

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

March 28, 2005

[Cite as *03/28/2005 Case Announcements, 2005-Ohio-1364.*]

MOTION AND PROCEDURAL RULINGS

2000-1030. Ohio Hosp. Assn. v. Armstrong World Industries, Inc.

Cuyahoga App. No. 76067. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. On April 13, 2001, this court stayed further proceedings in this case and ordered appellee to file a notice with this court upon the termination of the automatic stay under the Bankruptcy Code.

IT IS ORDERED by the court, sua sponte, that appellee W. R. Grace & Son & Co.-Conn. file a notice advising this court of the status of the bankruptcy case within 15 days of the date of this entry.

2003-1572. State ex rel. Howard v. Indus. Comm.

Franklin App. No. 97AP-860. This cause came on for further consideration of appellee Industrial Commission of Ohio's bill and documentation in support of attorney fees. Upon consideration thereof,

IT IS ORDERED by the court that the Industrial Commission of Ohio is awarded additional attorney fees in the amount of \$99.

Lanzinger, J., not participating.

2005-0424. State ex rel. Sandusky Cty. Bd. of Commrs. v. Culbert.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of the joint motion for temporary stay of the presentation of evidence and briefing schedule,

IT IS ORDERED by the court that the motion be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the parties shall file any evidence they intend to present within 90 days of the date of this entry. Pursuant to the court's order of March 7, 2005, relator shall file its brief within ten days after the filing of evidence; respondent shall file his brief within 20 days after the filing

of relator's brief; and relator may file a reply brief within five days after the filing of respondent's brief.

2005-0524. Hawk v. Athens Cty.

Athens App. No. 05CA1. This cause was filed as a discretionary appeal and claimed appeal as of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and therefore should proceed as an appeal as of right pursuant to S.Ct.Prac.R. II(1)(A)(1).

IT IS ORDERED by the court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Athens County. Appellant shall file his merit brief within 40 days of the filing of the record with the Clerk of this court, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

DISCIPLINARY CASES

2004-2034. Disciplinary Counsel v. Haggins.

On February 17, 2005, pursuant to Gov.Bar R. V(11)(F), this court indefinitely suspended respondent, Shelbra Haggins, Attorney Registration No. 0056244, last known business address in Cleveland, Ohio, based on her October 5, 2004 indefinite suspension by the United States District Court for the Northern District of Ohio. This court's order allowed respondent to file a petition for reinstatement with this court upon the filing of proof that she has been reinstated to the practice of law in the United States District Court, Northern District of Ohio. It has come to the court's attention that as a prerequisite to admission in the United States District Court, Northern District of Ohio, that court's Loc.R. 83.5 requires an attorney to be admitted to the practice of law and in good standing with the highest court of any state. Therefore, it will not be possible for respondent to be reinstated by the federal district court until she is reinstated by this court. Upon consideration thereof,

IT IS ORDERED by this court, sua sponte, that respondent may file her petition for reinstatement to the practice of law in Ohio pursuant to Gov.Bar R. V(10)(B) upon the filing of an affidavit in which she avers that the only legal impediment to her reinstatement by the United States District Court, Northern District of Ohio, is her February 17, 2005 suspension by the Ohio Supreme Court.

IT IS FURTHER ORDERED, sua sponte, that in addition to the prerequisites to reinstatement listed in Gov.Bar R. V(10)(E), respondent must establish, to the satisfaction of the panel of the Board of Commissioners on Grievances and Discipline, hearing her petition for reinstatement, that the only

legal impediment to her reinstatement by the United States District Court for the Northern District of Ohio is her February 17, 2005 suspension by the Ohio Supreme Court.

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 Section.

2005-0364. In re Garfield.

On February 18, 2005, 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 Robert E. Garfield, 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 Robert E. Garfield, Attorney Registration No. 0001873, last known address in Pepper Pike, 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 Cuyahoga County Bar Association 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 of 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, the Cuyahoga County Bar Association 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 Section.

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

2004-1743. Gamble v. Norwood.

Hamilton App. No. C-040019, 2004-Ohio-4661. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton 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.

2004-2129. State ex rel. Morris v. Hunter.

Summit App. No. 22308. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. It appears from the records of this court that appellant has not filed a merit brief, due March 23, 2005, 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.

MEDIATION REFERRALS

The following case has been referred to mediation pursuant to Sup.Ct.Prac.R. XIV(6):

2005-0206. State ex rel. Dispatch Printing Co. v. Morrow Cty. Prosecutor's Office.

In Mandamus. On the question of attorney fees.

MISCELLANEOUS ORDERS

2004-2108. Disciplinary Counsel v. Kafele.

This cause came before the court upon the filing of a report in the Office of the Clerk of this court by the Board on the Unauthorized Practice of Law.

IT IS ORDERED by the court, sua sponte, that this cause be remanded to the Board on the Unauthorized Practice of Law to supplement the reasons stated for its recommendation.