

ORIGINAL

IN THE SUPREME COURT OF OHIO

State *ex rel.*, THE HONORABLE ANGELA R. STOKES, Cleveland Municipal Court 1200 Ontario Street Cleveland, OH 44113,

Relator,

v.

THE HONORABLE RONALD B. ADRINE, 13515 Drexmore Road Cleveland, OH 44120,

and

THE HONORABLE MABEL M. JASPER 3708 Edgehill Drive Cleveland, OH 44121,

Respondents.

CASE NO. 2014-0467

AMENDED MEMORANDUM IN SUPPORT OF WRITS OF QUO WARRANTO, MANDAMUS AND PROHIBITION

Richard C. Alkire (#0024816) Dean Nieding (#0003532)

RICHARD C. ALKIRE CO., L.P.A. 6060 Rockside Woods Blvd., Suite 250 Independence, Ohio 44131-2335 216-674-0550 / Fax: 216-674-0104 rick@alkirelawyer.com / dean@alkirelawyer.com

Attorneys for Relator, The Honorable Angela R. Stokes

FILED MAR 9 1 2014 CLERK OF COURT SUPREME COURT OF OHIO

TABLE OF CONTENTS

PAGE

APPENDIX.....ii

TABLE OF AUTHORITIES iii

I. INTRODUCTION2

II. STATEMENT OF THE FACTS3

III. ARGUMENT8

 A. PROPOSITION OF LAW NO. 1:

 A Writ of *Quo Warranto* Lies When an Administrative and Presiding Judge of a Court Unlawfully Prevents a Judge of the Same Court from Performing Duties and Responsibilities with Respect to Pending Cases.8

 B. PROPOSITION OF LAW NO. 2:

 A Writ of *Mandamus* Lies When an Administrative and Presiding Judge of the Court Fails to Follow Sup.R. 36 and Crim R. 25(B) in Connection with the Assignment or Reassignment of Cases to a Judge in a Multi-Judge Municipal Court.9

 C. PROPOSITION OF LAW NO. 3:

 A Writ of *Prohibition* Lies When an Administrative and Presiding Judge of a Court Prevents a Judge of the Same Court From Exercising Judicial Authority Over Cases Previously and/or Currently Assigned to Her and also Restrict Her Access to Court Files in the Custody of the Clerk of Courts.16

IV. CONCLUSION.....18

CERTIFICATE OF SERVICE

LAW OFFICE OF
Richard C. Alkire Co., L.P.A.
250 Spectrum Office Building • 6060 Rockside Woods Boulevard • Independence, Ohio 44131-2335
(216) 674-0550 • Fax (216) 674-0104

APPENDIX

- A. Affidavit of The Honorable Angela R. Stokes
- B. Administrative Order No. 2014-003 of The Honorable Ronald B. Adrine
- C. Administrative Order No. 2014-004 of The Honorable Ronald B. Adrine
- D. Administrative Order No. 2014-005 of The Honorable Ronald B. Adrine
- E. Administrative Order No. 2014-006 of The Honorable Ronald B. Adrine
- F. Administrative Order No. 2014-007 of The Honorable Ronald B. Adrine
- G. Administrative Order No. 2014-008 of The Honorable Ronald B. Adrine
- H. Inter-Office Correspondence of The Honorable Ronald B. Adrine
- I. Article IV, Section 2(B)(1), Ohio Constitution
- J. Sup.R. 36
- K. Crim.R. 25(B)
- L. Article IV, Section 5(B), Ohio Constitution
- M. R.C. 1901.31(E)
- N. Gov. Bar R. V, Section 5A
- O. R.C. 2701.031
- P. Civ.R. 6(B)
- Q. R.C. 2733.01(A)
- R. Gov. Bar R. V(7)(A)
- S. Sup.R. 4.01

TABLE OF AUTHORITIES

<u>Cases</u>	<u>Pages</u>
<i>National City Bank v. Bd. of Education</i> , 52 Ohio St. 81, 369 N.E.2d 1200 (1977).....	9
<i>State ex re. Annable v. Stokes</i> , 24 Ohio St.2d 32, 262 N.E.2d 863 (1970).....	8
<i>State ex rel. Buck v. Maloney</i> , 102 Ohio St.3d 250, 2004-Ohio-2590, 809 N.E.2d 20(1983).....	11, 17
<i>State ex rel. White v. Junkin</i> , 80 Ohio St.3d 335, 1997-Ohio-340, 686 N.E.2d 267.....	16
 <u>Constitution</u>	
Article IV, Section 2(B)(1), Ohio Constitution.....	2,7, 17
Article IV, Section 5(B), Ohio Constitution.....	3, 11
 <u>Statutes</u>	
R.C. 1901.31(E).....	3, 7, 8, 17
R.C. 2701.031.....	15
R.C. 2733.01(A).....	8
 <u>Rules</u>	
Civ.R. 6(B).....	5
Crim.R. 25(B).....	3, 8, 13, 15, 16
Gov. Bar R. V, Section 5A.....	4, 9-10
Gov. Bar R. V(7)(A).....	10
Sup.R. 4.01.....	12, 15
Sup.R. 36.....	3, 6, 7, 8, 12, 13, 15, 16

I. INTRODUCTION

The instant original action, a Complaint in *Quo Warranto*, *Mandamus* and *Prohibition* with Affidavit of The Honorable Angela R. Stokes, attached, has been filed by Relator, The Honorable Angela R. Stokes, a judge of the Cleveland Municipal Court (hereinafter "Judge Stokes"), in response to Administrative Orders and an Inter-Office Correspondence issued by the Administrative and Presiding Judge of the Cleveland Municipal Court, The Honorable Ronald B. Adrine (hereinafter "Judge Adrine"). See App. B-H. These Administrative Orders and Inter-Office Correspondence, in effect, prevent Judge Stokes from exercising any further judicial responsibility in connection with criminal misdemeanor, minor misdemeanor, traffic matters, pending probation matters, matters involving individuals previously sentenced to incarceration, and also, involved directives to alter her caseload by increasing civil case assignments and continually assigning her to Particular Session One of the Cleveland Municipal Court, as well as the physical retrieval of files from her chambers involving pending criminal misdemeanor, criminal minor misdemeanor and traffic matters currently assigned to her. They also serve to restrict her access to case files for which the Clerk of Courts of the Cleveland Municipal Court is the custodian.

Because such orders have as their explicit basis the pending Certified Complaint filed against Judge Stokes and alleged written Incident Reports, none of which have been presented contemporaneously with their receipt or otherwise to Judge Stokes, Judge Adrine's actions amount to a usurpation of the Supreme Court of Ohio's constitutional, exclusive authority to regulate the bar under Article IV, Section 2(B)(1)(g) of the Ohio Constitution (App. I) and a usurpation of the role of Judge Stokes and the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court (hereinafter "The Board") in connection with the pending

disciplinary matter, which was instituted, in part, by Judge Adrine who filed the initial grievance, giving rise to the pending Certified Complaint. In addition, because such Orders ignore the requirements of Sup.R. 36 (App. J) and Crim.R. 25(B) (App. K), which Judge Adrine must follow in connection with his assignment and reassignment of cases to and from Judge Stokes, such Orders also serve to usurp the Ohio Supreme Court's constitutional authority to promulgate rules of practice and procedure before all courts of Ohio pursuant to Article IV, Section 5(B) of the Ohio Constitution. (App. L) Finally, because such orders restrict Judge Stokes' access to case files assigned to her, they usurp the authority of the Cleveland Municipal Court's Clerk of Courts under R.C. 1901.31(E). (App. M)

For the reasons which follow, each of the Writs sought in Relator Judge Stokes' Complaint are appropriate in order to restore Judge Stokes' ability to adjudicate cases previously assigned to her and cases which should be assigned to her into the future.

II. STATEMENT OF THE FACTS

On March 14, 2014, Judge Adrine, Administrative and Presiding Judge of the Cleveland Municipal Court, issued Administrative Order Nos. 2014-003, 2014-004, 2014-005, 2014-006, 2014-007 and 2014-008. (Affidavit of The Honorable Angela R. Stokes, para. 3)¹ (App. A) These Orders all concern pending and future cases assigned or to be assigned to Judge Stokes in her capacity as a duly elected judge of the Cleveland Municipal Court. (Stokes Aff., para. 3, Exs. A-F)

Judge Stokes has been a Cleveland Municipal Court judge since December 1995, at which time she was elected to serve an unexpired term. Thereafter, she has been continuously elected to three successive six year terms beginning on January 2, 2000 and most recently

¹Hereinafter reference to this Affidavit and its attachments shall be cited as "Stokes Aff., para. ____" or "Stokes Aff., Ex. ____"

January 2, 2012. Since Judge Stokes' admission to the bar in 1984, and during her tenure as a judge, no previous disciplinary matters had been brought against her. (Stokes Aff., paras 1-2, 10)

On October 14, 2013, a Certified Complaint was filed before The Board brought by Relator, Disciplinary Counsel. (Hereinafter, "Certified Complaint") Thereafter, on December 6, 2013, an Answer was filed on behalf of Respondent Judge Stokes in the discipline case. The Answer denies each and every allegation of misconduct asserted against her. (Stokes Aff., paras 9, 12)

Consonant with Count Seven of the Certified Complaint (where Relator requests the Board to order a psychiatric examination of Judge Stokes), Disciplinary Counsel moved for a prehearing psychiatric examination on January 7, 2014. Among the evidence attached to the Motion was the Affidavit of Judge Adrine. Thereafter, Judge Stokes opposed such Motion. The Panel denied the Motion by Order issued February 18, 2014. (Stokes Aff., Ex. I) As part of its rationale denying the Motion, the Panel indicated that various matters brought to its attention, and which are part of the allegations in the Complaint, did not demonstrate facts or circumstances compelling the conclusion that Judge Stokes was mentally ill as that term is defined under the applicable rule. (Stokes Aff., Ex. I)

It is also noteworthy that no procedure has been undertaken to seek an interim suspension due to mental illness or any other reason. This procedure is available to a relator where substantial credible evidence demonstrates that a judge poses a substantial threat of serious harm to the public. See Gov. Bar R. V, Section 5A, Interim Remedial Suspension. (App. N)

Between the time of serving the Notice of Intent to File the Certified Complaint and the present, defendants have filed four Motions to Disqualify which have been ruled upon by the

then Presiding Judges of the Cuyahoga County Court of Common Pleas pursuant to the authority granted them under R.C. 2701.031 (App. O), three through counsel and one *pro se*. These cases include *City of Cleveland v. Frank Petrucci*, Case No. Case Nos. 2013 TRD 065646 and 2012 TRC 050939; *City of Cleveland v. William Baeslack*, Case No. 2013 CRB 038243; *City of Cleveland v. Rowan Hayes*, Case No. 2013 CRB 017219; and *City of Cleveland v. Robert W. Downing*, Case No. 2013 TRC 016088. In each of these matters, when ruling upon Affidavits of Disqualification, the Presiding Judges denied the same, thereby permitting Judge Stokes to continue presiding over them and held that the record was devoid of bias or prejudice. (Stokes Aff., Exs. K-M)

Subsequent to these rulings of the Presiding Judges of the Common Pleas Court and the Panel denying the prehearing Motion for Psychiatric Examination, the Cuyahoga County Public Defender filed a Motion on March 7, 2014 seeking to have Judge Stokes removed from all criminal matters in which the Public Defender was involved. In Administrative Order No. 2014-007, Respondent Judge Adrine ruled that such Motion was denied as moot (in light of the other Administrative Orders issued on March 14, 2014, 2014-003 through 2014-006, 2014-008). (Stokes Aff., Exs. A-F)

Since such Motion was ruled upon in less than seven days, Judge Stokes filed her response timely pursuant to Civ.R. 6(B) (App. P) on March 17, 2014. (Stokes Aff., Ex. H) When a similar request was made in October 2013, Judge Adrine correctly pointed out that he did not have jurisdiction to rule on that request, but rather, it had to be brought before the Cuyahoga County Court of Common Pleas or to the attention of the Ohio Supreme Court. (Stokes Aff., Ex. H, p. 2, Ex. A thereto)

Thus, without affording Judge Stokes a reasonable opportunity to respond to the pending Motion of the Cuyahoga County Public Defender, Judge Adrine, in his capacity as Administrative and Presiding Judge of the Cleveland Municipal Court, issued the aforementioned Administrative Orders.

In effect, these Orders accomplish a *de facto* suspension of Judge Stokes from any judicial activities associated with her criminal docket, thereby precluding her from presiding over the Project Hope docket,² and further, unfairly and inappropriately, increase her civil and Session One assignments in violation of the dictates of Sup.R. 36.

It should be noted that the grievance, giving rise to Disciplinary Counsel's investigation of Judge Stokes, was brought by Judge Adrine within days of her re-election to the 2012 term which she currently is serving. (Stokes Aff., para. 8) Further, Judge Adrine supplied an Affidavit in connection with Disciplinary Counsel's attempt to cause a prehearing psychiatric examination of Judge Stokes. In apparent retaliation in what can only be described as a personal vendetta by Judge Adrine, he has chosen to impose an interim disciplinary and/or mental illness suspension upon Judge Stokes in connection with all her criminal, quasi-criminal and traffic matters while her aforementioned Disciplinary Complaint remains pending.

In this regard, the first scheduled hearing dates for the disciplinary case have been set for September 22, 2014 through September 26, 2014. (Stokes Aff., Ex. J) In the meantime, the parties are permitted to engage in discovery pursuant to the Ohio Rules of Civil Procedure. On December 24, 2013, Judge Stokes issued Interrogatories and Requests for Production of Documents, Records and Things to Relator Disciplinary Counsel to which no response has been

² Project Hope is a special docket regarding rehabilitation for female prostitution offenders. Judge Stokes' involvement in that docket is a subject of the discipline case.

forthcoming. Upon receiving responses to such discovery, Judge Stokes intends to depose certain witnesses to prepare for her defense in the discipline case.

In the meantime, the purpose of Judge Stokes' Complaint herein is to restore her to her capacity to act as a judge in the Cleveland Municipal Court until such time as The Board has performed its responsibilities under Gov. Bar R. V and this Court has, in turn, performed its responsibilities under Ohio Constitution, Article IV, Section 2(B)(1)(g), the regulation of the practice of law in the State of Ohio. Respondent Judge Adrine's Administrative Orders and Inter-Office Correspondence usurp and intrude into the exercise of Judge Stokes' public office and is an exercise of judicial power in violation of Article IV, Section 2(B)(1)(g), as well as Section 5(B) reposing in the Ohio Supreme Court exclusive authority to prescribe rules governing practice and procedure in all courts of the state. Judge Adrine has a clear legal duty to carry out the mandates of Sup.R. 36 in making case assignments. Finally, insofar as Judge Adrine's Orders restrict Judge Stokes' access to case files originally assigned to her, they usurp the authority and duty of the Clerk of Courts of the Cleveland Municipal Court pursuant to R.C. 1901.31(E).

