

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY

August 12, 1999

DISCIPLINARY DOCKET

96-499. In re Hurd.

On March 27, 1996, this court suspended respondent, Dwight I. Hurd, upon his conviction of a felony, pursuant to Gov.Bar R. V(5). On June 30, 1999, pursuant to Gov.Bar R. V(5)(D)(1)(a), the Board of Commissioners on Grievances and Discipline filed a certified copy of a judgment entry reversing respondent's conviction. Upon consideration thereof,

IT IS ORDERED by this court, effective August 11, 1999, that respondent, Dwight I. Hurd, a.k.a. Dwight Irvin Hurd, Attorney Registration No. 0012177, last known address in Columbus, Ohio, be reinstated to the practice of law in Ohio, pursuant to Gov.Bar R. V(5)(D)(1). It is further ordered by this court, *sua sponte*, that pursuant to Gov.Bar R. V(5)(D)(2), reinstatement of respondent shall not terminate any disciplinary proceeding that may be pending against him.

97-438. Disciplinary Counsel v. Gosling.

On Application for Reinstatement. John Gregory Gosling is reinstated to the practice of law, effective August 11, 1999.

98-1707. Dayton Bar Assn. v. Lewis.

On February 17, 1999, this court indefinitely suspended respondent, Gordon H. Lewis. On March 26, 1999, relator, Dayton Bar Association, filed a motion requesting this court to issue an order directing respondent to show cause why he should not be held in contempt for failing to obey the February 17, 1999 order of this court. On May 28, 1999, this court granted the motion and ordered respondent to file a written response to the motion. Respondent filed a response on June 17, 1999. Upon consideration thereof,

IT IS ORDERED by this court, effective August 11, 1999, that Gordon H. Lewis, Attorney Registration No. 0023561, last known business address in Dayton, Ohio, is found in contempt.

F.E. Sweeney and Pfeifer, JJ., would dismiss the show cause and contempt proceedings.

Cook, J., would take no action at this time.

99-1007. Cincinnati Bar Assn. v. Clapp & Affiliates Fin. Serv., Inc.

On May 26, 1999, movant, Cincinnati Bar Association, filed with this court a motion for an order to show cause why respondent should not be punished for contempt for his failure or refusal, without just cause or just excuse, to obey the commands of this court to appear in response to the subpoena *duces tecum* issued by the Board of Commissioners on the Unauthorized Practice of Law and to produce the documents the production of which was ordered by the subpoena *duces tecum*. On June 7, 1999, respondent filed a response to movant's motion and a motion to quash subpoena *duces tecum*. On June 17, 1999, movant filed a motion to strike respondent's motion to quash and response to motion to show cause. On June 21, 1999, respondent filed a motion for hearing on relator's motion to show cause. Upon consideration thereof,

IT IS ORDERED by this court, effective August 11, 1999, that movant's motion for an order to show cause be, and hereby is, granted to the extent that respondent show cause by filing a written response with the Clerk of this court on or before twenty days from the date of this order why he should not be found in contempt.

IT IS FURTHER ORDERED that respondent's motion to quash be, and hereby is, denied.

Cook, J., would strike the motion.

IT IS FURTHER ORDERED that movant's motion to strike be, and hereby is, denied.

F.E. Sweeney, Cook and Lundberg Stratton, JJ., dissent.

IT IS FURTHER ORDERED that respondent's motion for hearing be, and hereby is, denied.

Resnick and Pfeifer, JJ., dissent.

99-1133. In re Ludeman.

On June 18, 1999, and pursuant to Gov.Bar R. V(5)(A)(3), 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 John George Ludeman, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that John George Ludeman, Attorney Registration No. 0007629, last known business address in Toledo, Ohio, be, and hereby is, suspended from the practice of law for an interim period, effective August 11, 1999.

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

IT IS FURTHER ORDERED that John George Ludeman 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 professional conduct required by Gov.Bar R. X(3)(A)(1), 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 of Ohio; (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 of Ohio; 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 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, the Toledo Bar Association, 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.

99-1137. In re Houser Allen.

On June 18, 1999, and pursuant to Gov.Bar R. V(5)(A)(3), 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 Doris S. Houser Allen, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Doris S. Houser Allen, Attorney Registration No. 0040292, last known address in Covington, Kentucky, be, and hereby is, suspended from the practice of law for an interim period, effective August 11, 1999.

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

IT IS FURTHER ORDERED that Doris S. Houser Allen 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, she 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 she 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 professional conduct required by Gov.Bar R. X(3)(A)(1), 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 of Ohio; (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 of Ohio; 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 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 her suspension and her 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 her place;

2. Regardless of any fees or expenses due her, 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 her possession or control;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of her 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, the Cincinnati Bar Association, 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.

Lundberg Stratton, J., dissents.

99-1171. Disciplinary Counsel v. Stimmel.

On June 23, 1999, movant filed a motion for this court to issue an order requiring respondent to appear and show cause why respondent should not be held in contempt for failure to comply with this court's July 2, 1998 suspension order. Upon consideration thereof,

IT IS ORDERED by this court, effective August 11, 1999, that the motion be, and is hereby, granted to the extent that respondent show cause by filing a written response with the Clerk of this court on or before twenty days from the date of this order why he should not be found in contempt.

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.