

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 31, 2003

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### MERIT DECISIONS WITH OPINIONS

**2003-0579. *Burkhart v. CNA Ins. Co.*, 2003-Ohio-6604.**

Stark App. No. 2001CA00265, 2002-Ohio-903. Judgment reversed.

Moyer, C.J., Winkler, Lundberg Stratton and O'Connor, JJ., concur.

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

Ralph Winkler, J., of the First Appellate District, sitting for Cook, J.

**2002-1956. *Tucker v. Wilson*, 2003-Ohio-6742.**

Clermont App. No. CA2002-01-002, 2002-Ohio-5142. Judgment reversed.

Moyer, C.J., Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

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

**2003-0045. *State v. Campbell*, 2003-Ohio-6804.**

Hamilton App. No. C-010727, 2002-Ohio-6064. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Connor, JJ., concur.

O'Donnell, J., concurs in judgment only.

**2003-1039. *In re Application of Singh*, 2003-Ohio-6622.**

On Report of the Board of Commissioners on Character and Fitness of the Supreme Court, No. 239.

Satnam Singh may file a new application to the bar examination in 18 months.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1109. Cincinnati Bar Assn. v. Statzer, 2003-Ohio-6649.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 02-45.

Joni Elizabeth Statzer, Attorney Registration No. 0067179, is suspended from the practice of law for six months, stayed on condition.

Resnick, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.  
Moyer, C.J., and F.E. Sweeney, J., dissent.

**2003-1110. Stark Cty. Bar Assn. v. McKinney, 2003-Ohio-6743.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 02-54.

Patrick McKinney is indefinitely suspended from the practice of law, effective July 1, 2002.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1117. Disciplinary Counsel v. Smith, 2003-Ohio-6628.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 02-93.

Stanford Smith is indefinitely suspended from the practice of law.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1299. State ex rel. Savage v. Caltrider, 2003-Ohio-6806.**

Franklin App. No. 02AP-453. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1350. State ex rel. Geauga Cty. Bd. of Commrs. v. Milligan, 2003-Ohio-6608.**

In Mandamus and Prohibition. Writ granted.

Moyer, C.J., Resnick, F.E. Sweeney, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Pfeifer, J., dissents.

**2003-1478. State ex rel. Norris v. Giavasis, 2003-Ohio-6609.**

Stark App. No. 2003CA00268. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1518. Disciplinary Counsel v. Kubilus, 2003-Ohio-6610.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 03-004.

Richard Joseph Kubilus is publicly reprimanded.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**MOTION AND PROCEDURAL RULINGS**

**2003-1580. In re B.E.**

Cuyahoga App. No. 81781. This cause is pending before the court as an appeal involving termination of parental rights/adoption. Upon consideration of appellant's motion for stay of court of appeals' judgment,

IT IS ORDERED by the court that the motion for stay of court of appeals' judgment be, and hereby is, granted.

Pfeifer and O'Connor, JJ., dissent.

**2003-2149. Elsen v. Schwartz.**

Hamilton App. Nos. C-030157 and C-030373. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for immediate stay of court of appeals' judgment,

IT IS ORDERED by the cCourt that the motion for immediate stay of court of appeals' judgment be, and hereby is, denied.

**DISCIPLINARY CASES**

**2003-0732. In re Resignation of Spencer.**

On July 15, 2003, this court accepted the resignation of respondent, Scott W. Spencer, with disciplinary action pending. On September 22, 2003, movant, Disciplinary Counsel, filed a motion for order to appear and show cause, requesting the court to issue an order directing respondent to appear and show cause why he should not be found in contempt for his failure to comply with this court's July 15, 2003, order. On November 14, 2003, this court granted that motion and advised respondent to file a written response by December 4, 2003. Respondent did not file a written response. Accordingly,

IT IS ORDERED by the court, sua sponte, that respondent appear in person before this court on January 14, 2004, at 9:00 a.m.

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).

## MISCELLANEOUS ORDERS

The Supreme Court of Ohio has issued orders imposing sanctions upon 54 attorneys and judges for noncompliance with the provisions of Gov.Bar R. X and Gov.Jud.R. IV. The text of the entry imposing the sanction is reproduced below. This is followed by a list of the attorneys and judges who were sanctioned. The list includes each attorney's or judge's Attorney Registration Number; the county and state of residence and the county and state of the attorney's or judge's employer, as last registered with the Attorney Registration Section; and the amount of the sanction fee imposed by the Supreme Court.

