

**United States District Court**

**Northern District of Ohio  
Two South Main Street  
Akron, Ohio 44308**



**James S. Gwin  
Judge**

**Phone (330) 252-6050  
Fax (330) 252-6058**

**MEMORANDUM**

**To: Donald J. McTigue  
Richard Coglianese (sent via fax to (614) 728-7592)**

**From: Gwen Mackey, Deputy Clerk**

**Date: October 24, 2006**

**Re: Strickland v. Blackwell, et al  
N.D. Ohio Case No. 4:06-cv-02546**

Canon 3D of the Code of Conduct provides (with exceptions not pertinent to this case) that when a judge may be disqualified in a proceeding because "the judge's impartiality might reasonably be questioned", the judge may participate in the proceeding if all the parties and lawyers, after notice of the basis for the disqualification, agree to waive the disqualification under a procedure independent of the judge's participation.

Judge Gwin advises the parties that his wife made a financial contribution to the Strickland campaign in the Fall 2006. At the time she made the contribution, she worked as officer for a publicly traded company and she made the contribution from her own earnings and without consultation with Judge Gwin. Judge Gwin had no input in her decision to make the contribution.

The parties are advised that if either party desires Judge Gwin's recusal, they are directed to communicate that wish to Traci Lancy, Deputy-in-Charge, at (330) 252-6015 by October 25, 2006, at 4:00 PM. Ms. Lancy has been told that she is to keep confidential the name(s) of any party who seeks Judge Gwin's recusal. No communication regarding this decision should be conveyed to Judge Gwin or his deputy and no public filing regarding this should be made.

If the disqualification is not waived, the case will be reassigned to another judge.