

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

April 29, 2005

[Cite as *04/29/2005 Case Announcements*, 2005-Ohio-1972.]

DISCIPLINARY CASES

2005-0657. Columbus Bar Assn. v. Smith.

On April 14, 2005, and pursuant to Gov.Bar R. V(5a)(A)(1)(b), relator, Columbus Bar Association, filed with this court a motion for interim remedial suspension pursuant to Gov.Bar R. V(5a), alleging that respondent, Daniel Scott Smith, has committed numerous violations of the Code of Professional Responsibility and he poses a substantial threat of serious harm to his clients and the public.

Upon consideration thereof and pursuant to Gov.Bar R. V(5a)(B), it is ordered and decreed that an interim remedial suspension be immediately entered against Daniel Scott Smith, Attorney Registration No. 0008972, last known business address in Columbus, Ohio, and that the suspension be effective as of the date of this entry, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm.

IT IS FURTHER ORDERED that Daniel Scott Smith 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 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 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, the Columbus 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 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 ORDERS

The Supreme Court of Ohio has issued orders imposing sanctions upon thirty 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. :
 :
 [Attorney Name] :
 ([Attorney Registration Number]), :
 Respondent. :

O R D E R

[Filed April 29, 2005]

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 (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 2002-2003 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$[sanction amount] for noncompliance in the 2002-2003 reporting period. Furthermore, the commission's report recommended that the respondent be suspended from the practice of law pursuant to Gov.Bar R. X(5)(A)(4) for violation of Gov.Bar R. X for the third consecutive reporting period, and for continuous and ongoing noncompliance with Gov.Bar R. X during the last three reporting periods. On November 22, 2004, 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 that the recommendation of the commission is adopted and respondent, [attorney name], is immediately suspended from the practice of law pursuant to Gov.Bar R. X(6)(B)(3) and Gov.Bar R. X(5)(A)(4) until respondent is reinstated by order of this court pursuant to Gov.Bar R. X(7).

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

IT IS FURTHER ORDERED that, payment of the sanction fee notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2002-2003 reporting period. See CLE Reg. 503.4.

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 respondent is hereby forbidden to counsel or advise or prepare legal documents for others or in any manner perform such services.

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 respondent surrender forthwith respondent's attorney registration card to the Clerk of this court on or before 30 days from the date

of this order and that respondent's name be stricken from the roll of attorneys maintained by this court.

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 Gov.Bar R. X(7); (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

IT IS FURTHER ORDERED that, within 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 the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification 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 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 of this court 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 by the court that the Clerk shall send this order by certified mail to the respondent at the business address registered with the Attorney Registration Section under Gov.Bar R. VI; that, if this order is returned as undeliverable or unclaimed, the Clerk shall resend it by regular mail to the respondent at the residence address registered with the Attorney Registration Section; and that service of this order in accordance with the foregoing shall be deemed effective service.

IT IS FURTHER ORDERED that, pursuant to Gov.Bar R. X(6)(H), the Clerk of this court send certified copies of this order to those persons or organizations named in Gov.Bar R. V(8)(D)(1), and that publication be made as required under Gov.Bar R. X(6)(H).

<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>
Daniel Robert Davies	0023716	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Dale Stanley Bugaj	0041427	Cuyahoga	OH	Cuyahoga	OH	\$500.00

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

O R D E R

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

[Filed April 29, 2005]

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 provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2002-2003 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$[sanction amount] for noncompliance in the 2002-2003 reporting period. Furthermore, the commission's report recommended that the respondent be suspended from the practice of law pursuant to Gov.Bar R. X(5)(A)(4) for failure to pay a previous court ordered sanction for noncompliance in a previous reporting period in addition to noncompliance in the 2002-2003 reporting period. On November 22, 2004, 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 that the recommendation of the commission is adopted and respondent, [Attorney Name], is immediately suspended from the practice of law pursuant to Gov.Bar R. X(6)(B)(3), and Gov.Bar R. X(5)(A)(4), until respondent is reinstated by order of this court pursuant to Gov.Bar R. X(7).

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

IT IS FURTHER ORDERED that, payment of the sanction fee notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2002-2003 reporting period. See CLE Reg. 503.4.

