

[Cite as *In re Disqualification of Singer*, \_\_\_ Ohio St.3d \_\_\_, 2020-Ohio-5312.]

**IN RE DISQUALIFICATION OF SINGER.**

**THE STATE OF OHIO v. VINSON.**

[Cite as *In re Disqualification of Singer*, \_\_\_ Ohio St.3d \_\_\_, 2020-Ohio-5312.]

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

(No. 20-AP-096—Decided November 10, 2020.)

ON AFFIDAVIT OF DISQUALIFICATION in Montgomery County Court of Common Pleas, General Division, Case No. 2020 CR 02056.

---

**O’CONNOR, C.J.**

{¶ 1} Defendant, Robert L. Vinson Bey, has filed an affidavit pursuant to R.C. 2701.03 seeking to disqualify Judge Gregory F. Singer from the above-referenced case.

{¶ 2} Mr. Vinson Bey alleges that Judge Singer is biased and has a conflict of interest, mostly because Judge Singer and the assistant prosecutor are both allegedly members of the Ohio State Bar Association.

{¶ 3} In disqualification requests, “[t]he term ‘bias or prejudice’ ‘implies a hostile feeling or spirit of ill-will or undue friendship or favoritism toward one of the litigants or his attorney, with the formation of a fixed anticipatory judgment on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.’ ” *In re Disqualification of O’Neill*, 100 Ohio St.3d 1232, 2002-Ohio-7479, 798 N.E.2d 17, ¶ 14, quoting *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 469, 132 N.E.2d 191 (1956). “The proper test for determining whether a judge’s participation in a case presents an appearance of impropriety is \* \* \* an objective one. A judge should step aside or be removed if a reasonable and objective observer would harbor serious doubts about the judge’s

impartiality.” *In re Disqualification of Lewis*, 117 Ohio St.3d 1227, 2004-Ohio-7359, 884 N.E.2d 1082, ¶ 8. Mr. Vinson Bey has not established that Judge Singer has hostile feelings toward him or has formed a fixed, anticipatory judgment on any issue in the underlying case. Nor has Mr. Vinson Bey set forth a compelling argument for disqualifying Judge Singer to avoid an appearance of partiality.

{¶ 4} To support his assertion that the judge is a member of the Ohio State Bar Association, Mr. Vinson Bey has submitted printouts from this court’s online attorney directory. But the fact that the judge and the assistant prosecutor are members of the Ohio bar and are identified in the attorney directory does not mean that they are also members of the Ohio State Bar Association, which is a separate entity. Even if Judge Singer were a member of the Ohio State Bar Association, such membership, by itself, would not be grounds for disqualification in the underlying criminal matter. The Ohio Code of Judicial Conduct acknowledges that judges are uniquely qualified to engage in extrajudicial activities that concern the legal system, such as by “participating in judicial or bar association activities.” Jud.Cond.R. 3.1, Comment 1. *See also In re Disqualification of Judges of the First Dist. Court of Appeals*, 91 Ohio St.3d 1207, 741 N.E.2d 136 (2000) (appellate judges were not disqualified from a case against the Cincinnati Bar Association, although the judges were members of the bar association, because none of the judges held offices in the association or received any tangible benefit from their memberships).

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

---