In short, the alternative Writs sought by Relator Judge Stokes will serve to restore Judge Stokes to the full duties of her office by preventing Respondents from presiding over her cases (*quo warranto*); prohibit Respondent Judge Adrine from exercising judicial power in violation of the Supreme Court's exclusive authority to regulate the practice of law and prescribe the rules of courts (*prohibition*); prevent Respondent Judge Adrine from exercising the duties and obligations of The Board and the Ohio Supreme Court in connection with the discipline of the members of the bar, including judges (*prohibition*); prevent Respondent Judge Adrine from usurping such powers and duties, as well as ignoring the Orders of the Presiding Judges of the

Cuyahoga County Court of Common Pleas, returning at least four cases to Judge Stokes for disposition (*prohibition*), prevent Respondent Judge Adrine from interfering in the duty of the Clerk of Courts of the Cleveland Municipal Court under R.C. 1901.31(E) in connection with the duty of fulfilling Judge Stokes' request for case files to defend herself in the discipline case and in regard to previously assigned cases (*prohibition*), and compelling Respondent to discharge his clear, legal duty and comply with Sup.R. 36 and Crim.R. 25(B) in making case assignments and reassignments, and follow the rulings of Judges Fuerst and Russo who denied Affidavits of Disqualification in regard to four cases (*mandamus*).

III. ARGUMENT

- A. Proposition of Law No. 1: A Writ of *Quo Warranto* Lies When an Administrative and Presiding Judge of a Court Unlawfully Prevents a Judge of the Same Court from Performing Duties and Responsibilities with Respect to Pending Cases and When He and Other Judges Perform Her Duties and Responsibilities.

R.C. 2733.01(A) (App. Q) prescribes a method by which a civil action in *quo warranto* may be pursued. Such an action may be brought in the name of the state "against a person who usurps, intrudes into, or unlawfully holds or exercises a public office...within this state." For a private person to pursue such matter, such citizen must be personally claiming title to the public office. See *State ex rel. Annable v. Stokes*, 24 Ohio St.2d 32, 262 N.E.2d 863 (1970).

In the instant action, Judge Stokes is a duly elected judge of the Cleveland Municipal Court, having been recently re-elected to a six year term beginning January 2, 2012. She claims title to her public office as a judge in the Cleveland Municipal Court.

Because Judge Adrine, through the Administrative Orders issued on March 14, 2014, has transferred all of Judge Stokes' criminal, quasi-criminal and traffic matters and responsibility for pending probation matters and the status review of incarcerated individuals, her judicial function

LAW OFFICE OF
Richard C. Alkire Co., L.P.A.
250 Spectrum Office Building • 6060 Rockside Woods Boulevard • Independence, Ohio 44131-2335
(216) 674-0550 • Fax: (216) 674-0104

has been usurped and intruded upon by Judge Adrine. When Respondent Judge Mabel M. Jasper assumed the criminal docket of Judge Stokes on March 18, 19 and 25, 2014 and Judge Adrine did the same on March 20, 2014, they each unlawfully exercised Judge Stokes' judicial power on March 18, 19, 20 and 25, 2014 respectively. (Stokes Aff., paras 7-8)

Quo warranto applies here to prevent Respondents Judge Adrine and Judge Jasper from exercising any control over the docket of Judge Stokes hereinafter, and also applies to any other judge assigned to handle her docket pursuant to the intention expressed by Judge Adrine in his Administrative Orders.

B. Proposition of Law No. 2: A Writ of *Mandamus* Lies When an Administrative and Presiding Judge of the Court Fails to Follow Sup.R. 36 and Crim.R. 25(B) in Connection with the Assignment or Reassignment of Cases to a Judge in a Multi-Judge Municipal Court.

A Writ of *Mandamus* lies when Relator demonstrates (1) that he has a clear legal right to the relief prayed for, (2) that Respondents are under a clear legal duty to perform the acts, and (3) that Relator has no plain and adequate remedy in the ordinary course of law. See *State, et rel. National City Bank v. Bd. of Education*, 52 Ohio St. 81, 369 N.E.2d 1200 (1977).

Here, there can be no doubt that Judge Stokes should be permitted to act as a judge in the Cleveland Municipal Court during the pendency of her disciplinary case. As alleged in the Complaint, the interim suspension procedure afforded under Gov. Bar R. V Section 5A has not been invoked by Relator in this matter. The rule provides in pertinent part:

(A)(1) **Motion; Response.** Upon receipt of substantial, credible evidence demonstrating that a ... judge...has committed a violation of the Code of Judicial Conduct...and poses a substantial threat of serious harm to the public, the Disciplinary Counsel of appropriate Certified Grievance Committee, which shall be referred to as the relator, shall do both of the following:

(a) Prior to filing a motion for an interim remedial suspension, make a reasonable attempt to provide the...judge...who shall be referred to as the respondent, with notice, which may include notice by telephone, that a motion requesting an order for an interim remedial suspension will be filed with the Supreme Court.

(b) File a motion with the Supreme Court requesting that the Court order an interim remedial suspension. The Disciplinary Counsel or appropriate Certified Grievance Committee shall include, in its motion, proposed findings of fact, proposed conclusions of law, and other information in support of the requested order. Evidence relevant to the requested order shall be attached to or filed with the motion. The motion may include a request for immediate, interim remedial suspension pursuant to Rule XIV Section 4(C) of the Rules of Practice of the Supreme Court of Ohio. The motion shall include a certificate detailing the attempts made by the relator to provide advance notice to the respondent of the relator's intent to file the motion. The motion shall also include a certificate of service on the respondent at the most recent address provided by the respondent to the attorney registration office and at the last address of the respondent known to the relator, if different.

(2) After the filing of a motion for an interim remedial suspension, the respondent may file a memorandum opposing the motion in accordance with Rule XIV, Section 4 of the Rules of Practice of the Supreme Court of Ohio. The respondent shall attach to or file with the memorandum any rebuttal evidence.

Obviously, this interim procedure has not been sought by Disciplinary Counsel in the discipline matter. Further, when Relator sought a prehearing psychiatric examination, relief it prayed for in Count Seven of his Complaint, the Board's Panel denied such Motion. (Stokes Aff., Ex. 1) Indeed, the Panel Order indicated that insufficient evidence has been submitted to determine that Judge Stokes is mentally ill as that term is defined in the Ohio Revised Code and used in Gov. Bar R. V(7)(A). (App. R) As such, an interim suspension based on mental illness is not supported by the evidence either.

As such, the procedure to suspend a judge during the pendency of a discipline matter for misconduct has not been invoked in the instant matter and the procedure to suspend a judge for mental illness has been invoked but denied.

Instead, Judge Adrine has taken it upon himself to suspend Judge Stokes from the execution of her duties as a judge in the Cleveland Municipal Court in respect to the matters addressed in his various Administrative Orders. It is beyond argument that his purpose for the Orders derives from his finding that:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.

See Stokes Aff. Exs. A, B and C.

Administrative Order Nos. 2014-006 and 2014-008 (Stokes Aff., Exs. D and F) are derivative of the aforementioned three orders, insofar as they purport to impermissibly increase Judge Stokes' civil case assignments and Particular Session One assignments, as well as permit the confiscation of all files within her chambers applicable to criminal matters which are the subject of Administrative Order Nos. 2014-003, 2014-004 and 2014-005.

Insofar as the Ohio Constitution reposes in the Ohio Supreme Court the exclusive authority to regulate the practice of law, Judge Adrine's Administrative Orders attempt to supplant that authority by, in effect, impermissibly imposing an interim suspension during the pendency of Judge Stokes' discipline matter. *Cf. State, ex rel. Buck v. Maloney*, 102 Ohio St.3d 250, 2004-Ohio-2590, 809 N.E.2d 20. Certainly, Judge Adrine has a clear, legal duty to allow the Ohio Supreme Court to exercise its authority to regulate the practice of law.

In addition, regarding the removal of Judge Stokes from the lottery in respect to future criminal cases and the increase of her civil case load, such actions on the part of Judge Adrine supplant the Ohio Supreme Court's exclusive responsibility to prescribe rules governing practice and procedure in all courts of the state conferred upon it by Article IV, Section 5(B) of the Ohio Constitution. As such, it is Judge Adrine's duty to refrain from usurping the duty of the Ohio Supreme Court in this regard. Judge Adrine's exercise of powers as Administrative and Presiding

Judge of the Cleveland Municipal Court is in direct contravention of the power granted him under Sup.R. 4.01. (App. S)

In this connection, Sup.R. 4.01 provides in pertinent part:

An administrative judge of a court or a division of a court shall do all of the following:

(A) be responsible for and exercise control over the administration, docket, and calendar of the court or division;

* * *

(C) pursuant to Sup.R. 36, assign cases to individual judges of the court or division or to panels of judges of the court in the court of appeals;

(D) in municipal and county courts, assign cases to particular sessions pursuant to Supr.R. 36.

Further, Sup.R. 36 provides as it relates to the assignment of cases to judges the following, in pertinent part:

* * *

(B)(1) **Individual assignment system.** As used in these rules, "individual assignment system" means the system in which, upon the filing in or transfer to the court or a division of the court, a case immediately is assigned by lot to a judge of a division, who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination.

* * *

(2) ...Each multi-judge municipal or county court shall adopt the individual assignment system for the assignment of all cases to the judges of that court, except as otherwise provided in division (C) of this rule. ...

(C) **Assignment system.** In each multi-judge municipal or county court, cases may be assigned to an individual judge or to a particular session of court pursuant to the following system:

(1) **Particular session.** A particular session of court is one in which cases are assigned by subject category rather than by the individual assignment system. ...

(2) **Assignment.** Cases not subject to assignment in a particular session shall be assigned using the individual assignment system. Civil cases shall be assigned under division (C)(2) of this rule when an answer is filed or when a motion, other than one for default judgment, is filed. Criminal cases shall be assigned under division (C)(2) of this rule when a plea of not guilty is entered.

(3) **Duration of assignment to a particular session.** The administrative judge shall equally apportion particular session assignments among all judges. A judge shall not be assigned to a particular session of court for more than two consecutive weeks.

In this regard, Sup.R. 36 requires that the individual assignment system and the assignment system set forth in connection with Particular Sessions apply to all judges in a multi-judge municipal court.

Rule 36(C)(2) states that civil cases be assigned by lot to the judges of the municipal court upon the filing of the Answer and that criminal cases be assigned by lot upon a not guilty plea.

As it relates to Particular Sessions, pursuant to Sup.R. 36(C)(3), such Particular Sessions should be equally apportioned among all judges.

Administrative Order No. 2014-006 (Stokes Aff., Ex. D) directly contravenes these subsections of Sup.R. 36, thereby contravening the authority of the Ohio Supreme Court to prescribe rules of procedure applicable to all the courts of the state under Article IV, Section 5(B) of the Ohio Constitution.

In other words, removing Judge Stokes from the individual assignment system for criminal matter and increasing her load in respect to civil matters directly violates the individual assignment system prescribed under Sup.R. 36(B)(1). Likewise, unfairly and inequitably distributing her assignment to Particular Session One contravenes Sup.R. 36(C)(3).

As it relates to Crim.R. 25(B), that rule provides that after verdict or a finding of guilt, a condition that would apply to those aspects of Judge Adrine's Orders related to probation matters (Stokes Aff., Ex. B) and the transfer of responsibility for status review of individuals sentenced to incarceration. (Stokes Aff., Ex. C) If a judge is unable to perform the duties of the court, then another judge may be designated by the administrative judge to perform such duties. Here, Judge Stokes is certainly capable of performing her duties as a judge of the Cleveland Municipal Court. (Stokes Aff., para. 10)

It also should be noted that insofar as Judge Adrine has purported to transfer all criminal cases from Judge Stokes' docket, she is now precluded from presiding over the specialized Project Hope docket, a docket established in connection with rehabilitation efforts directed at female prostitution offenders. This session of court is one of the subjects of the discipline Complaint, and issues associated with it have not yet been adjudicated in the context of the discipline case.

Also, insofar as Judge Adrine has transferred four cases which the Presiding Judges of the Cuyahoga County Court of Common Pleas have ruled should remain on Judge Stokes' docket, having denied Affidavits of Disqualification, Judge Adrine is under a clear legal duty to follow those rulings as well and not transfer those cases from Judge Stokes' docket.

As it relates to these cases, Judge Fuerst denied Affidavits of Disqualification in connection with *Rowan Hayes, supra*, and *Robert W. Downing, supra*, finding that the record in those matters was devoid of any bias and prejudice. (Stokes Aff., para. 16, Exs. L and M) Both of these Affidavits of Disqualification were filed after the Notice of Intent to File the Certified Complaint against Judge Stokes had been served in July 2013 but before the Certified Complaint was filed in October 2013.

After the Certified Complaint was filed in October 2013, two additional Affidavits of Disqualification were filed after Judge Stokes denied Motions to Recuse. In those cases, *Frank Petrucci, supra* and *William Baeslack, supra*, then Presiding Judge John Russo of the Cuyahoga County Common Pleas Court again found that there was no basis to remove Judge Stokes, as the record was likewise devoid of any bias and prejudice in those matters. Judge Russo pointed out that the Motion of attorney Hilow in the Certified Complaint, in and of itself, was not a sufficient basis for disqualification. (Stokes Aff., para. 16, Ex. K)

Despite the rulings of these Presiding Judges of the Cuyahoga County Court of Common Pleas, pursuant to R.C. 2701.031, Judge Adrine has failed to follow his clear legal duty to abide by those rulings, and instead, he has transferred those cases away from Judge Stokes pursuant to Administrative Order No. 2014-003.

In addition, Judge Adrine's transfer of *Rita T. Boutros*, Case Nos. 2014 CRB 004735, 2014 TRC 011087, a case pending where the Court's Central Scheduling Department had set a pretrial before Judge Stokes for March 25, 2014, with a Motion to Recuse pending, violates Sup.R. 36 and Crim.R. 25(B).

In respect to the *Boutros* matter, Judge Stokes will be precluded from conducting the pretrial and to hold a hearing regarding the Motion to Recuse which would include the City Prosecutor and defense counsel, assuring that the record is clear as to Judge Stokes' fair and impartial conduct in respect to that matter. (Stokes Aff., para. 19)

As set forth in the Complaint, Judge Adrine's exercise of power as the Administrative and Presiding Judge of the Cleveland Municipal Court is in direct contravention of the power granted him under Sup.R. 4.01 which requires that cases be assigned pursuant to Sup.R. 36.

