

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

October 18, 1996

MERIT DOCKET

96-1838. Disciplinary Counsel v. Sorkin.

On August 5, 1996, pursuant to Gov.Bar R. V(11)(F)(1), relator, Disciplinary Counsel, filed a certified copy of the Report and Recommendation of the Hearing Board of the Illinois Attorney Registration and Disciplinary Commission, the Report and Recommendation of the Review Board of the Illinois Attorney Registration and Disciplinary Commission, the Supreme Court of Illinois Order and Mandate entered on May 24, 1994, and the Supreme Court of Illinois Mandate entered on September 27, 1994, in which respondent, Samuel Maurice Sorkin of Deerfield, Illinois, Attorney Registration No. 0021027, was suspended from the practice of law for a period of one year. Upon consideration thereof,

IT IS ORDERED by this court that this cause be, and is, hereby, dismissed as moot.

Moyer, C.J., F.E. Sweeney, Pfeifer and Stratton, JJ., concur.

Douglas, Resnick and Cook, JJ., dissent and would order a one-year suspension.

MOTION DOCKET

93-2377. State v. Allen.

Cuyahoga App. No. 62275. Upon consideration of the motion filed by counsel for appellant to continue stay of execution in the above-styled cause pending the exhaustion of state post-conviction remedies, and it appearing from the exhibits to the motion that a petition for post-conviction relief has been filed by appellant with the Cuyahoga County Common Pleas Court,

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

IT IS FURTHER ORDERED by the court that execution of sentence be, and the same is hereby, stayed pending the exhaustion of all proceedings for post-conviction relief before courts of this state, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

94-2537. State v. Wilson.

Lorain App. No. 92CA005396. Upon consideration of the motion for stay of execution of death sentence pending the exhaustion of state post-conviction proceedings, and it appearing from the exhibits to the motion that a petition for post-conviction relief has been filed by appellant with the Lorain County Common Pleas Court,

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

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

95-650. Kulch v. Structural Fibers, Inc.
Geauga App. No. 93-G-1824. This cause is pending before the court as an appeal from the Court of Appeals for Geauga County. Upon consideration of appellees' motion for leave to file post-argument brief,

IT IS ORDERED by the court that the motion for leave to file post-argument brief be, and hereby is, denied.

95-1556. State v. Davis.
Cuyahoga App. No. 64270. Upon consideration of the motion for stay of execution of death sentence pending the exhaustion of state post-conviction proceedings, and it appearing from the exhibits to the motion that a petition for post-conviction relief has been filed by appellant with the Cuyahoga County Common Pleas Court,

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

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

95-1907. State v. Ballew.
Hamilton App. No. C-920576. Upon consideration of the motion for stay of execution of death sentence pending the timely filing and final disposition of a petition for a writ of certiorari in the United States Supreme Court and disposition of petition for post-conviction relief, and it appearing from the exhibits to the motion that a petition for post-conviction relief has been filed by appellant with the Hamilton County Common Pleas Court,

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

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and hereby are, 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.

IT IS FURTHER ORDERED by the court that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court upon a final disposition by the Supreme Court of the

United States or when all proceedings for post-conviction relief before courts of this state have been exhausted, whichever occurs later.

96-2029. State v. White.

Ashland C.P. No. 96CRI07366. This cause is pending before the court as an appeal from the Court of Common Pleas for Ashland County. Upon consideration of appellant's motion for stay of execution,

IT IS ORDERED by the court that a stay of execution be, and hereby is, granted, pending further order of this court.

DISCIPLINARY DOCKET

95-2126. Disciplinary Counsel v. Marshall.

IT IS ORDERED by this court, sua sponte, that David Steele Marshall, Attorney Registration No. 0031544, last known address in Mentor, Ohio, is found in contempt for failure to comply with this court's order of February 28, 1996, to wit, failure to file an affidavit of compliance on or before March 29, 1996.

95-2181. Disciplinary Counsel v. Sprague.

IT IS ORDERED by this court, sua sponte, that Ross F. Sprague, a.k.a. Ross Frederick Sprague, Attorney Registration No. 0016622, last known business address in Rocky River, Ohio, is found in contempt for failure to comply with this court's order of February 28, 1996, to wit, failure to surrender his Certificate of Admission and failure to file an affidavit of compliance on or before March 29, 1996.

95-2412. Disciplinary Counsel v. Fritsche.

IT IS ORDERED by this court, sua sponte, that William J. Fritsche, a.k.a. William John Fritsche III, Attorney Registration No. 0031589, last known address in Aurora, Colorado, is found in contempt for failure to comply with this court's order of March 27, 1996, to wit, failure to surrender his Certificate of Admission and failure to file an affidavit of compliance on or before April 26, 1996.

95-2534. Butler Cty. Bar Assn. v. Schoettler.

IT IS ORDERED by this court, sua sponte, that Susan Schoettler, a.k.a. Susan Beth Schoettler, Attorney Registration No. 0037627, last known address in Fairfield, Ohio, is found in contempt for failure to comply with this court's order of February 28, 1996, to wit: failure to surrender her Certificate of Admission and failure to file an affidavit of compliance on or before March 29, 1996.

95-2536. Cleveland Bar Assn. v. Fox.

