

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 17, 2003

MOTION AND PROCEDURAL RULINGS

2002-1604. State v. Jackson.

Allen C.P. No. CR20020011. On motion for supplemental briefing. Motion granted. Appellant's supplemental brief is due 30 days from the date of this entry. The state's brief is due 60 days from the filing of appellants' supplemental brief or, if no supplemental brief is filed, 60 days from the date on which the supplemental brief is due.

2003-0679. State v. Noland.

Washington App. No. 02CA28, 2003-Ohio-1386. On review of order certifying a conflict. The court determines that a conflict exists; cause consolidated with 2003-0731, *State v. Noland*, Washington App. No. 02CA28, 2003-Ohio-1386; causes held for the decision in 2002-0351 and 2002-0422, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233; briefing schedule stayed.

APPEALS ACCEPTED FOR REVIEW

2003-0567. State v. Finger.

Cuyahoga App. No. 80691, 2003-Ohio-402. Discretionary appeal allowed; cause to be argued on the same date as the argument in 2002-1888, *State v. Jordan*, Cuyahoga App. No. 80675, 2002-Ohio-4587.

Resnick and F.E. Sweeney, JJ., dissent.

O'Donnell, J., not participating.

Discretionary cross-appeal allowed.

Resnick, F.E. Sweeney and O'Connor, JJ., dissent.

Peggy Bryant, J., of the Tenth Appellate District, sitting for O'Donnell, J.

2003-0680. Cristino v. Ohio Bur. of Workers' Comp.

Cuyahoga App. No. 80619, 2003-Ohio-766. Discretionary appeal allowed and cause held for the decision in 2002-1314, *Santos v. Ohio Bur. of Workers' Comp.*, Cuyahoga App. No. 80353, 2002-Ohio-2731; briefing schedule stayed.

2003-0686. Griffith v. Wausau Business Ins. Co.

Franklin App. Nos. 02AP-551 and 02AP-664, 2003-Ohio-955. Discretionary appeal allowed on Proposition of Law I only.

Lundberg Stratton, J., would allow all propositions of law.

Resnick, F.E. Sweeney and Pfeifer, JJ., dissent.

2003-0731. State v. Noland.

Washington App. No. 02CA28, 2003-Ohio-1386. Discretionary appeal allowed; cause consolidated with 2003-0679, *State v. Noland*, Washington App. No. 02CA28, 2003-Ohio-1386, and cause held for the decision in 2002-0351 and 2002-0422, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233; briefing schedule stayed.

2003-0737. Summit Cty. Sheriff v. Fraternal Order of Police.

Summit App. No. 21303, 2003-Ohio-1133.

Moyer, C.J., and Lundberg Stratton, J., dissent.

O'Connor, J., not participating.

2003-0741. State v. Maruna.

Summit App. No. 21214, 2003-Ohio-1137. Discretionary appeal allowed and cause held for the decision in 2002-0351 and 2002-0422, *State v. Comer*, Lucas App. No. L-99-1296, 2002-Ohio-233; briefing schedule stayed.

Resnick and Pfeifer, JJ., dissent.

2003-0790. State v. Jones.

Summit App. No. 21270, 2003-Ohio-1918. Discretionary appeal allowed and cause held for the decision in 2002-0585, *Klein v. Leis*, Hamilton App. Nos. C-020012, C-020013, C-020015, and C-020021, 146 Ohio App.3d 519, 2002-Ohio-1634; briefing schedule stayed.

Resnick and F.E. Sweeney, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2003-0855. State v. Scuba.

Geauga App. No. 98-G-2176.

DISCIPLINARY CASES

2003-1121. In re Goodall.

On June 24, 2003, 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 L. Sharon Goodall, 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 L. Sharon Goodall, Attorney Registration No. 0061132, last known business address in Dayton, Ohio, be, and she 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 it hereby is, referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

IT IS FURTHER ORDERED that L. Sharon Goodall 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 90 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 90 days of the notice of such award.

IT IS FURTHER ORDERED that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any cocounsel of her suspension and her consequent disqualification to act as an attorney after the effective date of this order and, in the absence of cocounsel, 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 cocounsel, 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 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.

MISCELLANEOUS DISMISSALS

2003-1154. State v. Grigsby.

Greene App. No. 02CA16, 2003-Ohio-2823. This cause is pending before the court as a discretionary appeal and a claimed appeal as of right. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction, due July 14, 2003, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this case with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and it hereby is, dismissed, sua sponte.

MISCELLANEOUS ORDERS

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

Richard Edward Holmes : E N T R Y
(#0038752), :
Respondent. :

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education 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 2000-2001 reporting period.

On April 10, 2003, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the commission's recommendation related to the 2000-2001 reporting period, suspending the respondent from the practice of law and imposing a fee sanction upon the respondent.

On June 24, 2003, the commission filed a motion to modify sanction, requesting that the order of April 10, 2003, pertaining to the above-named respondent be modified to order a monetary sanction only. Upon consideration thereof,

IT IS ORDERED by the court that the motion to modify sanction is granted.

IT IS FURTHER ORDERED by the court that the entry of April 10, 2003, is modified as follows: respondent's suspension from the practice of law is vacated and the monetary sanction of \$750 remains.

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

Hans Christopher Geho : E N T R Y
(#0040636), :
Respondent. :

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education 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 2000-2001 reporting period.

On April 10, 2003, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the commission's recommendation related to the 2000-2001 reporting period suspending the respondent from the practice of law and imposing a fee sanction upon the respondent.

On June 24, 2003, the commission filed a motion to vacate, requesting that the order of April 10, 2003, pertaining to the above-named respondent be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate is granted.

IT IS FURTHER ORDERED by the court that the order of April 10, 2003, pertaining to respondent is vacated and this cause is dismissed.