Further, without this Honorable Court's grant of a Writ of *Mandamus*, Judge Stokes is without an adequate remedy in the ordinary course of law to execute her duties as an elected judge of the Cleveland Municipal Court in respect to the matters addressed in the aforementioned Administrative Orders.

Finally, no other adequate remedy at law exists for Judge Stokes to challenge the abuse of powers exercised by Judge Adrine under Rule 4.01 in connection with the Administrative Orders he issued on March 14, 2014.

C. Proposition of Law No. 3: A Writ of Prohibition Lies When an Administrative and Presiding Judge of a Court Prevents a Judge of the Same Court From Exercising Judicial Authority Over Cases Previously and/or Currently Assigned to Her and also When Such Judge Restricts Her Access to Court Files in the Custody of the Clerk of Courts.

In this regard, in order to demonstrate an entitlement to a Writ of *Prohibition*,

Judge Stokes must establish that:

- (1) The [respondent] is about to exercise judicial or quasi-judicial power,
- (2) The exercise of such power is unauthorized by law, and
- (3) Denial of the writ will cause injury to [relator] for which no other adequate remedy in the ordinary course of law exists.

See State ex rel. White v. Junkin, 80 Ohio St.3d 335, 336, 1997-Ohio-340, 686 N.E.2d 267, 268.

In the case *sub judice*, Judge Adrine, in the Administrative Orders, which are the subject of Relator's original action, demonstrates his intention to exercise his judicial power in his capacity as Administrative and Presiding Judge as it relates to the assignment of civil cases; Particular Session One assignments; the status review of probation matters on the personal docket of Judge Stokes; the status review of individuals sentenced to incarceration by Judge Stokes; and the retrieval of criminal misdemeanor, criminal minor misdemeanor and traffic case files assigned to her personal docket and in her custody. Insofar as his Administrative Orders also call for the temporary transfer and reassignment of all pending criminal misdemeanor, criminal minor misdemeanor and traffic cases currently assigned to Judge Stokes, his activities are ongoing and have not been completed.

In the same fashion as explained in Section III (B), *supra*, the temporary transfer and reassignment of these cases and the assignment of Judge Stokes to the Particular Sessions and increase of civil case load referenced in Administrative Order No. 2014-006 (Stokes Aff., Ex. D), explicitly violates Judge Adrine's duty under Sup.R. 36 and Crim.R. 25(B). As such, his conduct in this regard should be prohibited.

It also follows that because Judge Adrine has stated as his basis for Administrative Order Nos. 2014-003, 2014-004 and 2014-005 that the transfers are justified because of the mere pendency of the Certified Complaint, his conduct should be prohibited since it infringes upon the exclusive responsibility of the Ohio Supreme Court in respect to regulating the bar.

In *State ex rel. Buck v. Maloney*, 201 Ohio St.3d 250, 2004-Ohio-2590, 809 N.E.2d 20, denying an attorney the opportunity to practice before that court premised upon the Supreme Court's exclusive responsibility and jurisdiction over the practice of law derived from Article IV, Section 2(B) of the Ohio Constitution was an appropriate circumstance in which to issue a Writ of Prohibition. Just as in *Maloney*, *supra*, Judge Adrine's Administrative Orders have the effect of preventing Judge Stokes from acting as a judge of the Cleveland Municipal Court in respect to the matters addressed in those orders.

As it relates to Administrative Order No. 2014-008 (Stokes Aff., Ex. F) and the directives set forth in Judge Adrine's Inter-Office Correspondence (Stokes Aff., Ex. G) regarding access to court files, such directive and Order should be prohibited by the Court since it directly contravenes the authority granted the Clerk of Courts of the Cleveland Municipal Court in regard to the providing of files in its custody to judges under R.C. 1901.31(E).

Under the Ohio Revised Code section, judges are permitted to request and obtain from the Clerk of Courts case files it is duty-bound to maintain. Yet, Judge Adrine has interposed himself between Judge Stokes and all of the case files she had previously been assigned which have now purportedly been temporarily reassigned, as well as any case files she requires in her defense of the pending Certified Complaint. See Stokes Aff., Ex. F-G

Prior to this Order and Inter-Office Correspondence, Judge Stokes, as all other judges of the Cleveland Municipal Court were required to do, in order to obtain a file for a case, a judge

would issue a Journal Entry and provide it to the Clerk of Courts. Upon receiving the Journal Entry, the Clerk of Courts would retrieve the file and bring it, along with the Journal Entry, to the Central Scheduling Office so that such request, retrieval of the file and provision of it to the judge, could be docketed. Thereafter, the judge would receive the case file.

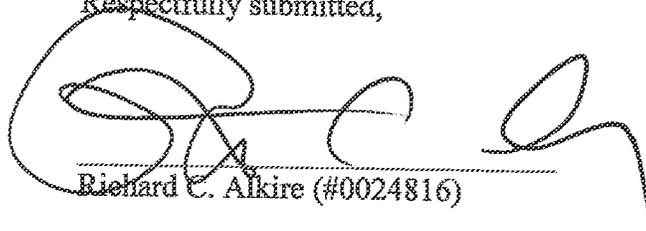
Now, because of the purported Administrative Order and Inter-Office Correspondence of Judge Adrine, Judge Stokes will be provided no access to files temporarily reassigned and access to those files she needs for her defense in the discipline matter only if she requests them through the office of the Administrative and Presiding Judge. As such, these new hurdles violate the duties reposed in the Clerk of Courts and interfere with Judge Stokes' and her counsel's ability to defend her in her discipline case. Curiously, as Judge Adrine is the original grievant in the discipline case, he has now placed himself in a position to monitor Judge Stokes' efforts to prepare herself for hearing and prehearing activities in her discipline case. (Stokes Aff., para. 19)

Accordingly, the Writ of *Prohibition* lies to stop Judge Adrine from enforcing the Administrative Orders and Inter-Office Correspondence so that Judge Stokes may be restored to her duties and responsibilities as an elected judge of the Cleveland Municipal Court and be able to interact with the Clerk of Courts of the Cleveland Municipal Court without his interference.

IV. CONCLUSION

Accordingly, for the foregoing reasons, Relator respectfully requests that this Honorable Court issue a Writ of *Quo Warranto* to Respondents, Judge Adrine and Judge Jasper, a Writ of *Mandamus* to Judge Adrine and a Writ of *Prohibition* to Judge Adrine in all the respects requested.

Respectfully submitted,



Richard C. Alkire (#0024816)



Dean Nieding (#0003532)

RICHARD C. ALKIRE CO., L.P.A.
250 Spectrum Office Building
6060 Rockside Woods Boulevard
Independence, Ohio 44131-2335
216-674-0550

Attorneys for Relator
The Honorable Angela R. Stokes

APPENDIX

- A. Affidavit of The Honorable Angela R. Stokes
- B. Administrative Order No. 2014-003 of The Honorable Ronald B. Adrine
- C. Administrative Order No. 2014-004 of The Honorable Ronald B. Adrine
- D. Administrative Order No. 2014-005 of The Honorable Ronald B. Adrine
- E. Administrative Order No. 2014-006 of The Honorable Ronald B. Adrine
- F. Administrative Order No. 2014-007 of The Honorable Ronald B. Adrine
- G. Administrative Order No. 2014-008 of The Honorable Ronald B. Adrine
- H. Inter-Office Correspondence of The Honorable Ronald B. Adrine
- I. Article IV, Section 2(B)(1), Ohio Constitution
- J. Sup.R. 36
- K. Crim.R. 25(B)
- L. Article IV, Section 5(B), Ohio Constitution
- M. R.C. 1901.31(E)
- N. Gov. Bar R. V, Section 5A
- O. R.C. 2701.031
- P. Civ.R. 6(B)
- Q. R.C. 2733.01(A)
- R. Gov. Bar R. V(7)(A)
- S. Sup.R. 4.01

App. A

IN THE SUPREME COURT OF OHIO

STATE *ex rel.*, THE HONORABLE
ANGELA R. STOKES,

Relator,

v.

THE HONORABLE RONALD B. ADRINE,
et al.

Respondent.

CASE NO.

AFFIDAVIT OF THE HONORABLE
ANGELA R. STOKES

STATE OF OHIO

COUNTY OF CUYAHOGA

SS:

Affiant, The Honorable Angela R. Stokes, having personal knowledge of the following, and competent to testify thereto, deposes and says that:

1. I am currently an elected judge of the Cleveland Municipal Court, having begun a term on January 2, 2012, expiring on January 1, 2018. I was admitted to the bar of the State of Ohio on October 29, 1984.

2. Prior to my current service as judge of the Cleveland Municipal Court, I was elected to fill an unexpired term on the Cleveland Municipal Court as a judge beginning

December 11, 1995, at which time my oath of office was filed with the Clerk of the Cleveland Municipal Court. Thereafter, I was elected to three successive six year terms beginning on January 2, 2000, January 2, 2006 and, as mentioned above, January 2, 2012.

3. I was provided copies of Administrative Order Nos. 2014-003, 2014-004, 2014-005, 2014-006, 2014-007 and 2014-008 by hand delivery at 4:55 p.m. on Friday, March 14, 2014 (attached hereto as Exs. A through F) by the Court Administrator Russell Brown, III, as well as an Inter-Office Correspondence accompanying them authored by The Honorable Ronald B. Adrine, Administrative and Presiding Judge of the Cleveland Municipal Court. (Ex. G)

4. Preceding the issuance of these Orders, I was provided a hand-delivered copy of the Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket filed in the Cleveland Municipal Court on March 10, 2014 listing Judge Adrine as the judge to whom the Motion was directed.

5. Prior to being able to respond to such motion within the timeframe allowed, the Motion of the Cuyahoga County Public Defender was prematurely and improperly disposed of by Judge Adrine's Administrative Order No. 2014-007, having been denied as moot on March 14, 2014. (Ex. E)

6. On Monday, March 17, 2014, counsel, on my behalf, timely filed a Brief in Opposition to Motion to Transfer Criminal Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket. (Ex. H)

7. On March 18, 19 and 25, 2014, I was prevented from discharging my duties in connection with my criminal docket. Upon information and belief, retired Judge Mabel M. Jasper was assigned the numerous cases set for disposition those days and presided over them.

8. On March 20, 2014, I was prevented from discharging my duties in connection with my criminal docket. Upon information and belief, Judge Ronald B. Adrine assumed responsibility to adjudicate the cases set for disposition that day and presided over them. Insofar, as Judge Adrine purports to reassign all of my criminal cases, it is my belief that he will assign himself or other judges to preside over my criminal docket in the future.

9. Prior to the issuance of the abovementioned Administrative Orders, on October 14, 2013, a Certified Complaint was filed against me with the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court ("Certified Complaint"). Relator Disciplinary Counsel had been investigating a grievance originally brought by Judge Ronald B. Adrine on November 9, 2011 which was filed just days after I was re-elected to my term as Cleveland Municipal Court Judge beginning January 2, 2012.

10. I am presently in good standing with the bar, and I have never been disciplined by the Ohio Supreme Court for my conduct as a judge or attorney. I am capable of performing my duties as a judge of the Cleveland Municipal Court.

11. While many of the matters raised in Judge Adrine's grievance did not become part of the formal allegations of the Certified Complaint, many did, including new matters first brought to my attention in a Notice of Intent to File the Certified Complaint served upon me by Disciplinary Counsel in July 2013, preceding the probable cause determination and subsequent filing of the Certified Complaint.

12. I timely filed my Answer to the allegations of the Certified Complaint on December 6, 2013, denying that I have committed any misconduct related to the matters raised in the Certified Complaint.

13. On January 7, 2014, Disciplinary Counsel moved for a prehearing psychiatric examination when he filed Relator's Motion for Psychiatric Examination Pursuant to Gov. Bar R. V(7)(C). The Motion was supported, in part, with an Affidavit of Judge Adrine. Through counsel, this Motion was opposed on January 31, 2014. Thereafter, the Panel, through its Order of February 18, 2014, denied the Motion. (Ex. I)

14. The Certified Complaint is scheduled for hearing beginning on September 22, 2014. (Ex. J)

15. In the stated, purported justifications for the transfer of cases in connection with Administrative Order Nos. 2014-003, 2014-004 and 2014-005, Judge Adrine mentions "nearly 100 additional written incident reports" and an allegation that "the court continues to average one to two new ethics complaints against Judge Stokes per week." Judge Adrine has never supplied any of these purported incident reports or ethics complaints to me for response or otherwise.

16. Since the Notice of Intent to File the Certified Complaint against me was served in July 2013, four defendants in matters then pending before me had sought to require my withdrawal from their cases after I denied their Motions to Recuse and indicated that I have been and will continue to be fair and impartial. In each of these matters, upon the filing of Affidavits of Disqualification, the Presiding Judge of the Cuyahoga County Court of Common Pleas denied such requests for disqualification refusing to overturn my previous rulings and found that the record was devoid of any bias and prejudice. (Exs. K - M) In *City of Cleveland v. Frank Petrucci*, Case Nos. 2013 TRD 065646 and 2012 TRC 050939; *City of Cleveland v. William Baeslack*, Case No. 2013 CRB 038243; and *City of Cleveland v. Robert W. Downing*, Case No. 2013 TRC 016088, the Affidavits of Disqualification were filed by private counsel. In *City of Cleveland v. Rowan Hayes*, Case No. 2013 CRB 017219, Mr. Hayes appeared *pro se*. Each of

these cases has been temporarily reassigned pursuant to Judge Adrine's Administrative Order No. 2014-003, thereby contravening the Orders of the Presiding Judges of the Cuyahoga County Court of Common Pleas permitting me to continue presiding over these cases. Consequently, I have been prevented from presiding over these matters.

17. I have been prevented from discharging the duties and responsibilities of my office as an elected judge of the Cleveland Municipal Court with respect to criminal misdemeanor, criminal minor misdemeanor, traffic cases, probation matters, my responsibility for the status review of individuals sentenced to incarceration and my presiding over the Project Hope docket (the court's rehabilitation program applicable to female prostitution offenders). These cases have been transferred and will or have been reassigned in violation of law, Sup.R. 36 and Crim.R. 25(B).

18. Further, in connection with Administrative Order No. 2014-006, I have been removed from the random draw of criminal misdemeanor, criminal minor misdemeanor and traffic cases in contravention of Sup.R. 36 and I have inequitably been provided additional civil cases also in contravention of Sup.R. 36.