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 respondent is hereby forbidden to counsel or advise or prepare legal documents for others or in any manner perform such services.

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 respondent surrender forthwith respondent's attorney registration card to the Clerk of this court on or before 30 days from the date of this order and that respondent's name be stricken from the roll of attorneys maintained by this court.

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 Gov.Bar R. X(7); (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

IT IS FURTHER ORDERED that, within 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 the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification 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 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 of this court 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 by the court that the Clerk shall send this order by certified mail to the respondent at the business address registered with the Attorney Registration Section under Gov.Bar R. VI; that, if this order is returned as undeliverable or unclaimed, the Clerk shall resend it by regular mail to the respondent at the residence address registered with the Attorney Registration Section; and that service of this order in accordance with the foregoing shall be deemed effective service.

IT IS FURTHER ORDERED that, pursuant to Gov.Bar R. X(6)(H), the Clerk of this court send certified copies of this order to those persons or organizations named in Gov.Bar R. V(8)(D)(1), and that publication be made as required under Gov. Bar R. X(6)(H).

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u> <u>County</u> <u>State</u>	<u>Employer</u> <u>County</u> <u>State</u>	<u>Sanction</u> <u>Amount</u>
Barbara Ann Baczewski	0042649	Cuyahoga OH	Cuyahoga OH	\$750.00

In re Report of the Commission
on Continuing Legal Education.

:

:

:

ORDER

[Attorney Name]

:

(#[Attorney Registration Number]),

:

[Filed April 29, 2005]

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 2002-2003 reporting period.

On November 22, 2004, 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 or money order, a sanction fee which is hereby imposed in the total amount of \$[sanction amount].

IT IS FURTHER ORDERED that respondent's status on the roll of attorneys shall be recorded as "NOT IN GOOD STANDING" until such time as the respondent has complied with this order. 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 2002-2003 reporting period. See CLE Reg. 503.04.

<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>	
Charles William Baccus	0000437		NV		NV	\$150.00
Michael Howard Brown	0002783	Hamilton	OH	Hamilton	OH	\$150.00
John Francis King	0004819	Cuyahoga	OH	Cuyahoga	OH	\$100.00
Richard Lee Grant	0005782		MA			\$570.00
Richard Michael Chapis	0006230	Stark	OH	Stark	OH	\$430.00
Terence James Clark	0010877		CA		CA	\$100.00
Irene Alexandra Rennillo	0011443	Cuyahoga	OH	Cuyahoga	OH	\$170.00
Douglas Whitney Bulson, Jr.	0020983	Franklin	OH	Franklin	OH	\$640.00
Robert Emmet Feighan	0025297	Cuyahoga	OH			\$100.00
Craig Stewert Bonnell	0026237		GA		GA	\$610.00
Gregory Thomas Hughes	0027865		KY		KY	\$150.00
Steven Kent Long	0029456		NY		NY	\$180.00
Michele Lynn Cydulka	0030646	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Annemarie Hoffman	0037045		PA		PA	\$320.00
Karan Marie Horan	0040872	Butler	OH	Butler	OH	\$330.00
Mark Minor George	0041021	Cuyahoga	OH	Cuyahoga	OH	\$180.00
Paul Dale Glenn	0041869		VA		DC	\$100.00
Robert Kendal Larson, Jr.	0042368		KY	Hamilton	OH	\$240.00
John F. Hornbostel, Jr.	0058311	Trumbull	OH	Trumbull	OH	\$250.00
Robert Gary Friedman	0063811	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Darren Matthew Burgess	0064835	Delaware	OH	Franklin	OH	\$150.00
Rochelle Lee Cavicchia	0064891	Franklin	OH			\$750.00
John Harkless Danner, Jr.	0067868	Franklin	OH			\$750.00
Charles Franklin Hollis, III	0068005		KY	Hamilton	OH	\$220.00
Frank C. Botta	0069301		PA		PA	\$250.00
Sean Curran	0070352	Hamilton	OH	Hamilton	OH	\$100.00
Tammy Renae Buckles	0074128	Medina	OH	Summit	OH	\$60.00