

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

September 29, 2003

MOTION AND PROCEDURAL RULINGS

2002-1678. Akron v. Holland Oil Co.

Summit App. No. 20954, 2002-Ohio-4150. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. Upon consideration of the motion of amicus curiae, Ohio Attorney General Jim Petro, to participate in oral argument scheduled for October 21, 2003,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and the amicus curiae shall share the time allotted to appellant.

2002-1956. Tucker v. Wilson.

Clermont App. No. CA2002-01-002, 2002-Ohio-5142. This cause is pending before the court as an appeal from the Court of Appeals for Clermont County. Upon consideration of the motion of amicus curiae, General Motors Corporation, to participate in oral argument scheduled for October 22, 2003,

IT IS ORDERED by the court that the motion for leave to participate in oral argument be, and hereby is, granted, and the amicus curiae shall share the time allotted to appellant.

2003-0900. Harris v. Brigano.

In Habeas Corpus. This cause came on for further consideration upon petitioner's request for findings of fact/conclusions of law and appealable order. Upon consideration thereof,

IT IS ORDERED by the court that the request be, and hereby is, denied.

2003-1095. Columbus City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2002-M-2018. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion for extension of time to file merit brief pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before October 24, 2003.

2003-1229. EOP-BP Tower, L.L.C. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2003-M-281, 2003-M-282, 2003-M-283, and 2003-M-288. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion for extension of time to file merit brief pursuant to S.Ct.Prac.R. XIV(6)(C),

IT IS ORDERED by the court that the motion for extension of time be, and hereby is, granted, and appellant's merit brief is due on or before October 30, 2003.

APPEALS NOT ACCEPTED FOR REVIEW

2003-1224. Wynn v. Stone.

Franklin App. Nos. 02AP-432 and 02AP-795. Upon consideration of the jurisdictional memoranda filed in this case and appellee's motion for sanctions in the form of attorney fees for frivolous action, the court declines jurisdiction to hear the case except to the extent that the court retains jurisdiction to grant the motion for sanctions.

IT IS FURTHER ORDERED by the court that the motion for sanctions be, and hereby is, granted, and that appellant be ordered to pay appellee's attorney fees in the amount of \$1,000.

F.E. Sweeney, J., dissents to the granting of the motion for sanctions.

DISCIPLINARY CASES

2001-1560. Akron Bar Assn. v. Peters.

On application for reinstatement of Cindy Virginia Peters, Attorney Registration No. 0021345. Application granted.

2003-1196. Disciplinary Counsel v. Hutchins.

Upon consideration of respondent's motion for continuance of oral argument scheduled for October 7, 2003,

IT IS ORDERED by the court that the motion for continuance of oral argument be, and hereby is, granted.

2003-1515. In re Dodge.

On August 25, 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 certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against James C. Dodge, a.k.a. James Colvin Dodge, 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 James C. Dodge, Attorney Registration No. 0000649, last known address in West Chester, 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 respondent 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, respondent 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 respondent 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 co-counsel of respondent's suspension and 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 respondent's 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 respondent's possession or control;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of respondent's 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

2003-0334. State v. Tabbaa.

Cuyahoga App. No. 81410, 151 Ohio App.3d 353, 2003-Ohio-299. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Cuyahoga County. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

2003-1243. Strongsville Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2002-T-2572 and 2002-T-2573. This cause is pending before the court as an appeal from the Board of Tax Appeals. It appears from the records of this court that appellant has not filed a merit brief, due September 22, 2003, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

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

2003-1398. Daniels v. Wilson.

Montgomery App. Nos. 19403 and 19421, 2003-Ohio-3399. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants' application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

2003-1500. Druck v. Dynalectric Co. of Ohio.

Montgomery App. No. 19688, 2003-Ohio-3767. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.