19. As it relates to my access to files assigned to me before the Administrative Orders were issued, pursuant to Judge Adrine's March 14, 2014 Inter-Office Correspondence, such files are now "embargoed while the transfer is affected." Judge Adrine goes on to state that I may, however, require access to such files to assist me in preparing my response to the Certified Complaint and that I may obtain them only through the office of the Administrative Judge. This directive is troublesome and illegal for two separate reasons. First, as it relates to at least one matter, *State of Ohio v. Rita T. Boutros*, Case Nos. 2014 CRB 004735, 2014 TRC 011087, which was randomly assigned to me pursuant to the individual assignment system prior to when

this transfer occurred, and which was filed by the same attorney involved in *Petrucci* and *Baeslack*, para. 16, *supra*, I am unable to rule on the *Boutros* Motion to Recuse, with the first Pretrial having been set for March 25, 2014. Judge Adrine's Administrative Orders preclude me from responding to this Motion, preclude me from making a record in regard to it or otherwise discharging my duties with respect to this matter. I do not waive my right to demonstrate that I am neither biased or prejudiced in regard to the parties in *Boutros* matter. It has always been the case, since I have been on the bench, that judges in the Cleveland Municipal Court sign a Journal Entry to directly request criminal files from the Clerk of Courts that are not assigned to that day's docket. As custodian of the files, the Clerk of Courts retrieves the files which are then provided to the Court's Central Scheduling Office with the Journal Entry to be journalized. At that point, the file is then delivered to the judge. Second, Judge Adrine's directive concerning matters necessary for my response to the discipline case places him between me and the files to which I am entitled, presenting an unreasonable and inappropriate hurdle to my defense. Judge Adrine is interjecting an additional barrier to my access to necessary information. As such, while ostensibly Judge Adrine is providing me restricted access to files necessary to my defense in the disciplinary matter, he is providing me no access to files necessary to discharge my responsibilities as a judge in the Cleveland Municipal Court with respect to matters assigned to me, such as the *Boutros* Motion to Recuse. Further, the restricted access through Judge Adrine's office to obtain files necessary for my defense in the discipline matter places the grievant (Judge Adrine) into the disciplinary process intruding on my and my attorney's work product and preparation for the hearing and pre-hearing proceedings.

20. Further, since March 24, 2014 I have been "continually" assigned to Particular Session One in an inequitable fashion as it relates to the other judges of the Cleveland Municipal Court in contravention of Sup.R. 36. (Ex. D)

21. My ability to discharge the duties and responsibilities of my office has been intruded upon and interfered with by virtue of Administrative Order No. 2014-008, insofar as the Clerk and the Central Scheduling Office have been "instructed to exercise all due diligence to physically retrieve all criminal misdemeanor, criminal minor misdemeanor and traffic case files currently assigned to the personal docket of and in the custody of The Honorable Angela R. Stokes." (Ex. F)

22. My ability to discharge my duties and responsibilities as an elected Cleveland Municipal Court judge have been usurped, interfered with and intruded upon by virtue of the aforementioned Administrative Orders and Inter-Office Correspondence directives promulgated by The Honorable Ronald B. Adrine, Administrative and Presiding Judge, on March 14, 2014. (Exs. A – G) In addition, my ability to discharge my duties and responsibilities as an elected Cleveland Municipal Court judge are also being usurped, interfered with and intruded upon by anyone following the aforementioned Administrative Orders and Inter-Office Correspondence directive, including employees of the Cleveland Municipal Court, Judge Mabel M. Jasper, the Clerk of Courts and/or employees of the Clerk of Courts and any other judges.

23. It is clear that the issuance and execution of the Administrative Orders (Exs. A – F) operate as a *de facto* suspension of me from my judicial duties without having been afforded due process of law as guaranteed me under Gov. Bar R. V. The Certified Complaint is pending, no interim suspension has been sought or obtained, and yet, I am being prevented from presiding over the matters which are the subject of the Administrative Orders. Judge Adrine has already

sanctioned me and allowing the Administrative Orders to stand would continue to permit him to sanction me without the procedures guaranteed me under Gov. Bar R. V having been concluded. As such, Judge Adrine has improperly assumed the Supreme Court of Ohio's exclusive power and duty to regulate the practice of law conferred upon it by Article IV, Section 2(B)(1)(g) of the Ohio Constitution.

24. I have no other available or adequate remedy at law to allow me to avoid and/or redress injury and to resume the duties and responsibilities conferred upon me by my office as judge of the Cleveland Municipal Court, as explained above, but for the obtaining of Writs of *Quo Warranto*, *Mandamus* and *Prohibition* by virtue of my Complaint to which this Affidavit is attached.

Further, Affiant sayeth naught.


The Honorable Angela R. Stokes
Judge of the Cleveland Municipal Court

Sworn to and subscribed before me and in my presence this 25th day of March,

2014.


Notary Public

RICHARD C. ALKIRE, ATTY.
NOTARY PUBLIC - STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

IN THE CLEVELAND MUNICIPAL COURT
FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

2014 MAR 14 P 4:10
ADMINISTRATIVE ORDER
NO. 2014-003 CLEVELAND MUNICIPAL COURT
CARL E. TURNER
CLERK OF COURT
74

IN RE: **Temporary Transfer and Reassignment of all Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Honorable Angela R. Stokes**

Responsibility for all criminal misdemeanor, criminal minor misdemeanor and traffic matters currently assigned to the personal docket of the Honorable Angela R. Stokes is hereby transferred to the Administrative Judge of the Cleveland Municipal Court, for review and/or pending temporary reassignment. Any such transfers and temporary reassignments will be in effect only during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless the transferred case is otherwise resolved in the interim. The transfers are made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

The transfers are justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no additional criminal misdemeanor, minor misdemeanor or traffic matters are to be assigned to Judge Stokes.

IT IS SO ORDERED.

Date:

3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit A

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER

NO. 2014-004

MAR 14 P 4:10
CLEVELAND MUNICIPAL COURT
EARLE B. TURNER
CLERK OF COURT
#4

IN RE: Temporary Transfer and Status Review of all Probation Matters on the Personal Docket of the Honorable Angela R. Stokes

Responsibility for the supervision of all criminal defendants currently maintained on probation on the personal docket of the Honorable Angela R. Stokes is hereby transferred to the Administrative Judge of the Cleveland Municipal Court, for status review and/or possible temporary reassignment. Said transfer and temporary reassignments will only be in effect during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless a case is otherwise resolved in the interim. The transfer is made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

The transfer is justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no probation matters shall be assigned to Judge Stokes for supervision.

IT IS SO ORDERED.

Date: 3/14/2014


Ronald B. Adrine
Administrative & Presiding Judge

Exhibit B

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER 14 P 4 10
NO. 2014-005

CLEVELAND MUNICIPAL COURT
EARLE H. TURNER
CLERK OF COURT
#4

**IN RE: Temporary Transfer of Responsibility for Status Review of Individuals
Sentenced to Incarceration by the Honorable Angela R. Stokes**

Responsibility for status review of all criminal defendants sentenced to a period of incarceration by the Honorable Angela R. Stokes is hereby temporarily transferred to the Administrative Judge of the Cleveland Municipal Court. Said transfer will be in effect only during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless the case is otherwise resolved in the interim. The transfer is made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

The transfer is justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no incarceration status reviews shall be conducted by Judge Stokes.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit C

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER
NO. 2014-006

MAR 14 P 4:10
CLEVELAND MUNICIPAL COURT
EARLE B. TURNER
CLERK OF COURT
#4

IN RE: TEMPORARY INCREASE IN CIVIL CASE ASSIGNMENTS TO THE
PERSONAL DOCKET OF THE HONORABLE ANGELA R. STOKES

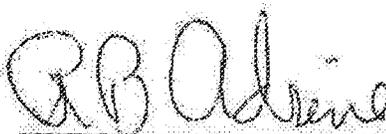
Due to the temporary transfer of all criminal matters assigned to the personal docket of the Honorable Angela R. Stokes, Central Scheduling is hereby ordered to adjust the random draw of case assignments as follows:

1. Pursuant to Administrative Order 2014-003, and until further administrative order, Judge Stokes is ordered removed from the court's random draw of criminal misdemeanor, minor misdemeanor and traffic cases.
2. Due to the temporary transfer of all criminal, quasi-criminal and traffic matters from Judge Stokes' personal docket, central scheduling is ordered to adjust the civil random draw to increase the percentage of civil cases assigned to Judge Stokes, until further administrative order.

In addition, Judge Stokes is continually assigned to Particular Session One as follows: two weeks on, followed by one week off, beginning the week of March 24, 2014, while the certified complaint filed with the Board of Commissioners on Grievances and Discipline is pending against her in the Ohio Supreme Court.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit D

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER
NO. 2014-00

2014 MAR 14 P 4
CARLE R. TURNER
CLERK OF COURT
#4

FILED

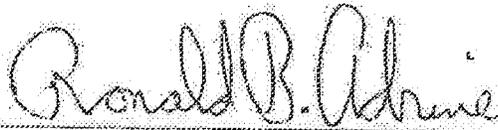
IN RE: Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to Her Docket

This matter came on for hearing on the court's Administrative Docket.

Upon full review and due consideration, the motion is DENIED as MOOT.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit E

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER
NO. 2014-008

CLERK OF COURT
CLEVELAND MUNICIPAL COURT

2014 MAR 14 P 11

FILED

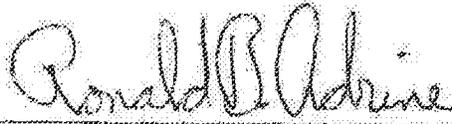
IN RE: Physical Retrieval of all Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Personal Docket of the Honorable Angela R. Stokes for Review, Temporary Transfer and/or Reassignment

Pursuant to the directives found in Administrative Orders 2014-003, 2014-004 and 2014-005, the Clerk and Central Scheduling Office are instructed to exercise all due diligence to physically retrieve all criminal misdemeanor, criminal minor misdemeanor and traffic case files currently assigned to the personal docket of, and in the custody of, the Honorable Angela R. Stokes.

If all due diligence fails to retrieve the files, the Clerk is directed to construct a duplicate file for the court's use.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

Exhibit F

CLEVELAND MUNICIPAL COURT
Judicial Division
Inter-Office Correspondence

TO: Hon. Angela R. Stokes

FROM: Hon. Ronald B. Adrine 
Administrative & Presiding Judge

DATE: March 14, 2014

RE: **Temporary Transfer of Responsibility for All Criminal Misdemeanor, Minor Misdemeanor and Traffic Matters Appearing on the Personal Docket of the Honorable Angela R. Stokes**

Judge:

Please be informed that, pursuant to authority granted to the Administrative Judge by R.4(B) and R.4(B)(1) of the Rules of Superintendence for the Courts of Ohio, I have issued the attached Administrative Orders temporarily transferring responsibility for oversight, review and disposition of all criminal, quasi-criminal and traffic matters appearing on your personal docket. This includes matters previously resolved and placed on probation and those under sentence of incarceration. The justification for this action is set forth in the attached Administrative Orders.

The transfer was effective upon the journalization of the aforementioned Administrative Orders and will continue only until such time as the certified complaint pending against you before the Board of Commissioners on Grievances and Discipline is resolved in the Supreme Court of Ohio.

While the Administrative Orders are in effect, Central Scheduling is under instruction not to assign any new criminal misdemeanor, criminal minor misdemeanor or traffic cases to your personal docket.

In addition, while the Administrative Orders are in place, all cases assigned to your personal docket will be civil. Central Scheduling is under instruction to increase the percentage of civil cases assigned to you in order to stabilize your caseload during this period and you are hereby notified of an increase in your assignment to Particular Session One until the certified complaint pending against you before the Board of Commissioners on Grievances and Discipline is resolved in the Supreme Court of Ohio.

Please be informed that your access to all of the noted files assigned to you before the issuance of these orders is now embargoed while the transfer is affected. Recognizing that you may require access to some criminal, quasi-criminal and/or traffic matters in order to assist in the preparation of your response to the certified complaint, please be informed that access may be

Exhibit G

obtained through the office of the Administrative Judge while the Administrative Orders of transfer are in effect.

Thank you in advance for your cooperation.

RBA:cmr

Attachments

cc: Associate Judges
Earle B. Turner, Clerk of Court
Department Managers
Victor Perez, Chief Prosecutor, City of Cleveland
Robert Tobik, Cuyahoga County Public Defender
David Carroll, Interim Commissioner, Dept. of Corrections, City of Cleveland

2014 MAR 17 P 2:47

IN THE CLEVELAND MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

IN RE:)	CASE NO.
)	
Defendants in Criminal Cases)	JUDGE RONALD ADRINE
Assigned to the Docket of)	
The Honorable Angela R. Stokes)	<u>BRIEF IN OPPOSITION TO MOTION TO</u>
)	<u>TRANSFER CRIMINAL CASES FROM</u>
)	<u>THE DOCKET OF HON. ANGELA R.</u>
)	<u>STOKES AND TO STOP THE FURTHER</u>
)	<u>ASSIGNMENT OF CRIMINAL CASES TO</u>
)	<u>HER DOCKET</u>

I. Introduction

In an unprecedented move, the Public Defender has chosen to circumvent R.C. 2701.031 regarding the disqualification of municipal judges. In support of his Motion to Transfer Criminal Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket ("Motion to Transfer"), the Public Defender cites paragraphs in a Complaint filed against The Honorable Angela R. Stokes before the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court, in part arising from a grievance filed by Judge Ronald Adrine.

While citing selected paragraphs of the Complaint, the Public Defender fails to note that the Complaint has been answered and all allegations of misconduct have been denied.

Further, while citing the fact that a Probable Cause Panel allowed for the Formal Complaint to be filed, such finding in no way is a finding of misconduct. While Judge

Law Office of
Richard C. Allfrey Co., L.P.A.
250 Spectrum Office Building • 6060 N. Woodside Boulevard • Independence, Ohio 44131-2335
(216) 674-0550 • Fax (216) 674-0104

Stokes is sure that the Public Defender relies upon the legal maxim that an accused is innocent until proven guilty, apparently such maxim does not apply to Judge Stokes in the mind of the Public Defender.

In any event, because Judge Adrine is obviously biased and prejudiced in connection with Judge Stokes, having filed a grievance which, in part, gave rise to the Complaint, as well as the execution of an Affidavit attached to a recent Motion to subject Judge Stokes to a psychiatric examination, which was denied, he should not have ruled on this Motion to Transfer.

Consonant with Judge Adrine's refusal to allow for due process, he has prematurely ruled on the Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket through an Administrative Order No. 2014-007 filed on March 14, 2014, attached as Ex. D. This Motion was filed on March 7, 2014, and pursuant to Civ.R. 6(C) Judge Stokes should have been afforded an opportunity to respond to it at least within seven days of its having been filed. Notwithstanding this premature ruling, finding such Motion moot, Judge Stokes is filing her response, herein, within seven days of the Motion having been filed.