IT IS ORDERED by this court, sua sponte, that Norman A. Fox, a.k.a. Norman Albert Fox, Jr., Attorney Registration No. 0013014, last known business address in Fairview Park, Ohio, is found in contempt for failure to comply with this court's order of February 28, 1996, to wit, failure to surrender his Certificate of Admission and failure to file an affidavit of compliance on or before March 29, 1996.

96-297. In re Resignation of Renshaw.

IT IS ORDERED by this court, sua sponte, that Robert E. Renshaw, a.k.a. Robert Eugene Renshaw, Attorney Registration No. 0033739, last known address in Dayton, Ohio, is found in contempt for failure to comply with this court's order

of March 6, 1996, to wit, failure to file an affidavit of compliance on or before April 5, 1996.

96-299. Disciplinary Counsel v. Benca.

IT IS ORDERED by this court, sua sponte, that William F. Benca, a.k.a. William Francis Benca, Attorney Registration No. 0038396, last known business address in Jamestown, New York, is found in contempt for failure to comply with this court's order of March 27, 1996, to wit, failure to surrender his Certificate of Admission and failure to file an affidavit of compliance on or before April 26, 1996.

96-400. In re Resignation of Hartwell.

IT IS ORDERED by this court, sua sponte, that Leda M. Hartwell, Attorney Registration No. 0020828, last known address in Westerville, Ohio, is found in contempt for failure to comply with this court's order of March 6, 1996, to wit, failure to surrender her Certificate of Admission and failure to file an affidavit of compliance on or before April 5, 1996.

96-486. In re Resignation of Maurer.

IT IS ORDERED by this court, sua sponte, that Earl H. Maurer, a.k.a. Earl Hoak Maurer, Attorney Registration No. 0006694, last known address in Columbus, Ohio, is found in contempt for failure to comply with this court's order of March 27, 1996, to wit, failure to surrender his Certificate of Admission and attorney registration card for the 1995/97 biennium and failure to file an affidavit of compliance on or before April 26, 1996.

96-2133. In re Belock.

On September 18, 1996, and pursuant to Gov.Bar R. V(5)(A)(2), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against Dale J. Belock, a.k.a. Dale John Belock, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(3), it is ordered and decreed that Dale J. Belock, a.k.a. Dale John Belock, Attorney Registration No. 0031806, last known address in Cleveland, Ohio, be, and hereby is, suspended from the practice of law for an interim period, effective as of the date of this entry.

IT IS FURTHER ORDERED that this matter be, and is hereby, referred to the Cleveland Bar Association for investigation and commencement of disciplinary proceedings.

IT IS FURTHER ORDERED that Dale J. Belock, a.k.a. Dale John Belock, immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

IT IS FURTHER ORDERED that, effective immediately, he be forbidden to counsel or advise, or prepare legal instruments for others or in any manner perform legal services for others.

IT IS FURTHER ORDERED that he is hereby divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

IT IS FURTHER ORDERED that, pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(3)(G), respondent shall complete one credit hour of instruction related to ethics and professional

responsibility, including instruction on substance abuse, for each six months, or portion of six months, of the suspension.

IT IS FURTHER ORDERED that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar; (2) respondent complies with this and all other orders issued by this Court; (3) respondent complies with the Supreme Court Rules for the Government of the Bar; and (4) this court orders respondent reinstated.

IT IS FURTHER ORDERED, sua sponte, by the court, that within ninety days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within ninety days of the notice of such award.

IT IS FURTHER ORDERED that on or before thirty days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of his suspension and his consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in his place;
2. Regardless of any fees or expenses due him, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in his possession or control;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of his disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all such notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the attorney registration office.

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.

96-2178. In re Resignation of DePalma.

The resignation as an attorney of Philip Nicholas DePalma of Scottsdale, Arizona, Attorney Registration No. 0019595, is accepted.

MISCELLANEOUS DISMISSALS

96-1761. State ex rel. Diesman v. Indus. Comm.
Franklin County App. No. 95APD09-1175. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the joint application for dismissal of the appeal of U.S. Playing Card Company,

IT IS ORDERED by the court that the appeal of U.S. Playing Card Company be, and hereby is, dismissed.

The appeal of Industrial Commission of Ohio and Administrator of the Bureau of Workers' Compensation remains pending.

MISCELLANEOUS DOCKET

1996 TERM

In re Report of the Commission :
on Continuing Legal Education. :

Frank Joseph Miller, Jr. : E N T R Y
(#0002161),
Respondent.

This matter originated in this court on the filing of reports 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 1991-1992 and 1993-1994 reporting periods.

On April 15, 1994, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the recommendation of the commission found in its report

regarding the 1991-1992 reporting period and imposing a fee sanction upon the respondent. On August 12, 1996, this court entered an order adopting the commission's recommendation related to the 1993-1994 reporting period, suspending the respondent from the practice of law and imposing a fee sanction upon the respondent.

On October 7, 1996, the commission filed a motion to vacate, requesting that the orders of April 15, 1994, and August 12, 1996, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and the same is hereby, granted.

IT IS FURTHER ORDERED by the court that the orders of April 15, 1994 and August 12, 1996, pertaining to respondent, are hereby vacated and this matter is dismissed.