

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
February 15, 2001

DISCIPLINARY DOCKET

DD 87-33. Disciplinary Counsel v. Jones.

On October 25, 2000, this court granted the petition for reinstatement filed by respondent, Terrence Conrad Jones, and ordered him to pay board costs in the amount of \$229.35 on or before January 23, 2001. It now appearing to the court that respondent died on or about November 24, 2000,

IT IS HEREBY ORDERED by the court, *sua sponte*, that the estate of Terrence Conrad Jones be taxed the costs of these proceedings in the amount of \$229.35, which costs shall be payable to this court by certified check or money order on or before ninety days from the date of this order. It is further ordered that if these costs are not paid in full on or before ninety days from the date of this order, interest as the rate of ten percent per annum shall accrue as of ninety days from the date of this order, on the balance of unpaid board costs and this court may take further action in this matter.

IT IS FURTHER ORDERED, *sua sponte*, that the estate of Terrence Conrad Jones bear the costs of publication as provided in Gov.Bar R. V(8)(D)(2).

96-2434. Dayton Bar Assn. v. Marzocco.

This cause came on for further consideration upon the filing on October 5, 2000, by movant, Disciplinary Counsel, of a motion for order to show cause why respondent, Ralph L. Marzocco, should not be held in contempt for failure to obey a subpoena *duces tecum* issued by the Board of Commissioners on Grievances and

Discipline. On November 28, 2000, this court issued a show cause order and ordered respondent to file a written response. On December 14, 2000, respondent filed a response to the show cause order. Upon consideration thereof,

IT IS ORDERED by this court that Ralph L. Marzocco, Attorney Registration No. 0020072, last known address in Dayton, Ohio, is found in contempt and that he be fined the amount of \$100 per day from the date of this order until he complies with the subpoena *duces tecum*. It is further ordered that respondent shall pay the fine to the Clerk of the Supreme Court by money order or certified check made payable to Clerk, Supreme Court of Ohio.

IT IS FURTHER ORDERED that upon respondent's compliance with the subpoena *duces tecum*, Disciplinary Counsel shall file with this court written notice verifying that respondent obeyed the subpoena *duces tecum* and the date on which he obeyed the subpoena *duces tecum*.

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.

98-721. Medina Cty. Bar Assn. v. Muhlbach.

On September 23, 1998, this court suspended respondent, P. Michael Muhlbach, a.k.a. Peter Michael Muhlbach, for six months with the six-month suspension stayed, during which time respondent was placed on probation on condition that no further disciplinary complaints were certified against him during the probationary period. On September 19, 2000, respondent filed an application for termination of probation, and on October 25, 2000, relator, Medina County Bar Association, filed a brief. Upon consideration thereof,

IT IS ORDERED by this court that respondent's application for termination of probation shall not be granted and respondent shall not be reinstated to the practice of law in Ohio until respondent files written documentation with this court, and this court accepts such documentation, verifying that respondent has complied with Gov.Bar R. X(3)(G), to wit, verification that since September 8, 1999, he has received credit for at least thirteen hours of continuing legal

education, including at least three hours relating to professional conduct. It is further ordered, *sua sponte*, that respondent's probation shall not be terminated until respondent files documentation verifying his compliance with Gov.Bar R. X(3)(G) and this court enters an order terminating his probation.

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.

Moyer, C.J., and Pfeifer, J., dissent, would deny the applications, and would not permit the applicant to reappear before September 15, 2001.

99-808. Cuyahoga Cty. Bar Assn. v. Muhlbach.

On September 8, 1999, this court suspended respondent, P. Michael Muhlbach, a.k.a. Peter Michael Muhlbach, for one year. On September 19, 2000, respondent filed an application for reinstatement. On November 28, 2000, this court granted the motion of relator, Cuyahoga County Bar Association, for leave to respond to respondent's application for reinstatement. On December 27, 2000, respondent filed a motion for leave to respond to relator's opposition. Upon consideration thereof,

IT IS ORDERED by this court that respondent's application for reinstatement shall not be granted and respondent shall not be reinstated to the practice of law in Ohio until respondent files written documentation with this court, and this court accepts such documentation, verifying that respondent has complied with Gov.Bar R. X(3)(G), to wit, verification that since September 8, 1999, he has received credit for at least thirteen hours of continuing legal education, including at least three hours relating to professional conduct. It is further ordered, *sua sponte*, that respondent shall not be reinstated to the practice of law until respondent files documentation verifying his compliance with Gov.Bar R. X(3)(G) and this court enters an order reinstating him to the practice of law.

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.

Moyer, C.J., and Pfeifer, J., dissent, would deny the applications, and would not permit the applicant to reapply before September 15, 2001.

99-1162. Cuyahoga Cty. Bar Assn. v. Nigolian.

On October 27, 1999, this court suspended respondent, N. Stephen Nigolian, a.k.a. Nigol Stephen Nigolian, Attorney Registration No. 0034132, last known business address in Cleveland, Ohio, from the practice of law for one year, with six months to be stayed on condition. On January 9, 2001, relator, Cuyahoga County Bar Association, filed a motion for order to appear and show cause, and on January 19, 2001, respondent filed a memorandum in opposition. Upon consideration thereof,

IT IS ORDERED by this court that the motion be and is hereby granted and 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 respondent should not be held 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.

01-144. In re Rolla.

On January 22, 2001, 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 certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against Donald Dexter Rolla, 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 Donald Dexter Rolla, Attorney Registration No. 0029833, last known business 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 Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

IT IS FURTHER ORDERED that Donald Dexter Rolla 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 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.