Additionally, because this Motion to Transfer is nothing more than a subterfuge to avoid complying with the mandates of R.C. 2701.031, it should be denied. When a similar request was made to Judge Adrine in October 2013, he correctly pointed out that he did not have jurisdiction to rule on the request, but rather, it had to be brought before the Court of Common Pleas. (See correspondence of Judge Adrine of October 28, 2013, attached hereto as Ex. A.) Each and every Motion to Disqualify Judge Stokes,

which has been brought before the Court of Common Pleas as required by R.C. 2701.031 has been denied.

For all of the reasons stated above and those which follow, Judge Stokes respectfully requests that this Honorable Court deny the Motion to Transfer.

II. Law and Argument

A. Judge Adrine Must Voluntarily Disqualify Himself from Ruling on the Instant Motion to Transfer

Judge Adrine brought the initial grievance which, in part, has given rise to the Complaint to which the Public Defender makes reference in the Motion to Transfer. Subsequent to his bringing this grievance and supplying voluminous information to Disciplinary Counsel, Judge Adrine has executed an Affidavit at the request of Special Counsel for Relator, Michael R. Murman, in connection with Relator's Motion for Psychiatric Examination Pursuant To Gov. Bar R. V(7)(C). At the very least, Judge Adrine has interjected himself as a material witness concerning the Stokes disciplinary proceeding.

As such, Judge Adrine should have voluntarily disqualified himself from ruling on the instant Motion, as his impartiality is in question in connection with his personal involvement in this matter involving Judge Stokes. See Judicial Cond. R. 2.11.

B. R.C. 2701.031 Provides the Exclusive Means by which a Municipal Court Judge Can Be Disqualified

R.C. 2701.031 provides a procedure for the disqualification of a judge of a Municipal Court who "allegedly is interested in a proceeding pending before the judge, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the judge or to a party's counsel, or allegedly otherwise is disqualified to

preside in a proceeding pending before the judge" by the filing of an affidavit of disqualification with the Clerk of the Municipal Court. The Clerk, under the statute, is duty bound to notify the Presiding Judge of the Court of Common Pleas of the fact that such Affidavit has been filed. Thereafter, the Presiding Judge of the Court of Common Pleas rules on the disqualification and issues an entry in the matter.

In the instant situation, the Public Defender is seeking an end around this statute by removing the obligation of particular Assistant Public Defenders from setting forth specific allegations which would warrant the disqualification of Judge Stokes in a particular matter and submission to the Court of Common Pleas for determination. It is well-established that the Presiding Judge of the Court of Common Pleas has the sole authority to pass upon the disqualification of a Municipal Court judge. *Hardy v. Hardy*, 2008-Ohio-1925 (8th Dist., Cuyahoga County); *Columbus Checkcashers, Inc. v. Guttermaster, Inc.*, 2013-Ohio-5543 (10th Dist., Franklin County); *State v. Jones*, 2008-Ohio-6994 (11th Dist., Portage County); *State v. Nichols*, 2008-Ohio-3324 (4th Dist., Sciota County).

Indeed, in at least four cases since the aforementioned disciplinary Complaint has been filed against Judge Stokes, Presiding Judges of the Cuyahoga County Court of Common Pleas have denied such requests to disqualify Judge Stokes. See Orders issued in connection with *City of Cleveland v. Frank Petrucci* and *City of Cleveland v. William Baeslack*, two cases in which attorney Hilow sought disqualification of Judge Stokes, since he was mentioned in the Complaint, *City of Cleveland v. Hayes* and *City of Cleveland v. Downing* (collectively attached hereto as Ex. B)

To transfer all criminal cases from Judge Stokes' docket and to stop any further assignment of such criminal cases to her docket on the basis set forth in the Public Defender's Motion is to permit circumventing the requirements imposed under R.C. 2701.031. As such, it is wholly improper to have granted such Motion.

C. The Allegations of Disciplinary Complaint, in and of Themselves, Do Not Warrant the Remedy Sought by the Public Defender

While the Public Defender would have this Court exercise its power under Local Rule 1.02 relating to docket and case control, such justification could not be more disingenuous. To be clear, the Public Defender is seeking a preemptive ruling by this Court that Judge Stokes is biased and prejudiced against every single defendant brought before her in which a member of the Public Defender's Office is representing a client. This claim is outrageous and seeks to place the cart before the horse insofar as the allegations of the disciplinary Complaint are only that and have not been proven by clear and convincing evidence and have not proceeded to any sanction against Judge Stokes.

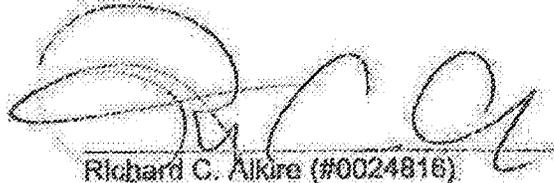
In this regard, at least one of the allegations cited by the Public Defender in connection with Scott Malbasa (see Motion to Transfer, p. 4) has been placed before the Panel assigned to hear Judge Stokes' case. In this connection, the incident involving Scott Malbasa was used as a ground to cause Judge Stokes to subject herself to a psychiatric examination even before the Hearing on the Merits in the disciplinary matter. After the Motion for a Psychiatric Examination was opposed by Judge Stokes, the Panel denied the Motion. (See Ex. C attached hereto)

As such, the claim of the Public Defender is not supported by any evidence properly before this Court.

III. Conclusion

Accordingly, for the foregoing reasons, this Honorable Court should have voluntarily disqualified itself from hearing the instant Motion to Transfer, and, since it has prematurely denied it as moot, should now vacate its order and deny the Motion to Transfer since this Court lacks jurisdiction to rule on such Motion as it is nothing more than an attempted end around R.C. 2701.031 which reposes that authority solely to the Presiding Judge of the Court of Common Pleas of Cuyahoga County, Ohio.

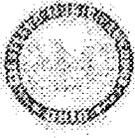
Respectfully submitted,



Richard C. Alkire (#0024816)
Dean Nieding (#0003532)

RICHARD C. ALKIRE CO., L.P.A.
250 Spectrum Office Building
6060 Rockside Woods Boulevard
Independence, Ohio 44131-2335
(216) 674-0550
Fax: (216) 674-0104
rick@alkirelawyer.com
dean@alkirelawyer.com

EXHIBIT A



Cleveland Municipal Court

JUSTICE CENTER
1200 ONTARIO STREET
CLEVELAND, OHIO 44113

RONALD B. ADRINE
ADMINISTRATIVE AND
PRESIDING JUDGE

PHONE 694-4025
FAX 6210-664-6227

October 28, 2013

Robert L. Tobik, Esq.
Cuyahoga County Public Defender
310 Lakeside Avenue, Suite 200
Cleveland, Ohio 44113

Dear Mr. Tobik:

I am in receipt of your request that I, 1) reassign all cases involving your office currently pending before the Honorable Angela R. Stokes, and 2) that I refrain from having any new cases involving your office assigned to her docket.

Given the nature of your request, I am concerned that the issues that you raise may more properly be subject to adjudication before the Court of Common Pleas or the Supreme Court of Ohio. Moreover, your request does not place anything officially before the court that I can consider or act upon.

Upon due consideration, therefore, I must decline both requests.

Very truly yours,

Ronald B. Adrine
Administrative and Presiding Judge

RBA:cmr

cc: Judge Angela R. Stokes ✓

EXHIBIT B

STATE OF OHIO)
) SS:
 CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

FILED

Cleveland Municipal Court
Case Nos. 2013 TRD 065646 & A 565841

2014 MAR -4 P 2:30

CLERK OF COURTS
CUYAHOGA COUNTY

HENRY HILOW,
Movant

Judge: JOHN J RUSSO

SD 14 077293

v.

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA STOKES,

Respondent.

JUDGMENT ENTRY

CLERK

MAR -5 2014

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL RECORDING

John J. Russo, Judge:

Movant Henry Hilow's Motion for Disqualification Cleveland Municipal Court cases for 2013 TRD 065646 (City of Cleveland v. Frank Petrucci) and A 565841 (City of Cleveland v. William Baeslaak) are Denied. "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." *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5.

Further, an affidavit of disqualification must allege with specificity the purported grounds for disqualification, including specific facts that demonstrate judicial bias. *See* R.C. 2701.03(B)(1).

In this affidavit, Movant states he is a named party to a complaint filed against Judge Angela Stokes with the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. This alone does not indicate any clear or compelling evidence of bias or prejudice against Movant by Judge Stokes. Further, on January 9, 2014, Judge Stokes

indicated her commitment to continue to be fair and impartial in journal entries for both cases. Defendant Petrucci has already pled "no contest" and only has a routine supervision involvement with Judge Stokes' courtroom. Defendant Baseslack's case is still before Judge Stokes, but the Motion for Disqualification fails to put forth any evidence of bias or prejudice that has been displayed by the Court against Movant.

Therefore, Movant Henry Hillow's Motion for Disqualification of Judge Angela Stokes is Denied.

IT IS SO ORDERED.

3/4/14
Date


JOHN J. RUSSO
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen. Div.

RECEIVED FOR FILING

MAR 04 2014

CUYAHOGA COUNTY
CLERK OF COURTS
By  Deputy

STATE OF OHIO
CUYAHOGA COUNTY

)
) SS:
)

2013 AUG 13 2:57

IN THE COURT OF COMMON PLEAS

Cleveland Municipal Court
Case No. 13 CRB 17219
City of Cleveland vs. Rowan Hayes

ROWAN HAYES

Judge: NANCYA FUERST

Movant

SD 13 077218

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Complaint
NANCYA FUERST
SD 13 077218

Respondent

Nancy A. Fuerst, Judge:

Upon consideration of the Affidavit of Prejudice and/or Disqualification and Motion To Have Administrative Judge Designate Another Judge for Bench Trial, filed on June 26, 2013, against Cleveland Municipal Court Judge Angela R. Stokes, in Case No. 13 CRB 17219, *City of Cleveland vs. Rowan Hayes*, the Court rules as follows:

Rowan Hayes asserts that in 2008 and in the 1990's, he was removed from the courtroom of Judge Stokes. In reviewing all filings submitted in support of and in opposition to the Affidavit of Prejudice, the Court finds that the record fails to demonstrate bias and prejudices against Rowan Hayes.

Affidavit of Prejudice is not well-taken and the disqualification of Judge Angela R. Stokes is denied.

IT IS SO ORDERED

THE STATE OF OHIO)
Cuyahoga County) SS. THE CLERK OF THE COURT
IN THE COURT OF COMMON PLEAS WITHIN
AND FOR SAID COUNTY,
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
COPY OF THE ORIGINAL FILED IN MY OFFICE
ON 8-13-13
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF AUGUST, A.D. 2013
CUYAHOGA COUNTY CLERK OF COURTS
By: [Signature] Deputy

8/13/13
Date

RECEIVED FOR FILING

AUG 13 2013

[Signature]
NANCYA A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

CLERK

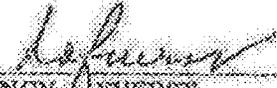
AUG 14 2013

JUDGMENT ENTRY RECEIVED
FOR JUDICIAL SECTION
CENTRAL RECORDS DIVISION

CUYAHOGA COUNTY
CLERK OF COURTS
By: [Signature] Deputy

Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Rowan Hayes, 2026 West 52nd Street, Cleveland, OH 44102 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.


NANCY J. FUERST
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

THE STATE OF OHIO } I, THE CLERK OF THE COURT
Cuyahoga County } ss. OF COMMON PLEAS WITNESSETH
AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING ENTRY
WAS FILED AND COVERED FROM THE ARCHIVES *J. A. Miller*
8-13-13
NOW ON FILE WITH DEPUTY
CLERK OF COURT AND SEAL OF THE COURT THIS 13
DAY OF August 2013
CUYAHOGA COUNTY CLERK OF COURTS
By *J. A. Miller* Deputy

STATE OF OHIO)
) 88
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

1913 AUG 13 10 2 59

Cleveland Municipal Court
Case No. 13 TRC 16088

City of Cleveland vs. Robert W. Downing

ROBERT W. DOWNING

Judge: NANCY A FUERST

Movant

SD 13 077219

v.

)
) JUDGMENT ENTRY
)
)
)
)
)

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Respondent

Nancy A. Fuerst, Judge:

Upon consideration of the Affidavit of Disqualification Pursuant to R.C. 2701.031, against Cleveland Municipal Court Judge Angela R. Stokes, in *Case No. 13 TRC 16088, City of Cleveland vs. Robert w. Downing*, the Court rules as follows:

Movant Robert W. Downing asserts that Judge Stokes has demonstrated an enmity toward him and his defense counsel by her rejection of a plea agreement and by the setting of an unreasonable trial date. In the alternative, movant asserts that even if statements on the record do not demonstrate bias or prejudice, there is an appearance of prejudice which warrants disqualification.

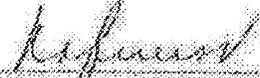
In reviewing all filings and hearing transcripts submitted in support of and in opposition to the Affidavit of Disqualification, the Court finds that the record fails to demonstrate bias and prejudice against Robert W. Downing or his counsel.

Affidavit of Prejudice is not well-taken and the request for disqualification of Judge Angela R. Stokes is denied.

IT IS SO ORDERED

8/13/13

Date



NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Stanley E. Stein, Esq and Ashley L. Jones, Esq, Attorneys for Robert W. Downing, 75 Public Square, Suite 714, Cleveland, OH 44113 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.

CLERK

AUG 14 2013

JUDGMENT ENTRY RECEIVED
FOR JUDICIALIZATION
CENTRAL SCHEDULING



NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

RECEIVED FOR FILING

AUG 13 2013

THE STATE OF OHIO }
Cuyahoga County }

CUYAHOGA COUNTY
CLERK OF COURTS
SS. DEPUTY
AND FOR SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND FILED WITH THE ORIGINAL 8/13/13

WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF Aug A.D. 20 13

CUYAHOGA COUNTY CLERK OF COURTS
By [Signature], Deputy

EXHIBIT C

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

FILED
FEB 18 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Judge Angela Rochelle Stokes

Case No. 2013-057

Respondent

Disciplinary Counsel

Relator

PANEL ORDER

This matter comes before the Panel for determination of the Relator's Motion for Psychiatric Evaluation filed on January 7, 2014. The Panel has reviewed the motion and the materials submitted in support thereof, the Respondent's Brief in opposition to the Motion and the Relator's Reply. In addition, the Panel members conducted a phone conference among themselves to discuss these materials and the applicable law.

Rule V, Section 7(C) of the Rules for the Government of the Bar grants a hearing Panel the discretion to order a psychiatric evaluation on its own motion or the motion of either party under certain specified conditions, one of which is that the mental illness of the respondent has been placed at issue. Mental illness is assigned that meaning set forth in R.C. 5122.01(A), which section provides

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or meet the ordinary demands of life.