In re Report of the Commission	:	
on Continuing Legal Education.	:	
	:	
	:	<b>O R D E R</b>
[Attorney Name]	:	[Filed December 31, 2003]
(#[Registration Number]),	:	
Respondent.	:	

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") 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 applicable continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2001-2002 reporting period.

On September 24, 2003, pursuant to Gov.Bar R. X(6)(B)(1), this court issued to the respondent an order to show cause why the commission's recommendation should not be adopted and an order so entered against the respondent. Respondent filed objections to the commission's recommendation, the commission filed an answer brief, and this cause was considered by the court. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that respondent shall pay to the Commission on Continuing Legal Education, within 30 days of the date of this order, by certified check, bank check or money order, a sanction fee which is hereby imposed in the total amount of \$[    ].

IT IS FURTHER ORDERED that the Clerk of the court shall record the respondent's status on the roll of attorneys as "NOT IN GOOD STANDING" until such time as the respondent has complied with this Order but that this order shall not be considered a disciplinary order pursuant to Gov.Bar R. V or Gov.Bar R. X(6)( )H.

IT IS FURTHER ORDERED that the commission shall notify the Clerk of the court when payment of the imposed sanction has been made by respondent.

IT IS FURTHER ORDERED that, payment of the sanction notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2001-2002 reporting period. See CLE Reg. 503.04.

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u>		<u>Employer</u>		<u>Sanction</u>
		<u>County</u>	<u>State</u>	<u>County</u>	<u>State</u>	<u>Amount</u>
Ann Requarth	0013878	Montgomery	OH	Montgomery	OH	\$420.00
Michael Keith Whipple	0015586	Lake	OH	Lake	OH	\$200.00
Jandhyala L. Sharma	0020057	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Sharon Ingrid Theodore-Lewis	0020608		MD		MD	\$590.00
Stephen Edward Schutte	0027162	Clark	OH	Clark	OH	\$55.00
Jeffrey R. McQuiston	0027605	Montgomery	OH	Montgomery	OH	\$100.00
Carole Ruth Turoff	0029220	Cuyahoga	OH	Cuyahoga	OH	\$600.00
Karen Gray Myers	0030588	Montgomery	OH			\$520.00
Michael Anthony Rodgers	0030733		VA		DC	\$150.00
Mark R. Volsky	0031230	Cuyahoga	OH	Cuyahoga	OH	\$150.00
William Thomas Powell	0031700	Lake	OH	Ashtabula	OH	\$150.00
Alan Reed Mayberry	0031824	Wood	OH	Wood	OH	\$100.00
Reese Mark Wineman	0032268	Huron	OH	Huron	OH	\$500.00
Craig William Syby	0061833	Lake	OH	Cuyahoga	OH	\$750.00
Joseph Robert Morris	0067061	Summit	OH	Summit	OH	\$570.00
Richard Leo Warren, Jr.	0067137	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Frank Joseph Rieman	0068240	Butler	OH	Hamilton	OH	\$720.00
Diane Marie Menashe	0070305	Franklin	OH	Franklin	OH	\$250.00
Leslie Erin Wargo	0073112	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Glenn D. Seeley	0073193	Franklin	OH	Delaware	OH	\$250.00

In re Report of the Commission :  
on Continuing Legal Education. :  
: [Attorney Name] :  
: ([Registration Number]), :  
Respondent. :

O R D E R  
[Filed December 31, 2003]

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") 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 applicable continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2001-2002 reporting period.

On October 1, 2003, pursuant to Gov.Bar R. X(6)(B)(1), this court issued to the respondent an order to show cause why the Commission's recommendation should not be adopted and an order so entered against the respondent. Respondent filed objections to the commission's recommendation, the commission filed an answer brief, and this cause was considered by the court. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that respondent shall pay to the Commission on Continuing Legal Education, within 30 days of the date of this order, by certified check, bank check or money order, a sanction fee which is hereby imposed in the total amount of \$[    ].

IT IS FURTHER ORDERED that the Clerk of the court shall record the respondent's status on the roll of attorneys as "NOT IN GOOD STANDING" until such time as the respondent has complied with this order but that this order shall not be considered a disciplinary order pursuant to Gov.Bar R. V or Gov.Bar R. X(6)(H).

