

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 20, 2005

[Cite as *05/20/2005 Case Announcements*, 2005-Ohio-2424.]

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## MOTION AND PROCEDURAL RULINGS

### **2005-0661. In re B.L.**

Franklin App. No. 04AP-1108, 2005-Ohio-1151. 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 the court of appeals' judgment, and appellee's motion to dismiss the motion for stay of court of appeals' judgment,

IT IS ORDERED by the court that the motions be, and hereby are, denied.

O'Connor, J., not participating.

### **2005-0755. In re Schaefer.**

Geauga App. No. 2004-G-2594, 2005-Ohio-1258. This cause is pending before the court as an appeal involving termination of parental rights/adoption. Upon consideration of the motions for stay of the court of appeals' judgment filed by appellant/cross-appellee and appellee/cross-appellant,

IT IS ORDERED by the court that the motions for stay be, and hereby are, denied.

Moyer, C.J., and O'Donnell, J., dissent.

O'Connor, J., not participating.

## DISCIPLINARY CASES

### **2003-1228. In re Application of Bagne.**

On May 12, 2004, the court ordered that the application of applicant be disapproved and that he could reapply for the February 2005 bar examination. On April 8, 2005, applicant filed a motion for relief from judgment. Upon consideration thereof,

IT IS ORDERED by the court that the motion of applicant be, and hereby is, denied. It is further ordered that applicant may reapply to take the Ohio bar examination.

Lundberg Stratton, J., dissents and would grant the motion.

**2004-0906. In re Resignation of Dye.**

On affidavit of resignation from the practice of law of Lewis William Dye, Attorney Registration No. 0013021, and on report filed under seal by Disciplinary Counsel.

Resignation accepted with disciplinary action pending.

**2005-0096. In re Resignation of Siemen.**

On affidavit of resignation from the practice of law of Christopher William Siemen, Attorney Registration No. 0036977, and on report filed under seal by Disciplinary Counsel.

Resignation accepted with disciplinary action pending.

**2005-0328. In re Resignation of Taber.**

On affidavit of resignation from the practice of law of Timothy James Taber, Attorney Registration No. 0022624, and on report filed under seal by Disciplinary Counsel.

Resignation accepted with disciplinary action pending.

**2005-0398. Disciplinary Counsel v. Watson.**

This matter is pending before the court upon the filing on February 28, 2005, of the report and recommendation of the Board of Commissioners on Grievances and Discipline regarding respondent, Michael Troy Watson. On April 18, 2005, respondent filed a motion to show cause why E. Yvonne Harris should not be held in contempt for failure to appear at an October 26, 2004, hearing. Ms. Harris filed a response on April 28, 2005. On April 18, 2005, respondent also filed a motion to show cause why Bruce Hodge should not be found in contempt for failure to appear at an October 26, 2004, hearing. Mr. Hodge did not file a response. Upon consideration thereof,

IT IS ORDERED by the court that the motions of respondent be, and hereby are, denied.

Resnick, J., dissents.

**2005-0736. In re Hunter.**

On April 26, 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 Sandra Hunter, 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 Sandra Hunter, Attorney Registration No. 0009526, last known business address in Cleveland, 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 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 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.

**2005-0800. In re Jones.**

On May 3, 2005, and pursuant to Gov.Bar R. V(5)(A), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio submitted to this court a certified copy of a determination of default of a child support order by James S. Jones, 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 S. Jones, Attorney Registration No. 0064099, last known business address in Poland, 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 hereby is, referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

IT IS FURTHER ORDERED that James S. Jones immediately cease and desist from the practice of law in any form and hereby is 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 hereby is 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 shall not be reinstated to the practice of law until (1) the Board of Commissioners on Grievances and Discipline files in accordance with Gov.Bar R. V(5)(D)(1)(b) with the Supreme Court a certified copy of a judgment entry reversing the determination of default under a child support order, or it files in accordance with Gov.Bar R. V(5)(D)(1)(c) with the Supreme Court a notice from a court or child support enforcement agency that respondent is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child support order that was in default and is complying with that notice or order, and (2) this court orders respondent reinstated to the practice of law.

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**

#### **2004-1924. Steelton Village Mkt., Inc. v. Liquor Control Comm.**

Franklin App. No. 03AP-920, 2004-Ohio-5260. This cause is pending before the court as an appeal from the Court of Appeals for Franklin 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.

### **MISCELLANEOUS ORDERS**

#### **2005-0422. Columbus Bar Assn. v. Am. Family Prepaid Legal Corp.**

On April 12, 2005, this court granted relator's motion for an interim cease and desist order and remanded this matter to the Board on the Unauthorized Practice of Law for further consideration. On April 18, 2005, respondents filed a motion to clarify, dissolve, modify and/or stay the court's April 12, 2005, order. Relator filed a memo opposing the motion to clarify on April 28, 2005. Upon consideration thereof,

IT IS ORDERED by the court that respondents' motion be, and hereby is, denied.

O'Donnell, J., dissents.