The Panel recognizes that there is a certain social stigma associated with having to undergo a psychiatric evaluation especially where, as in this case, the respondent is a well-known individual in the community. For this reason the Panel believes that an examination should only be ordered under compelling circumstances.

The Relator has presented video and affidavit evidence of the Respondent's everyday courtroom activities. This evidence fails to demonstrate conduct indicative of a mental illness as defined in R.C. 5122.01(A).

It is the Panel's ruling that the Respondent shall not be required to undergo a psychiatric evaluation at this time. Therefore, the Relator's Motion for Psychiatric Evaluation is denied. However, if additional, substantive evidence of a mental illness comes to the attention of the Panel at a later time, the Panel reserves the right to order a psychiatric examination pursuant to Gov. Bar R. V, Section 7(C) upon either the Panel's own motion or a motion of either party.

It should be further noted that this ruling is only limited to the Panel's determination of the pending motion and should not be construed as a reflection of the Panel's attitude toward the merits of the Relator's Complaint.

It is so ORDERED.


Stephen C. Rodheffer, Panel Chair

 per authorization

EXHIBIT D

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER
NO. 2014-007

FILED
MAR 14 2014
COURT CLERK

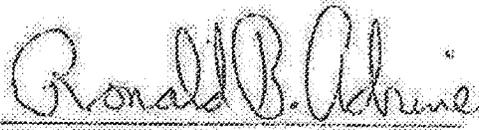
IN RE: Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to Her Docket

This matter came on for hearing on the court's Administrative Docket.

Upon full review and due consideration, the motion is DENIED as MOOT.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

CERTIFICATE OF SERVICE

A copy of the foregoing Brief in Opposition to Motion to Transfer Criminal Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to her Docket has been mailed, postage prepaid, this 17th day of March, 2014 to:

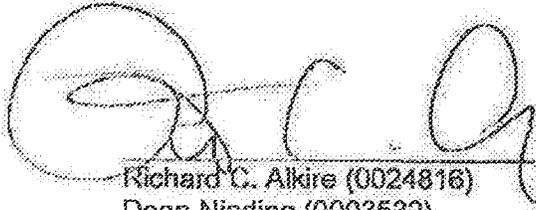
Robert L. Tobik
310 Lakeside Avenue, Suite 400
Cleveland Ohio 44113

Cuyahoga County Public Defender

Victor Perez
10th Floor, Justice Center
1200 Ontario Street
Cleveland, OH 44113

City of Cleveland Prosecutor

Hon. Ronald Adrine
1200 Ontario Street
Cleveland, OH 44113



Richard C. Alkire (0024816)
Dean Nieding (0003532)

Counsel for The Honorable
Angela R. Stokes

LAW OFFICE OF
Richard C. Alkire Co., L.P.A.
250 Spectrum Office Building • 6080 Rockside Woods Boulevard • Independence, Ohio 44131-2335
(216) 674-0550 • Fax: (216) 674-0104

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

FILED
FEB 18 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against:

Judge Angela Rochelle Stokes

Case No. 2013-057

Respondent

Disciplinary Counsel

Relator

PANEL ORDER

This matter comes before the Panel for determination of the Relator's Motion for Psychiatric Evaluation filed on January 7, 2014. The Panel has reviewed the motion and the materials submitted in support thereof, the Respondent's Brief in opposition to the Motion and the Relator's Reply. In addition, the Panel members conducted a phone conference among themselves to discuss these materials and the applicable law.

Rule V, Section 7(C) of the Rules for the Government of the Bar grants a hearing Panel the discretion to order a psychiatric evaluation on its own motion or the motion of either party under certain specified conditions, one of which is that the mental illness of the respondent has been placed at issue. Mental illness is assigned that meaning set forth in R.C. 5122.01(A), which section provides

(A) "Mental Illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or meet the ordinary demands of life.

Exhibit I

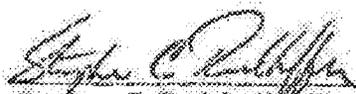
The Panel recognizes that there is a certain social stigma associated with having to undergo a psychiatric evaluation especially where, as in this case, the respondent is a well-known individual in the community. For this reason the Panel believes that an examination should only be ordered under compelling circumstances.

The Relator has presented video and affidavit evidence of the Respondent's everyday courtroom activities. This evidence fails to demonstrate conduct indicative of a mental illness as defined in R.C. 5122.01(A).

It is the Panel's ruling that the Respondent shall not be required to undergo a psychiatric evaluation at this time. Therefore, the Relator's Motion for Psychiatric Evaluation is denied. However, if additional, substantive evidence of a mental illness comes to the attention of the Panel at a later time, the Panel reserves the right to order a psychiatric examination pursuant to Gov. Bar R. V, Section 7(C) upon either the Panel's own motion or a motion of either party.

It should be further noted that this ruling is only limited to the Panel's determination of the pending motion and should not be construed as a reflection of the Panel's attitude toward the merits of the Relator's Complaint.

It is so **ORDERED**.


Stephen C. Radekeller, Panel Chair

 per authorization

BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

FILED

FEB 13 2014

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Hon. Angela Rochelle Stokes (0025650)
Cleveland Municipal Court
1200 Ontario Street, PO Box 94894
Cleveland, OH 44113

Case No. 2013-057

RESPONDENT

**NOTICE OF FORMAL
HEARING**

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215

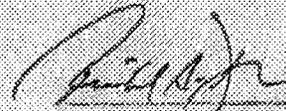
RELATOR

To: Hon. Angela Rochelle Stokes, Cleveland Municipal Court, 1200 Ontario Street, PO Box 94894, Cleveland, OH 44113
Richard Alkire, 250 Spectrum Office Building, 6060 Rockside Woods Boulevard, Independence, OH 44131-7300
Disciplinary Counsel designate, 250 Civic Center Drive, Suite 325, Columbus, OH 43215
Michael E. Murman, 14701 Detroit Avenue, Suite 555, Lakewood, OH 44107

A formal hearing will be held on the Complaint filed in this matter before a three-member panel of this Board consisting of Stephen C. Rodeheffer, Chair, Janica A. Pierce Tucker, and Hon. Robert P. Ringland. *

The formal hearing shall be held at Moyer Judicial Center, Hearing Rm. 106, 65 South Front Street, Columbus, OH 43215, commencing on the 22nd through 26th day of September, 2014 at 9:00 o'clock a.m. and shall continue from day to day, or at such other time or place to which it may be adjourned by the panel, until concluded.

Dated February 6, 2014.



RICHARD A. DOVE, Secretary

*Or such other Commissioners as may be appointed.

STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

FILED

Cleveland Municipal Court

Case Nos. 2013 TRD 065646 & A 565841

2014 MAR -4 P 2:30

CLERK OF COURTS
CUYAHOGA COUNTY

HENRY HILOW,

Judge: JOHN J RUSSO

Movant

SD 14 077293

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA STOKES,

Respondent.

CLERK

MAR -5 2014

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL SCHEDULING

John J. Russo, Judge

Movant Henry Hilow's Motion for Disqualification Cleveland Municipal Court cases for 2013 TRD 065646 (City of Cleveland v. Frank Petrucci) and A 565841 (City of Cleveland v. William Baeslack) are Denied. "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." *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5.

Further, an affidavit of disqualification must allege with specificity the purported grounds for disqualification, including specific facts that demonstrate judicial bias. *See* R.C. 2701.03(B)(1).

In this affidavit, Movant states he is a named party to a complaint filed against Judge Angela Stokes with the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. This alone does not indicate any clear or compelling evidence of bias or prejudice against Movant by Judge Stokes. Further, on January 9, 2014, Judge Stokes

indicated her commitment to continue to be fair and impartial in journal entries for both cases. Defendant Petrucci has already pled "no contest" and only has a routine supervision involvement with Judge Stokes' courtroom. Defendant Baseslack's case is still before Judge Stokes, but the Motion for Disqualification fails to put forth any evidence of bias or prejudice that has been displayed by the Court against Movant.

Therefore, Movant Henry Hilow's Motion for Disqualification of Judge Angela Stokes is Denied.

IT IS SO ORDERED.

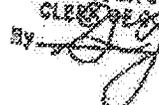
3/4/14
Date



JOHN J. RUSSO
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen. Div.

RECEIVED FOR FILING

MAR 04 2014

CUYAHOGA COUNTY
CLERK OF COURTS
By  Deputy

STATE OF OHIO)

IN THE COURT OF COMMON PLEAS

CUYAHOGA COUNTY)

) SS:

2013 AUG 13 10 2:57

Cleveland Municipal Court

Case No. 13 CRB 17219

City of Cleveland vs. Rowan Hayes

ROWAN HAYES

Judge: NANCY A FUERST

Movant

SD 13 077218

v:

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Complaint

NANCY A FUERST

SD 13 077218

Respondent

Nancy A. Fuerst, Judge:

Upon consideration of the Affidavit of Prejudice and/or Disqualification and Motion To Have Administrative Judge Designate Another Judge for Bench Trial, filed on June 26, 2013, against Cleveland Municipal Court Judge Angela R. Stokes, in Case No. 13 CRB 17219, City of Cleveland vs. Rowan Hayes, the Court rules as follows:

Rowan Hayes asserts that in 2008 and in the 1990's, he was removed from the courtroom of Judge Stokes. In reviewing all filings submitted in support of and in opposition to the Affidavit of Prejudice, the Court finds that the record fails to demonstrate bias and prejudice against Rowan Hayes.

Affidavit of Prejudice is not well taken and the motion for designation of Judge Angela R. Stokes is denied.

THE STATE OF OHIO) I, THE CLERK OF THE COURT

Cuyahoga County) SS. OF COMMON PLEAS WITHIN

AND FOR SAID COUNTY,

HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL TAKEN AND COMPILED FROM THE ORIGINAL.

8-13-13

NOW ON FILE IN MY OFFICE

WITNESS MY HAND AND SEAL OF SAID COURT THIS 13

DAY OF August A.D. 2013

CUYAHOGA COUNTY CLERK OF COURTS

By: [Signature] Deputy

IT IS SO ORDERED

Date

RECEIVED FOR FILING

AUG 13 2013

NANCY A. FUERST

Presiding/Administrative Judge

Cuyahoga County Common Pleas Court, Gen Div

CLERK

AUG 14 2013

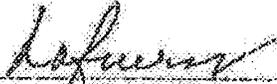
JUDGMENT ENTRY RECEIVED FOR JOURNALIZATION CENTRAL RECORDS DIVISION

CUYAHOGA COUNTY CLERK OF COURTS By: [Signature] Deputy

Exhibit L

Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Rowan Hayes, 2026 West 52nd Street, Cleveland, OH 44102 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.



NANCY J. FUERST
Presiding Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

THE STATE OF OHIO } I, THE CLERK OF THE COURT
Cuyahoga County } SR. OF COMMON PLEAS WITHIN
AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRUE
TAKEN AND COPIED FROM THE ORIGINAL *J. Miller*
8-13-13
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF *Aug* 20 *13*
CUYAHOGA COUNTY CLERK OF COURTS
By *J. Miller* Deputy

STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS

Cleveland Municipal Court

1013 AUG 13 10 2:59

Case No. 13 TRC 16088

City of Cleveland vs. Robert W. Downing

ROBERT W. DOWNING

Judge: NANCY A FUERST

Movant

SD 13 077219

v.

JUDGMENT ENTRY

CLEVELAND MUNICIPAL COURT
JUDGE ANGELA R. STOKES

Respondent

Nancy A. Fuerst, Judge:

Upon consideration of the Affidavit of Disqualification Pursuant to R.C. 2701.031, against Cleveland Municipal Court Judge Angela R. Stokes, in *Case No. 13 TRC 16088, City of Cleveland vs. Robert w. Downing*, the Court rules as follows:

Movant Robert W. Downing asserts that Judge Stokes has demonstrated an enmity toward him and his defense counsel by her rejection of a plea agreement and by the setting of an unreasonable trial date. In the alternative, movant asserts that even if statements on the record do not demonstrate bias or prejudice, there is an appearance of prejudice which warrants disqualification.

In reviewing all filings and hearing transcripts submitted in support of and in opposition to the Affidavit of Disqualification, the Court finds that the record fails to demonstrate bias and prejudice against Robert W. Downing or his counsel.

Exhibit M

Affidavit of Prejudice is not well-taken and the request for disqualification of Judge Angela R. Stokes is denied.

IT IS SO ORDERED

8/13/13
Date


NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

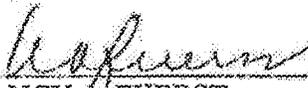
Certificate of Service

A copy of the foregoing Judgment Entry has been mailed August 13, 2013 to Stanley E. Stein, Esq and Ashley L. Jones, Esq, Attorneys for Robert W. Downing, 75 Public Square, Suite 714, Cleveland, OH 44113 by ordinary mail, hand delivered and faxed to the Cleveland Municipal Court at 216.664.4238, and filed with the Clerk, Cleveland Municipal Court, 1200 Ontario St., Cleveland, OH 44113.

CLERK

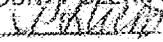
AUG 14 2013

JUDGMENT ENTRY RECEIVED
FOR JOURNALIZATION
CENTRAL SCHEDULING


NANCY A. FUERST
Presiding/Administrative Judge
Cuyahoga County Common Pleas Court, Gen Div

RECEIVED FOR FILING

AUG 13 2013

THE STATE OF OHIO }
Cuyahoga County } SS. THE CLERK OF THE CUYAHOGA COUNTY COURTS
AND FOR SAID COUNTY, } Deputy
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND CORRECT COPY OF THE ORIGINAL. 8-13-13
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COURT THIS 13
DAY OF Aug A.D. 20 13
CUYAHOGA COUNTY CLERK OF COURTS
By:  Deputy

App. B

IN THE CLEVELAND MUNICIPAL COURT
FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

2014 MAR 14 P 4:10
ADMINISTRATIVE ORDER
NO. 2014-003 CLEVELAND MUNICIPAL COURT
EARL B. TURNER
CLERK OF COURT
84

IN RE: Temporary Transfer and Reassignment of all Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Honorable Angela R. Stokes

Responsibility for all criminal misdemeanor, criminal minor misdemeanor and traffic matters currently assigned to the personal docket of the Honorable Angela R. Stokes is hereby transferred to the Administrative Judge of the Cleveland Municipal Court, for review and/or pending temporary reassignment. Any such transfers and temporary reassignments will be in effect only during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless the transferred case is otherwise resolved in the interim. The transfers are made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

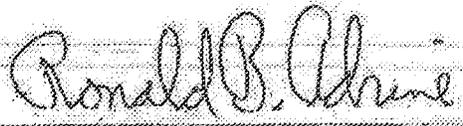
The transfers are justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no additional criminal misdemeanor, minor misdemeanor or traffic matters are to be assigned to Judge Stokes.