IT IS FURTHER ORDERED that the commission shall notify the Clerk of the court when payment of the imposed sanction has been made by respondent.

IT IS FURTHER ORDERED that, payment of the sanction notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2001-2002 reporting period. See CLE Reg. 503.04.

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u> <u>County      State</u>	<u>Employer</u> <u>County      State</u>	<u>Sanction</u> <u>Amount</u>
Scott Dennis Zajackowski	0074502	Cuyahoga      OH	Cuyahoga      OH	\$150.00

In re Report of the Commission on  
Continuing Legal Education.

[Attorney Name]  
(#[Registration Number]),  
Respondent.

:  
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:

O R D E R  
[Filed December 31, 2003]

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys and judges, including the above-named respondent, for failure to comply with the applicable continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2001-2002 reporting period.

On September 24, 2003, this court issued to the respondent an order to show cause why the commission's recommendation should not be adopted and an order so entered against the respondent. Respondent filed objections to the commission's recommendation, the commission filed an answer brief, and this cause was considered by the court. Upon consideration thereof,

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

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u>		<u>Employer</u>		<u>Sanction Amount</u>
		<u>County</u>	<u>State</u>	<u>County</u>	<u>State</u>	
Lowell Erwin Stockstill	0002825	Madison	OH	Clark	OH	\$750.00
Roger Ray Stinehart	0008810	Franklin	OH			\$310.00
John Alan Willoughby	0009578	Stark	OH	Summit	OH	\$150.00
James Howard Williams	0009950	Clinton	OH	Clinton	OH	\$150.00
Robert Eugene Signom II	0010503	Montgomery	OH	Montgomery	OH	\$150.00
Benjamin Franklin Suffron III	0011925	Franklin	OH	Franklin	OH	\$100.00
Allan William Shuluga	0013876	Summit	OH	Summit	OH	\$720.00
Janet Toby Rose	0015081	Hamilton	OH	Hamilton	OH	\$510.00
Patrick Lee Pullen	0015669		FL		FL	\$680.00
Marsha Lou Sutherland	0015680		FL		FL	\$490.00
Stanley Malcolm Schultz	0016186	Stark	OH	Stark	OH	\$610.00
Maria Gaglione Miller	0023164	Licking	OH	Franklin	OH	\$100.00
Robert Norton Shamansky	0030075	Franklin	OH	Franklin	OH	\$250.00
Rebecca Parmis	0030214	Summit	OH			\$490.00
Roger Lexford Sorey	0033243	Montgomery	OH	Butler	OH	\$100.00
Kevin Thomas Roberts	0037479	Cuyahoga	OH	Cuyahoga	OH	\$100.00
Jon Scott Musial	0039501		AZ		AZ	\$530.00
Kevin Christopher McDonough	0041646	Butler	OH	Hamilton	OH	\$100.00
Ann Coolidge Randall	0041873		TX		TX	\$610.00

Rodney Veril Taylor	0050092		IN		IN	\$100.00
Phillip Alexander Templeton	0059741	Licking	OH	Franklin	OH	\$100.00
Ayman Mounir Nasr	0062980		MI		MI	\$540.00
Seema Hiralal Swetlin	0063296	Medina	OH	Cuyahoga	OH	\$430.00
Kathy Sue Rabin	0064341		MA	Cuyahoga	OH	\$60.00
Michael John Messina	0067036	Franklin	OH			\$720.00
Dirken Douglas Winkler	0068826	Franklin	OH	Franklin	OH	\$150.00
Michael Collins Rupe	0069147		IL		IL	\$750.00
David Marc Radner	0070293		MI		MI	\$600.00
Mark Steven Sidoti	0070755		NY		NJ	\$750.00
Raymond Foster Moats, III	0071791	Franklin	OH	Franklin	OH	\$150.00
Ryan Russell Squire	0072161		IL		IL	\$220.00
David S. Zygaj	0072246		NY	Franklin	OH	\$750.00
Andrew Dalton McFarland	0072515	Hamilton	OH	Hamilton	OH	\$100.00

### **MEDIATION REFERRALS**

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

**2003-1777. State ex rel. Timmerman Truss, Inc. v. Indus. Comm.**  
Franklin App. No. 02AP-1357, 2003-Ohio-4511.