

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

August 11, 2000

MOTION DOCKET

00-1263. Thomas v. Fick.

Summit App. No. 19595. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of the motion of Robert A. Edwards to withdraw as counsel for appellees,

IT IS ORDERED by the court that the motion to withdraw as counsel be, and hereby is, granted.

DISCIPLINARY DOCKET

99-1156. Cincinnati Bar Assn. v. Stidham.

On January 5, 2000, this court suspended respondent, Chuck Ray Stidham, for a period of two years with the second year to be stayed on conditions. The court further ordered him to surrender his certificate of admission and attorney registration card, and to file an affidavit of compliance on or before February 4, 2000. On January 26, 2000, respondent surrendered his attorney registration card. On April 7, 2000, this court ordered respondent to show cause why he should not be found in contempt for failure to surrender his certificate of admission and to file an affidavit of compliance. Respondent did not respond to the show cause order. On April 27, 2000, relator, Cincinnati Bar Association, filed a memorandum in response to the order to show cause. On June 6, 2000, this court found respondent

in contempt and ordered him to appear before the court on July 6, 2000. On June 12, 2000, relator filed a reply to respondent's response. On July 6, 2000, respondent appeared before this court and filed an affidavit. Upon consideration thereof,

IT IS ORDERED by this court, *sua sponte*, that the second year of respondent's two-year suspension that this court ordered stayed on conditions, be, and hereby is, reinstated. It is further ordered that all other terms and conditions of this court's January 5, 2000 order of suspension remain in effect.

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).

99-1157. Cleveland Bar Assn. v. Herzog.

This cause came on for further consideration upon the filing of an application for reinstatement by respondent, Arnold Herzog, a.k.a. Arnold Alvin Herzog, Attorney Registration No. 0022103, last known business address in Chagrin Falls, Ohio.

The court coming now to consider its order of November 10, 1999, wherein the court, pursuant to Gov.Bar R. V(6)(B)(3), suspended respondent for a period of six months, 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 this court that Arnold Herzog, a.k.a. Arnold Alvin Herzog, be, and hereby is, reinstated to the practice of law in the state of Ohio.

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 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.

00-810. In re Resignation of Polovischak.

On May 3, 2000, respondent, Andrew Polovischak, Jr., Attorney Registration No. 0000107, last known business address in Youngstown, Ohio, who was admitted to the bar of this state on the 6th day of November, 1981, submitted an affidavit of resignation and authorization and release pursuant to Gov.Bar R. V(11)(G)(1). The affidavit and authorization and release were referred to Disciplinary Counsel pursuant to Gov.Bar R. V(11)(G)(2). On June 30, 2000, Disciplinary Counsel filed under seal its report with this court in accordance with Gov.Bar R. V(11)(G)(2). Upon consideration thereof,

IT IS ORDERED by the court that pursuant to Gov.Bar R. V(11)(G)(3) Andrew Polovischak, Jr.'s resignation as an attorney and counselor at law is accepted and that the resignation be a resignation with disciplinary action pending. It is further ordered that his certificate of admission to the bar of Ohio be, and the same hereby is, ordered cancelled and that the name of Andrew Polovischak, Jr. be stricken from the roll of attorneys of this court.

IT IS FURTHER ORDERED AND ADJUDGED that from and after this date all rights and privileges extended to Andrew Polovischak, Jr. to practice law in the state of Ohio be withdrawn; that henceforth Andrew Polovischak, Jr. shall cease to hold himself forth as an attorney authorized to appear in the courts of this state; that he shall not attempt, either directly or indirectly, to render services as an attorney or counselor at law to or for any individuals, corporation or society, nor in any way perform or seek to perform services for anyone, no matter how constituted, that must, by law, be executed by a duly appointed and qualified attorney within the state of Ohio.

IT IS FURTHER ORDERED that Andrew Polovischak, Jr. desist and refrain from the practice of law in any form, either as principal or agent or clerk or employee of another, and hereby is forbidden to appear in the state of Ohio as an attorney and counselor at law before any court, judge, board, commission or other public authority, and hereby is forbidden to give another an opinion as to the law or its application or advise with relation thereto.

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. V(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 the respondent, Andrew Polovischak, Jr., surrender his certificate of admission to practice to the Clerk of this court on or before thirty days from the date of this order.

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 resignation 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 respondent, 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 the possession or control of respondent;

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 on or before thirty days from the date of this order, respondent surrender his attorney registration card for the 1999/2001 biennium.

IT IS FURTHER ORDERED that until such time as he fully complies with this order, 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.

Resnick and Lundberg Stratton, JJ., would not accept the resignation but would require disciplinary proceedings to proceed.