's comments on the record and his failure to recuse himself in two cases brought the justice system into disrepute and showed the public what he thought of his position and how he saw himself as being above the rules.

{¶ 67} Therefore, a two-year suspension is the appropriate sanction to help mend the "incalculable harm to the public perception of the legal system," *Dann*, 2012-Ohio-5337, at ¶ 22, that Ickes's misconduct has caused. While the damage has already been done, this suspension is our attempt to help repair that damage and "enhance public confidence in the integrity of" our judicial institution, *O'Neill*, 2004-Ohio-4704, at ¶ 33, through the exercise of "the full measure of our disciplinary authority," *Disciplinary Counsel v. Connor*, 2004-Ohio-6902, ¶ 18.

IV. CONCLUSION

{¶ 68} This court, as the arbiter of this State's legal profession, has a duty to protect the public from judicial misconduct by establishing the sanctions judges

will face for their misconduct. We have long recognized that “judges are held to the highest possible standard of ethical conduct.” *Ohio State Bar Assn. v. McCafferty*, 2014-Ohio-3075, ¶ 16, citing *Franko*, 168 Ohio St. at 23. Ickes failed to live up to that high standard. As a judge in a position of power and trust, he pervasively used vulgar language with colleagues, fostered an inappropriate and unprofessional workplace environment, and adjudicated criminal cases despite the appearance of impropriety. Consequently, Jon Marshal Ickes is suspended from the practice of law in Ohio for two years. It is further ordered that pursuant to Gov.Jud.R. III(7)(A), Ickes is immediately suspended from judicial office without pay for the duration of his disciplinary suspension. Costs are taxed to Ickes.

Judgment accordingly.

Joseph M. Caligiuri, Disciplinary Counsel, Michelle A. Hall, Chief Assistant Disciplinary Counsel, and Cara L. Dawson, Assistant Disciplinary Counsel, for relator.

Montgomery Jonson, L.L.P., George D. Jonson, and Lisa M. Zaring, for respondent.
