

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY

November 22, 1995

MOTION DOCKET

95-22. First Natl. Supermarkets, Inc. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.

Cuyahoga County, No. 66454. This cause is pending as an appeal from the Court of Appeals for Cuyahoga County.

A letter dated August 17, 1995, and enclosures have been submitted directly to the Justices by David Cupps, an attorney who has not filed an appearance in this case. The letter was intended to place before the court an appellee's brief that the Clerk had properly rejected for filing as untimely.

Pursuant to S.Ct.Prac.R. XIV(1)(A), the August 17, 1995 correspondence and enclosures submitted directly to the court will not be considered by the court, said correspondence having been inappropriately submitted directly to the Justices in a pending case in violation of the Supreme Court Rules of Practice.

Upon consideration of appellee's request to participate in oral argument, IT IS ORDERED by the court that appellee's request to participate in oral argument be, and hereby is, denied.

Wright and Resnick, JJ., dissent.

DISCIPLINARY DOCKET

94-490. Disciplinary Counsel v. Smith.

This cause came on for further consideration upon the filing of an application for reinstatement by respondent, Robert Smith III.

The court coming now to consider its order of June 22, 1994, suspending respondent, Robert Smith III, Attorney Registration No. 00025381, last known address in Cleveland, Ohio, from the practice of law in Ohio for two years pursuant to Gov.Bar R. V(6)(B)(3), with credit for time served under the April 7, 1993 suspension, and further ordering that respondent would not be reinstated to the practice of law prior to the termination of his federal probation, finds that respondent has substantially complied with that order and with the provisions of Gov.Bar R. V(10)(A). Therefore,

IT IS ORDERED by the court that Robert Smith III be, and hereby is, reinstated to the practice of law in the State of Ohio, effective November 21, 1995.

IT IS FURTHER ORDERED that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made

as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

For earlier case, see Disciplinary Counsel v. Smith (1994), 69 Ohio St.3d 475, ___ N.E.2d ___.