

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

November 3, 1995

MOTION DOCKET

94-103. State v. D'Ambrosio.

Cuyahoga County, No. 57448. UPON CONSIDERATION of the motion filed by counsel for appellant to stay the execution of sentence in the above-styled cause pending the timely filing of a petition for a writ of certiorari in the Supreme Court of the United States,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted, effective November 2, 1995.

IT IS FURTHER ORDERED that the compliance with the mandate and the execution of sentence be, and the same are hereby, stayed pending the timely filing of the petition in the Supreme Court of the United States.

IT IS FURTHER ORDERED that if such petition is timely filed, this stay shall continue for an indefinite period pending final disposition of this cause by the Supreme Court of the United States.

F.E. Sweeney, J., not participating.

95-2198. State ex rel. Palich v. James.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's motion to stay the September 1, 1995 order and all proceedings in the trial court pending disposition of this case,

IT IS ORDERED by the court, effective November 2, 1995, that the motion to stay the September 1, 1995 order and all proceedings in the trial court pending disposition of this case be, and hereby is, granted.

Douglas, J., would also grant an alternative writ.

Cook, J., would also order respondent to respond within fifteen days.

Moyer, C.J., Resnick and Pfeifer, JJ., dissent.

DISCIPLINARY DOCKET

95-2194. In re Judicial Campaign Complaint against Cathleen Carr.

JUDICIAL COMMISSION ORDER, GOV.JUD.R. II(5)(E)(1). This matter involves a review, by a commission of five judges appointed pursuant to Rule II, Section 5, Rule II of the Supreme Court Rules of the Judiciary of Ohio and by an October 30, 1995 order of the Supreme Court of Ohio, of a panel determination that the respondent violated two provisions of Canon 7 of the Ohio Code of Judicial Conduct as they relate to judicial campaigns. The commission of five judges

consisted of Judge James A. Brogan, Second District Court of Appeals (chairman), Judge Mark K. Wiest, Wayne County Court of Common Pleas (Ninth Appellate District), Judge James W. Kirsch, Juvenile/Probate Division, Scioto County Court of Common Pleas (Fourth Appellate District), Judge George J. Demis, Juvenile/Probate Division, Tuscarawas County Court of Common Pleas (Fifth Appellate District), and Judge William G. Lauber, Lima Municipal Court (Third Appellate District).

The commission received by express mail or facsimile transmission the record and transcript, including exhibits, of the October 23, 1995 hearing before the panel of the Board of Commissioners on Grievances and Discipline, the report of the panel, the brief and objections of the respondent, and the brief of the complainant. The commission considered these materials and deliberated via telephone conference on October 30 and November 1, 1995.

By a unanimous vote, the commission affirms the finding of the panel, by clear and convincing evidence, that the respondent, during a judicial election campaign, engaged in conduct violative of Canon 7(C)(2)(a) of the Code of Judicial Conduct (personal solicitation of campaign funds), as alleged in the formal complaint. By a vote of three to two (Brogan and Demis, JJ. dissenting), the commission affirms the finding of the panel, by clear and convincing evidence, that the respondent, during a judicial election campaign, engaged in conduct violative of Canon 7(B)(2)(f) of the Code of Judicial Conduct (knowingly misrepresenting the qualifications of an opponent), as alleged in the formal complaint. The commission adopts the recommendation of the panel and orders that the respondent be fined \$1,000 and assessed the costs of the proceedings before the panel and the commission, exclusive of attorney fees. No cease and desist order is issued, as such an order would not serve any purpose at this late date in the campaign.

A written opinion of the commission will follow.

#### MISCELLANEOUS DOCKET

In re Report of the Commission : 1995 TERM  
on Continuing Legal Education. :  
: To wit: November 2, 1995  
Joseph Bancsi :  
(#0025450), : ENTRY  
Respondent.

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1992-1993 reporting period.

On August 11, 1995, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent and suspended the respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3), and Gov.Bar R. X(5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7).

On October 5, 1995, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed

for noncompliance, has made up all deficiencies and is now in full compliance with all requirements of Gov.Bar R. X, and recommending that the respondent be reinstated to the practice of law in Ohio. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, Joseph Bancsi, is hereby reinstated to the practice of law.

In re Report of the Commission : 1995 TERM  
on Continuing Legal Education. :  
: To wit: November 2, 1995  
Jack Patrick Bunce :  
(#0033229), : ENTRY  
Respondent.

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov. Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1992-1993 reporting period.

On September 21, 1995, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent and suspended the respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3), and Gov.Bar R. X(5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7).

On October 16, 1995, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies and is now in full compliance with all requirements of Gov.Bar R. X, and recommending that the respondent be reinstated to the practice of law in Ohio. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, Jack Patrick Bunce, is hereby reinstated to the practice of law.