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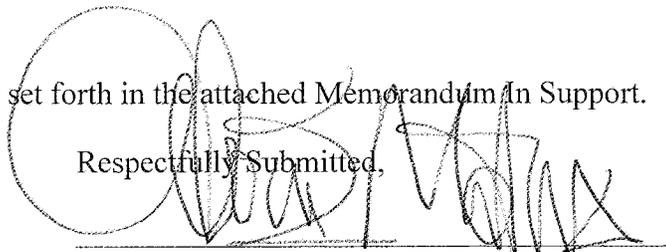
IN THE SUPREME COURT OF OHIO

State *ex rel.*, THE HONORABLE ANGELA R. STOKES, :
: Relator, : Case No. 2014-0467
: v. :
THE HONORABLE RONALD B. ADRINE. : Original Action in
: Prohibition
Respondent. :

**MOTION FOR CLARIFICATION OF RESPONDENT’S OBLIGATIONS
PURSUANT TO THE COURT’S ALTERNATIVE WRIT**

Respondent The Honorable Ronald B. Adrine (“Judge Adrine”) hereby respectfully moves for clarification of his obligations pursuant to the alternative writ of prohibition entered in this case on September 3, 2014. Specifically, does this Court’s issuance of an alternative writ mandate that Judge Adrine stay (and effectively reverse) the Administrative Orders at issue in the case and restore Relator The Honorable Angela R. Stokes to the criminal docket pending final resolution of this matter?

The reasons for this Motion are set forth in the attached Memorandum In Support.

Respectfully Submitted, 

Alvin E. Mathews, Jr. (0038660)
Gerhardt A. Gosnell II (0064919)
James E. Arnold & Associates, LPA
115 W. Main Street, 4th Floor
Columbus, Ohio 43215
Ph: 614-460-1600
Fax: 614-469-1134
amathews@arnlaw.com
ggosnell@arnlaw.com

FILED
SEP 22 2014
CLERK OF COURT
SUPREME COURT OF OHIO

*Counsel for Respondent
The Honorable Ronald B. Adrine*

MEMORANDUM IN SUPPORT

Respondent The Honorable Ronald B. Adrine (“Judge Adrine”) is the administrative and presiding judge of the Cleveland Municipal Court. In March 2014, as a consequence of literally hundreds of complaints from lawyers, staff, and members of the public about the conduct of Relator The Honorable Angela R. Stokes’ (“Judge Stokes’”) related to her handling of criminal matters, Judge Adrine issued a series of administrative orders (the “Administrative Orders”) that are at issue in this case.

Generally speaking, these Administrative Orders transferred all of the criminal cases then-assigned to Judge Stokes’ personal docket to Judge Adrine for review and possible reassignment and removed Judge Stokes from the court’s random draw of criminal cases and increased the number of civil cases Judge Stokes received. All of the Administrative Orders were issued pursuant to the authority granted Judge Adrine under Sup. R. 4.01(A), Sup. R. 4.01(C), and “in order to maintain and enhance public confidence in the legal system as set forth in Paragraph 1, Preamble, Code of Judicial Conduct.” The Administrative Orders were to remain effective so long as the current disciplinary action against Judge Stokes remained pending.

On March 26, 2014, Judge Stokes filed a Complaint with this Court seeking the issuance of writs of quo warranto (First Claim for Relief), mandamus (Second Claim for Relief), and prohibition (Third Claim for Relief) against Judge Adrine and The Honorable Mabel M. Jasper. On May 2, 2014, Respondents filed their Motion to Dismiss.

On September 3, 2014, this Court issued its Entry granting the Motion to Dismiss in part and denying it in part. Specifically, the Court dismissed Respondent Jasper as a respondent and dismissed the writs of quo warranto and mandamus. The Court, however, granted an alternative

writ of prohibition and set a briefing schedule for the presentation of evidence and filing of briefs.

On September 17, 2014, Judge Adrine issued Administrative Order No. 2014-017, staying his previously issued Administrative Orders at issue in this case, which stay is to be put “into effect as soon as logistically possible.” A true and accurate copy of Administrative Order No. 2014-017 is attached hereto as Exhibit A. Administrative Order No. 2014-017 was issued pursuant to Sup.Ct.Prac.R. 12.05, which provides that “[u]nless the Supreme Court orders otherwise, issuance of an alternative writ in a prohibition case *stays* proceedings in the action sought to be prohibited until final determination of the Supreme Court.”

Given the unique procedural context here and in order to minimize the potential for future procedural and administrative confusion, Judge Adrine now seeks clarification from this Court as to his obligations in this case pursuant to Sup.Ct.Prac.R. 12.05. Specifically, does this Court’s issuance of an alternative writ mandate that Judge Adrine stay (and effectively reverse) his Administrative Orders and restore Judge Stokes to the criminal docket pending final resolution of this matter?