IT IS SO ORDERED.

Date: 3/14/2014


Ronald B. Adrine
Administrative & Presiding Judge

App. C

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER

NO. 2014-004

2014 MAR 14 P 10
CLEVELAND MUNICIPAL COURT
EARLE B. TURNER
CLERK OF COURT
#4

IN RE: Temporary Transfer and Status Review of all Probation Matters on the Personal Docket of the Honorable Angela R. Stokes

Responsibility for the supervision of all criminal defendants currently maintained on probation on the personal docket of the Honorable Angela R. Stokes is hereby transferred to the Administrative Judge of the Cleveland Municipal Court, for status review and/or possible temporary reassignment. Said transfer and temporary reassignments will only be in effect during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless a case is otherwise resolved in the interim. The transfer is made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

The transfer is justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Counsel, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no probation matters shall be assigned to Judge Stokes for supervision.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

App. D

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER 14 P 10
NO. 2014-005

CLEVELAND MUNICIPAL COURT
EARLE S. TURNER
CLERK OF COURT
#4

IN RE: Temporary Transfer of Responsibility for Status Review of Individuals
Sentenced to Incarceration by the Honorable Angela R. Stokes

Responsibility for status review of all criminal defendants sentenced to a period of incarceration by the Honorable Angela R. Stokes is hereby temporarily transferred to the Administrative Judge of the Cleveland Municipal Court. Said transfer will be in effect only during the pendency of the certified complaint filed against Judge Stokes with the Supreme Court's Board of Commissioners on Grievances and Discipline on October 14, 2013, unless the case is otherwise resolved in the interim. The transfer is made pursuant to authority granted under Sup. R. 4(B) and Sup. R. 4(B)(1), and in order to maintain and enhance public confidence in the legal system (Paragraph 1, Preamble, Code of Judicial Conduct).

The transfer is justified for the following reasons:

- A certified complaint pending against Judge Stokes before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline was gleaned from approximately 337 alleged violations of the Code of Judicial Conduct presented to the Cleveland Municipal Court.
- All of those allegations concerned her mishandling of criminal matters and mistreatment of participants in criminal hearings, including defendants, witnesses, police officers, prosecutors, private defense counsel, public defenders, court personnel and other members of the general public.
- Since the original complaint was presented to the Disciplinary Council, and continuing through and after the complaint's certification by the Board, nearly 100 additional written incident reports have been received by this office alleging similar problems involving the Judge's handling of her personal criminal docket.
- The court continues to average one to two new ethics complaints against Judge Stokes per week.

Pending resolution of the certified complaint, no incarceration status reviews shall be conducted by Judge Stokes.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

App. E

IN THE CLEVELAND MUNICIPAL COURT

FILED

STATE OF OHIO)
CUYAHOGA COUNTY)

ADMINISTRATIVE ORDER)
NO. 2014-006)

MAR 14 P 4: 10
CLEVELAND MUNICIPAL COURT
CABLE D. TURNER
CLERK OF COURT
#4

IN RE: TEMPORARY INCREASE IN CIVIL CASE ASSIGNMENTS TO THE
PERSONAL DOCKET OF THE HONORABLE ANGELA R. STOKES

Due to the temporary transfer of all criminal matters assigned to the personal docket of the Honorable Angela R. Stokes, Central Scheduling is hereby ordered to adjust the random draw of case assignments as follows:

1. Pursuant to Administrative Order 2014-003, and until further administrative order, Judge Stokes is ordered removed from the court's random draw of criminal misdemeanor, minor misdemeanor and traffic cases.
2. Due to the temporary transfer of all criminal, quasi-criminal and traffic matters from Judge Stokes' personal docket, central scheduling is ordered to adjust the civil random draw to increase the percentage of civil cases assigned to Judge Stokes, until further administrative order.

In addition, Judge Stokes is continually assigned to Particular Session One as follows: two weeks on, followed by one week off, beginning the week of March 24, 2014, while the certified complaint filed with the Board of Commissioners on Grievances and Discipline is pending against her in the Ohio Supreme Court.

IT IS SO ORDERED.

Date: 3/14/2014



Ronald B. Adrine
Administrative & Presiding Judge

App. F

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER
NO. 2014-007

FILED
MAR 14 P 4
CIVIL & CRIMINAL COURT
CLERK OF COURT

FILED

IN RE: Cuyahoga County Public Defender's Motion to Transfer Cases from the Docket of Hon. Angela R. Stokes and to Stop the Further Assignment of Criminal Cases to Her Docket

This matter came on for hearing on the court's Administrative Docket.

Upon full review and due consideration, the motion is DENIED as MOOT.

IT IS SO ORDERED.

Date: 3/14/2014


Ronald B. Adrine
Administrative & Presiding Judge

App. G

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

)
)
)
)
)

ADMINISTRATIVE ORDER
NO. 2014-003

FILED
2014 MAR 14 12 11
CLERK OF MUNICIPAL COURT
CLEVELAND, OHIO

IN RE: Physical Retrieval of all Pending Criminal Misdemeanor, Criminal Minor Misdemeanor and Traffic Matters Currently Assigned to the Personal Docket of the Honorable Angela R. Stokes for Review, Temporary Transfer and/or Reassignment

Pursuant to the directives found in Administrative Orders 2014-003, 2014-004 and 2014-005, the Clerk and Central Scheduling Office are instructed to exercise all due diligence to physically retrieve all criminal misdemeanor, criminal minor misdemeanor and traffic case files currently assigned to the personal docket of, and in the custody of, the Honorable Angela R. Stokes.

If all due diligence fails to retrieve the files, the Clerk is directed to construct a duplicate file for the court's use.

IT IS SO ORDERED.

Date: 3/14/2014

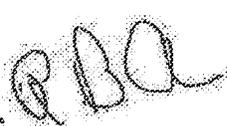


Ronald B. Adrine
Administrative & Presiding Judge

App. H

CLEVELAND MUNICIPAL COURT
Judicial Division
Inter-Office Correspondence

TO: Hon. Angela R. Stokes

FROM: Hon. Ronald B. Adrine
Administrative & Presiding Judge 

DATE: March 14, 2014

RE: Temporary Transfer of Responsibility for All Criminal Misdemeanor, Minor Misdemeanor and Traffic Matters Appearing on the Personal Docket of the Honorable Angela R. Stokes

Judge:

Please be informed that, pursuant to authority granted to the Administrative Judge by R.4(B) and R.4(B)(1) of the Rules of Superintendence for the Courts of Ohio, I have issued the attached Administrative Orders temporarily transferring responsibility for oversight, review and disposition of all criminal, quasi-criminal and traffic matters appearing on your personal docket. This includes matters previously resolved and placed on probation and those under sentence of incarceration. The justification for this action is set forth in the attached Administrative Orders.

The transfer was effective upon the journalization of the aforementioned Administrative Orders and will continue only until such time as the certified complaint pending against you before the Board of Commissioners on Grievances and Discipline is resolved in the Supreme Court of Ohio.

While the Administrative Orders are in effect, Central Scheduling is under instruction not to assign any new criminal misdemeanor, criminal minor misdemeanor or traffic cases to your personal docket.

In addition, while the Administrative Orders are in place, all cases assigned to your personal docket will be civil. Central Scheduling is under instruction to increase the percentage of civil cases assigned to you in order to stabilize your caseload during this period and you are hereby notified of an increase in your assignment to Particular Session One until the certified complaint pending against you before the Board of Commissioners on Grievances and Discipline is resolved in the Supreme Court of Ohio.

Please be informed that your access to all of the noted files assigned to you before the issuance of these orders is now embargoed while the transfer is affected. Recognizing that you may require access to some criminal, quasi-criminal and/or traffic matters in order to assist in the preparation of your response to the certified complaint, please be informed that access may be

obtained through the office of the Administrative Judge while the Administrative Orders of transfer are in effect.

Thank you in advance for your cooperation.

RBA:cmr

Attachments

cc: Associate Judges
Earle B. Turner, Clerk of Court
Department Managers
Victor Perez, Chief Prosecutor, City of Cleveland
Robert Tobik, Cuyahoga County Public Defender
David Carroll, Interim Commissioner, Dept. of Corrections, City of Cleveland

App. I

§ 4.02 Organization and jurisdiction of Supreme Court

(A) The Supreme Court shall, until otherwise provided by law, consist of seven judges, who shall be known as the chief justice and justices. In case of the absence or disability of the chief justice, the judge having the period of longest total service upon the court shall be the acting chief justice. If any member of the court shall be unable, by reason of illness, disability or disqualification, to hear, consider and decide a cause or causes, the chief justice or the acting chief justice may direct any judge of any court of appeals to sit with the judges of the supreme court in the place and stead of the absent judge. A majority of the Supreme Court shall be necessary to constitute a quorum or to render a judgment.

(B)(1) The Supreme Court shall have original jurisdiction in the following:

(a) Quo warrantó;

(b) Mandamus;

(c) Habeas corpus;

(d) Prohibition;

(e) Procedendo;

(f) In any cause on review as may be necessary to its complete determination;

g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

App. J

RULE 36. Designation of Trial Attorney; Assignment System.

(A) **Designation of trial attorney.** In civil cases the attorney who is to try the case shall be designated as trial attorney on all pleadings. In criminal cases, except felonies, the attorney who is to try the case, upon being retained or appointed, shall notify the court that he or she is the trial attorney by filing a written statement with the clerk of the court.

(B)(1) **Individual assignment system.** As used in these rules, "individual assignment system" means the system in which, upon the filing in or transfer to the court or a division of the court, a case immediately is assigned by lot to a judge of the division, who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. All preliminary matters, including requests for continuances, shall be submitted for disposition to the judge to whom the case has been assigned or, if the assigned judge is unavailable, to the administrative judge. The individual assignment system ensures all of the following:

- (a) Judicial accountability for the processing of individual cases;
- (b) Timely processing of cases through prompt judicial control over cases and the pace of litigation;
- (c) Random assignment of cases to judges of the division through an objective and impartial system that ensures the equitable distribution of cases between or among the judges of the division.

(2) Each multi-judge general, domestic relations, and juvenile division of the court of common pleas shall adopt the individual assignment system for the assignment of all cases to judges of the division. Each multi-judge municipal or county court shall adopt the individual assignment system for the assignment of all cases to the judges of that court, except as otherwise provided in division (C) of this rule. Modifications to the individual assignment system may be adopted to provide for the redistribution of cases involving the same criminal defendant, parties, family members, or subject-matter. Any modifications shall satisfy divisions (B)(1)(a) to (c) of this rule and be adopted by local rule of court.

(C) **Assignment system.** In each multi-judge municipal or county court, cases may be assigned to an individual judge or to a particular session of court pursuant to the following system:

(1) **Particular session.** A particular session of court is one in which cases are assigned by subject category rather than by the individual assignment system. The following subject categories shall be disposed of by particular session:

- (a) Civil cases in which a motion for default judgment is made;
- (b) Criminal cases in which a plea of guilty or no contest is entered;
- (c) Initial appearance in criminal cases;

- (d) Preliminary hearings in criminal cases;
- (e) Criminal cases in which an immediate trial is conducted upon initial appearance;
- (f) Small claims cases;
- (g) Forcible entry and detainer cases in which the right to trial by jury is waived or not demanded.
- (h) Cases where a party has made application to, or has been accepted into, a specialized court or docket.

To guarantee a fair and equal distribution of cases, a judge who is assigned a case by subject matter pursuant to Sup. R. 36(B)(2), or by virtue of a specialized court or docket pursuant to Sup. R. 36(C)(1)(h), may request the administrative judge to reassign a similar case by lot to another judge in that multi-judge common pleas, municipal, or county court.

(2) **Assignment.** Cases not subject to assignment in a particular session shall be assigned using the individual assignment system. Civil cases shall be assigned under division (C)(2) of this rule when an answer is filed or when a motion, other than one for default judgment, is filed. Criminal cases shall be assigned under division (C)(2) of this rule when a plea of not guilty is entered.

(3) **Duration of assignment to particular session.** The administrative judge shall equally apportion particular session assignments among all judges. A judge shall not be assigned to a particular session of court for more than two consecutive weeks.

(D) **Assignment of refiled cases.** In any instance where a previously filed and dismissed case is refiled, that case shall be reassigned to the judge originally assigned by lot to hear it unless, for good cause shown, that judge is precluded from hearing the case.

(E) **Assignment--new judicial positions.** After the date of election, but prior to the first day of the term of a new judicial position, the administrative judge of a court or division through a random selection of pending cases shall equitably reassign cases pending in the court or division between or among the judges of the court or division and shall create a docket similar to a representative docket. Reassignment shall be completed in a manner consistent with this rule and may exclude criminal cases and cases scheduled for trial. Any matters arising in cases assigned to the docket for the new judicial position prior to the date on which the judge elected to that position takes office shall be resolved by the administrative judge or assigned to another judge.

App. K

RULE 25. Disability of a Judge

(A) **During trial.** If for any reason the judge before whom a jury trial has commenced is unable to proceed with the trial, another judge designated by the administrative judge, or, in the case of a single-judge division, by the Chief Justice of the Supreme Court of Ohio, may proceed with and finish the trial, upon certifying in the record that he has familiarized himself with the record of the trial. If such other judge is satisfied that he cannot adequately familiarize himself with the record, he may in his discretion grant a new trial.

(B) **After verdict or finding of guilt.** If for any reason the judge before whom the defendant has been tried is unable to perform the duties of the court after a verdict or finding of guilt, another judge designated by the administrative judge, or, in the case of a single-judge division, by the Chief Justice of the Supreme Court of Ohio, may perform those duties. If such other judge is satisfied that he cannot perform those duties because he did not preside at the trial, he may in his discretion grant a new trial.

[Effective: July 1, 1973.]

App. L

§ 4.05 Other powers of the Supreme Court

(A)(1) In addition to all other powers vested by this article in the supreme court, the supreme court shall have general superintendence over all courts in the state. Such general superintending power shall be exercised by the chief justice in accordance with rules promulgated by the Supreme Court.

(2) The Supreme Court shall appoint an administrative director who shall assist the chief justice and who shall serve at the pleasure of the court. The compensation and duties of the administrative director shall be determined by the court.

(3) The chief justice or acting chief justice, as necessity arises, shall assign any judge of a court of common pleas or a division thereof temporarily to sit or hold court on any other court of common pleas or division thereof or any court of appeals or shall assign any judge of a court of appeals temporarily to sit or hold court on any other court of appeals or any court of common pleas or division thereof and upon such assignment said judge shall serve in such assigned capacity until the termination of the assignment. Rules may be adopted to provide for the temporary assignment of judges to sit and hold court in any court established by law.

