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## Ohio Judge Can't Sink Ex-Worker's Sex Bias Suit

By **Anne Cullen**

Law360 (March 24, 2021, 7:34 PM EDT) -- An Ohio federal court ruled Wednesday that sex bias claims against a Columbus city judge should go before a jury, finding the evidence in a former courthouse employee's suit shows the judge's alleged mistreatment of women was longstanding and pervasive.

U.S. District Judge Edmund A. Sargus Jr. said that the former docket coordinator behind the lawsuit, Andrea Boxill, had made a solid enough showing that Franklin County Municipal Court Judge James P. O'Grady discriminated against female employees, attorneys and case participants by calling them "whores," discussing their sex lives and making derisive comments about their appearance.

"An objective observer could find that it is humiliating to hear women referred to in these terms, that it was embarrassing to hear Judge O'Grady's thoughts about female attorneys and his opinion of their sexual conduct, that the frequent foul language was abusive, and that all of this could unreasonably interfere with an employee's work performance," Judge Sargus said.

Boxill alleges in her 2016 lawsuit that Judge O'Grady's sex-based harassment started in 2004 when he was a bailiff at the courthouse and continued after he took up a post on the bench in 2011.

She claims it was so bad that it affected her work environment and essentially forced her out of her job there in July 2014. While attorneys for the embattled judge have argued that the alleged harassment wasn't severe or prolonged enough to back up a legal claim, Judge Sargus disagreed in Wednesday's decision.

"The evidence before the court, if believed, does not reflect a mere offensive utterance," Judge Sargus said. "Instead, Boxill testified that the conduct was frequent, commonplace, that is was severe in that it used extremely derogative terms about women, such as 'whore.'"

Boxill, who is African American, had also claimed Judge O'Grady was racist, but Judge Sargus found those claims were time-barred. The only time the Franklin County judge purportedly made racial remarks was in 2004, according to the opinion, and Ohio has a two-year statute of limitation on these kinds of claims.

While Boxill said the sexist remarks also started in 2004, she alleged they continued throughout her experience with Judge O'Grady beyond 2014. Their extension triggers the "continuing course of conduct exception" to Ohio's statute of limitations, Judge Sargus found.

Boxill is one of two former Franklin County employees who have sued over Judge O'Grady's alleged misconduct, as one of his former secretaries, Teresa Barry, said in a 2014 lawsuit that she experienced the same kind of sexism while working for the judge. Her case settled in January 2019, two months before trial was scheduled to start.

Michael Garth Moore, who represents Boxill and represented Barry, told Law360 on Wednesday that he's "pleased" with the outcome in Boxill's case.

"I, of course, disagree with the ruling on the statute of limitations for race-based harassment, but overall, very pleased," Moore said. "Ms. Boxill has waited a long, long time for this to come to a jury of her peers."

On a potential upcoming trial, he noted that Judge O'Grady avoided one on the same claims when the city cut a deal in Barry's case, so settlement negotiations in Boxill's case might be in the pipeline.

"We will see if he and the city of Columbus now act reasonably in coming to the table with Ms. Boxill," Moore said.

Counsel for Columbus and Judge O'Grady did not respond to requests for comment. Judge O'Grady's office also did not respond to a request for comment.

Boxill is represented by Michael Garth Moore of the Law Offices of Michael Garth Moore.

Judge O'Grady is represented by Linda L. Woeber and Lisa Marie Zaring of Montgomery Jonson LLP, and Paula Jennings Lloyd of the Columbus City Attorney's Office.

The case is Boxill v. O'Grady et al., case number 2:16-cv-00126, in the U.S. District Court for the Southern District of Ohio.

--Editing by Abbie Sarfo.

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