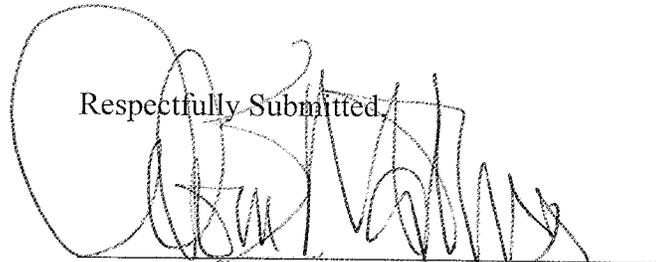
First, it should be recognized that this case does not present the traditional prohibition context where a relator seeks to prohibit the respondent from exercising judicial authority over a particular pending matter or proceeding. In the traditional context, the issuance of an alternative writ, in conjunction with Sup.Ct.Prac.R. 12.05, has the effect of preserving the status quo pending final resolution by this Court. *See also State ex rel. Hughes v. Brown*, 31 Ohio St.2d 41, 43 (1972) (recognizing that the purpose of an alternative writ of prohibition is to preserve the existing status of a proceeding pending the determination of the application for the writ of prohibition upon the merits).

Here, however, to the extent the alternative writ mandates that Respondent stay his prior Administrative Orders, it *upends* the status quo. Simply put, it would mandate that Judge Adrine reverse his prior administrative decisions and take *affirmative action* to have the Municipal Court's administration and clerk staff restore Relator's criminal docket and criminal draw while this matter remains pending before this Court.

Such a result also creates uncertainty to the bench and bar during the interim period and the risk of future administrative complications if this Court were to ultimately deny the writ sought. Under such a scenario, the alternative writ would be automatically vacated and the Administrative Orders reinstated, necessitating the reversal of the interim procedures effectuating the return of Judge Stokes' criminal docket.

Given these administrative concerns and the unique context of this case, Respondent Judge Adrine hereby requests that the Court clarify his obligations pursuant to the alternative writ entered in this case.

Respectfully Submitted,



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James E. Arnold & Associates, LPA

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Columbus, Ohio 43215

Ph: 614-460-1600

Fax: 614-469-1134

amathews@arnlaw.com

ggosnell@arnlaw.com

Counsel for Respondent

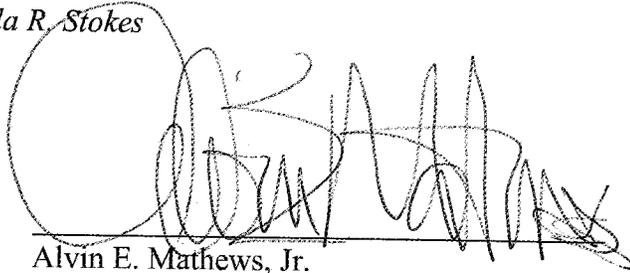
The Honorable Ronald B. Adrine

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing *Motion for Clarification by Respondent* was served via electronic mail and regular U.S. Mail, postage prepaid, this 22nd day of September, 2014, upon the following:

Richard C. Alkire, Esq.
Dean Nieding, Esq.
Richard C. Alkire Co., LPA
6060 Rockside Woods Blvd.
Suite 250
Independence, Ohio 44131-2335

Counsel for Relator
The Honorable Angela R. Stokes

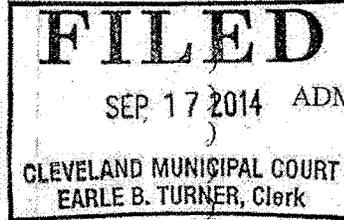
A handwritten signature in black ink, appearing to read 'Alvin E. Mathews, Jr.', written over a horizontal line. The signature is highly stylized and cursive.

Alvin E. Mathews, Jr.

Exhibit A

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY



ADMINISTRATIVE ORDER
NO. 2014-017

IN RE: Stay of Administrative Orders 2014-003 through 2014-006

Administrative Orders 2014-003 through 2014-006 issued by this office are hereby ORDERED STAYED. The stay will be put into effect as soon as logistically possible. This action is taken pursuant to S.Ct. Prac.R. 12.05 and in accordance with the alternative writ of prohibition entered by the Supreme Court of Ohio in Supreme Court case number 2014-0467, captioned **State ex rel. the Honorable Angela R. Stokes v. The Honorable Ronald B. Adrine**. The stay will remain in place pending further action by the Supreme Court.

IT IS SO ORDERED.

Dated: 9/17/2014

A handwritten signature in cursive script that reads "Ronald B. Adrine".

Ronald B. Adrine
Administrative & Presiding Judge