(B) The Supreme court shall prescribe rules governing practice and procedure in all courts of the state, which rules shall not abridge, enlarge, or modify any substantive right. Proposed rules shall be filed by the court, not later than the fifteenth day of January, with the clerk of each house of the General Assembly during a regular session thereof, and amendments to any such proposed rules may be so filed not later than the first day of May in that session. Such rules shall take effect on the following first day of July, unless prior to such day the General Assembly adopts a concurrent resolution of disapproval. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Courts may adopt additional rules concerning local practice in their respective courts which are not inconsistent with the rules promulgated by the supreme court. The supreme court may make rules to require uniform record keeping for all courts of the state, and shall make rules governing the admission to the practice of law and discipline of persons so admitted.

(C) The chief justice of the Supreme Court or any judge of that court designated by him shall pass upon the disqualification of any judge of the courts of appeals or courts of common pleas or division thereof. Rules may be adopted to provide for the hearing of disqualification matters involving judges of courts established by law.

(Amended, effective Nov. 6, 1973; SJR No.30. Adopted May 7, 1968.)

App. M

1901.31 Clerk of court.

The clerk and deputy clerks of a municipal court shall be selected, be compensated, give bond, and have powers and duties as follows:

(E) The clerk of a municipal court may do all of the following: administer oaths, take affidavits, and issue executions upon any judgment rendered in the court, including a judgment for unpaid costs; issue, sign, and attach the seal of the court to all writs, process, subpoenas, and papers issuing out of the court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the court or by law. The clerk may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section. The clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the court; record the proceedings of the court; perform all other duties that the judges of the court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

App. N

Section 5a. Interim Remedial Suspension.

(A)(1) Motion; Response. Upon receipt of substantial, credible evidence demonstrating that a Justice, judge, or attorney has committed a violation of the Code of Judicial Conduct or Ohio Rules of Professional Conduct and poses a substantial threat of serious harm to the public, the Disciplinary Counsel or appropriate Certified Grievance Committee, which shall be referred to as the relator, shall do both of the following:

(a) Prior to filing a motion for an interim remedial suspension, make a reasonable attempt to provide the Justice, judge, or attorney, who shall be referred to as the respondent, with notice, which may include notice by telephone, that a motion requesting an order for an interim remedial suspension will be filed with the Supreme Court.

(b) File a motion with the Supreme Court requesting that the Court order an interim remedial suspension. The Disciplinary Counsel or appropriate Certified Grievance Committee shall include, in its motion, proposed findings of fact, proposed conclusions of law, and other information in support of the requested order. Evidence relevant to the requested order shall be attached to or filed with the motion. The motion may include a request for an immediate, interim remedial suspension pursuant to Rule XIV, Section 4(C) of the Rules of Practice of the Supreme Court of Ohio. The motion shall include a certificate detailing the attempts made by the relator to provide advance notice to the respondent of the relator's intent to file the motion. The motion also shall include a certificate of service on the respondent at the most recent address provided by the respondent to the attorney registration office and at the last address of the respondent known to the relator, if different.

(2) After the filing of a motion for an interim remedial suspension, the respondent may file a memorandum opposing the motion in accordance with Rule XIV, Section 4 of the Rules of Practice of the Supreme Court of Ohio. The respondent shall attach to or file with the memorandum any rebuttal evidence.

(B) Order. Upon consideration of the motion and any memorandum opposing the motion, the Supreme Court may enter an interim remedial order immediately suspending the respondent, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm or may order other action as the Court considers appropriate. If requested by the relator, the Supreme Court may order an immediate interim remedial suspension, prior to receipt of a memorandum opposing the relator's motion, pursuant to Rule XIV, Section 4(C) of the Rules of Practice of the Supreme Court of Ohio. If an order is entered pursuant to this division, an attorney may be appointed pursuant to Section 8(F) of this rule to protect the interest of the suspended attorney's clients.

(C)(1) Motion for Dissolution or Modification of the Suspension. The respondent may request dissolution or modification of the order of suspension by filing a motion with the Supreme Court. The motion shall be filed within thirty days of entry of the order imposing the suspension, unless the respondent first obtains leave of the Supreme Court to file a motion beyond that time. The motion shall include a statement and all available evidence as to why the respondent no longer poses a substantial threat of serious harm to the public. A copy of the motion shall be served by the respondent on the relator. The relator shall have ten days from the date the motion is filed to file a response to the motion. The Supreme Court promptly shall

review the motion after a response has been filed or after the time for filing a response has passed.

(2) In addition to the motion allowed by division (C)(1) of this section, the respondent may file a motion requesting dissolution of the interim remedial suspension order, alleging that one hundred eighty days have elapsed since the entry of the order and the relator has failed to file with the Board a formal complaint predicated on the conduct that was the basis of the order. A copy of the motion shall be served by the respondent on the relator. The relator shall have ten days from the date the motion is filed to file a response to the motion. The Supreme Court promptly shall review the motion after a response has been filed or after the time for filing a response has passed.

(D) Procedure. The Rules of Practice of the Supreme Court of Ohio shall apply to interim remedial suspension proceedings filed pursuant to this section.

(E) Duty of Clerk on Entering Order. Upon the entry of an order suspending or reinstating the respondent pursuant to this section, the Clerk of the Supreme Court shall mail certified copies of the order as provided in Section 8(D)(1) of this rule.

App. O

2701.031 Disqualification of municipal or county court judge - affidavit.

(A) If a judge of a municipal or county court allegedly is interested in a proceeding pending before the judge, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the judge or to a party's counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the judge, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the clerk of the court in which the proceeding is pending.

(B) An affidavit of disqualification shall be filed under this section with the clerk of the court in which the proceeding is pending not less than seven calendar days before the day on which the next hearing in the proceeding is scheduled and shall include all of the following:

(1) The specific allegations on which the claim of interest, bias, prejudice, or disqualification is based and the facts to support each of those allegations;

(2) The jurat of a notary public or another person authorized to administer oaths or affirmations;

(3) A certificate indicating that a copy of the affidavit has been served on the judge of the municipal or county court against whom the affidavit is filed and on all other parties or their counsel;

(4) The date of the next scheduled hearing in the proceeding or, if there is no hearing scheduled, a statement that there is no hearing scheduled.

(C)

(1) Except as provided in division (C)(2) of this section, when an affidavit of disqualification is presented to the clerk of a municipal or county court for filing under division (B) of this section, the clerk shall enter the fact of the filing on the docket in that proceeding and shall provide notice of the filing of the affidavit to one of the following:

(a) The presiding judge of the court of common pleas of the county;

(b) If there is no presiding judge of the court of common pleas of the county, a judge of the court of common pleas of the county.

(2) The clerk of the municipal or county court in which a proceeding is pending shall not accept an affidavit of disqualification presented for filing under division (B) of this section if it is not timely presented for filing or does not satisfy the requirements of divisions (B)(2), (3), and (4) of this section.

(D)

(1) Except as provided in divisions (D)(2) to (4) of this section, if the clerk of the municipal or county court in which a proceeding is pending accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, the affidavit deprives the judge of a municipal or

county court against whom the affidavit was filed of any authority to preside in the proceeding until the judge who was notified pursuant to division (C)(1) of this section rules on the affidavit pursuant to division (E) of this section.

(2) A judge of a municipal or county court against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may preside in the proceeding if, based on the scheduled hearing date, the affidavit was not timely filed.

(3) A judge of a municipal or county court against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may determine a matter that does not affect a substantive right of any of the parties.

(4) If the clerk of a municipal or county court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, if the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit of disqualification denies the affidavit pursuant to division (E) of this section, and if, after the denial, a second or subsequent affidavit of disqualification regarding the same judge and the same proceeding is filed by the same party who filed or on whose behalf was filed the affidavit that was denied or by counsel for the same party who filed or on whose behalf was filed the affidavit that was denied, the judge of a municipal or county court against whom the second or subsequent affidavit is filed may preside in the proceeding prior to the ruling, by the judge who is notified pursuant to division (C)(1) of this section, on the second or subsequent affidavit pursuant to division (E) of this section.

(E) If the clerk of a municipal or county court accepts an affidavit of disqualification for filing under division (B) and (C) of this section and if the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit determines that the interest, bias, prejudice, or disqualification alleged in the affidavit does not exist, the judge who is so notified shall issue an entry denying the affidavit of disqualification. If the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit determines that the interest, bias, prejudice, or disqualification alleged in the affidavit exists, the judge who is so notified shall issue an entry that disqualifies the judge against whom the affidavit was filed from presiding in the proceeding and designate another judge of the municipal or county court, or of the court of common pleas, to preside in the proceeding in place of the disqualified judge.

Effective Date: 11-20-1996

App. P

RULE 6. Time

(A) **Time: computation.** In computing any period of time prescribed or allowed by these rules, by the local rules of any court, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. When a public office in which an act, required by law, rule, or order of court, is to be performed is closed to the public for the entire day which constitutes the last day for doing such an act, or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday.

(B) **Time: extension.** When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Civ.R. 50(B), Civ.R. 59(B), Civ.R. 59(D), and Civ.R. 60(B), except to the extent and under the conditions stated in them.

(C) **Time: motions.** A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than seven days before the time fixed for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; and, except as otherwise provided in Civ.R. 59(C), opposing affidavits may be served not later than one day before the hearing, unless the court permits them to be served at some other time.

(D) **Time: additional time after service by mail or commercial carrier service.** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon that party and the notice or paper is served upon that party by mail or commercial carrier service under Civ.R. 5(B)(2)(c) or (d), three days shall be added to the prescribed period. This division does not apply to responses to service of summons under Civ.R. 4 through Civ.R. 4.6.

[Effective: July 1, 1970; amended effective July 1, 1978; July 1, 2012.]

App. Q

2733.01 Proceedings against a person.

A civil action in quo warranto may be brought in the name of the state:

(A) Against a person who usurps, intrudes into, or unlawfully holds or exercises a public office, civil or military, or a franchise, within this state, or an office in a corporation created by the authority of this state;

(B) Against a public officer, civil or military, who does or suffers an act which, by law, works a forfeiture of his office;

(C) Against an association of persons who act as a corporation within this state without being legally incorporated.

Effective Date: 10-01-1953

App. R

Section 7. Mental Illness Suspension; Standard; Findings; Examination; Duty of Clerk; Termination.

(A) **Definition.** "Mental illness" has the same meaning as in division (A) of section 5122.01 of the Revised Code.

(B) **Mental Illness Suspension.**

(1) After an answer has been filed or the time for answer has elapsed, the Board forthwith shall certify a complaint to the Supreme Court if either of the following applies:

(a) The complaint, answer, or other subsequent pleading alleges mental illness that substantially impairs the ability of the attorney to practice law and is supported by a certified copy of a journal entry of a court of competent jurisdiction adjudicating mental illness:

(b) After an examination as provided in division (C) of this section, the Board finds an existing mental illness that substantially impairs the ability of the attorney to practice law.

(2) Upon receipt of a certified complaint pursuant to division (B)(1) of this section, the Supreme Court may suspend the respondent from the practice of law.

(C) **Examination.**

(1) The Board or hearing panel, on its own motion or motion of either party, may order a medical or psychiatric examination of the respondent if either of the following applies:

(a) The complaint, answer, or any subsequent pleading alleges existing mental illness that substantially impairs the ability of the attorney to practice law but is unsupported by a journal entry of a court of competent jurisdiction;

(b) Mental illness that substantially impairs the ability of the attorney to practice law otherwise is placed in issue.

(2) The medical or psychiatric examination of respondent shall be conducted by one or more physicians designated by the Board or hearing panel. The findings of the physician or physicians shall be presented to the Board or hearing panel as evidence and made available to both parties. If the results of the examination are contested, the hearing panel shall submit its findings of fact and conclusions to the Board.

(D) **Board Review.** If, after reviewing the report of the hearing panel, the Board concludes the record establishes that the respondent suffers from mental illness that substantially impairs the ability of the attorney to practice law, the Board forthwith shall certify the complaint to the Supreme Court. The Supreme Court may suspend the respondent from the practice of law.

(E) **Duty of Clerk on Entering Order.** Upon the entry of an order suspending respondent for mental illness that substantially impairs the ability of the attorney to practice law, the Clerk of the Supreme Court shall mail certified copies of the order as provided in Section 8(D)(1) of this rule and shall change the registration of respondent to inactive status. The order shall not be published but shall be a matter of public record.

(F) **Termination.** A suspension under this section may be terminated on application of the respondent to the Board and a showing of removal of the cause for the suspension. The termination of the suspension shall be certified by the Board to, and affirmed by, the Supreme Court.

App. S

RULE 4.01. Powers and Duties of Administrative Judge.

An administrative judge of a court or a division of a court shall do all of the following:

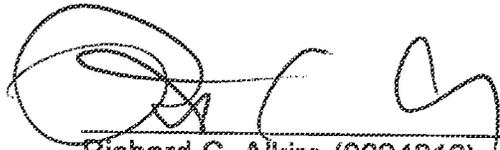
- (A) Be responsible for and exercise control over the administration, docket, and calendar of the court or division;
- (B) Be responsible to the Chief Justice of the Supreme Court in the discharge of the administrative judge's duties, for the observance of the Rules of Superintendence for the Courts of Ohio, and for the termination of all cases in the court or division without undue delay and in accordance with the time guidelines set forth in Sup.R. 39;
- (C) Pursuant to Sup.R. 36, assign cases to individual judges of the court or division or to panels of judges of the court in the court of appeals;
- (D) In municipal and county courts, assign cases to particular sessions pursuant to Sup.R. 36;
- (E) Require timely and accurate reports from each judge of the court or division concerning the status of individually assigned cases and from judges and court personnel concerning cases assigned to particular sessions;
- (F) Timely file all administrative judge reports required by the Case Management Section of the Supreme Court;
- (G) Develop accounting and auditing systems within the court or division and the office of the clerk of the court that ensure the accuracy and completeness of all required reports;
- (H) Request, as necessary, the assignment of judges to the court or division by the Chief Justice or the presiding judge of the court;
- (I) Administer personnel policies established by the court or division;
- (J) Perform other duties as required by the Revised Code, the Rules of Superintendence of the Courts of Ohio, local rules of the court or division, or the Chief Justice;
- (K) Perform any other duties in furtherance of the responsibilities of the administrative judge.

CERTIFICATE OF SERVICE

A copy of the foregoing Amended Memorandum in Support of Writs of *Quo Warranto*, *Mandamus* and *Prohibition* has been mailed, postage prepaid this 28th day of March, 2014 to:

The Honorable Ronald B. Adrine Respondent
13515 Drexmore Road
Cleveland, OH 44120

The Honorable Mabel M. Jasper Respondent
3708 Edgehill Drive
Cleveland, OH 44121


Richard C. Alkire (0024816)
Dean Nieding (0003532)