

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

July 11, 2006

[Cite as *07/11/2006 Case Announcements, 2006-Ohio-3546.*]

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## MOTION AND PROCEDURAL RULINGS

### **2003-1964. State v. Conway.**

Franklin C.P. No. 02CR-3117. This cause came on for further consideration of appellant's motion for stay of execution scheduled for September 19, 2006. Upon consideration thereof,

IT IS ORDERED by the court that the motion for stay of execution is granted.

IT IS FURTHER ORDERED that this stay shall remain in effect until exhaustion of all state postconviction proceedings, including any appeals.

IT IS FURTHER ORDERED that counsel for appellant and for the appellee shall notify this court when all proceedings for postconviction relief before the courts of this state have been exhausted.

## MISCELLANEOUS ORDERS

The Supreme Court of Ohio has issued orders imposing sanctions upon 23 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

CLE-2005-[Atty. Reg. Number]

[Attorney Name]  
(#[Atty. Reg. Number]),  
Respondent.

ORDER  
[Filed July 11, 2006]

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 2003-2004 reporting period.

On December 13, 2005, 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 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 2003-2004 reporting period. See CLE Reg. 503.4.

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u>		<u>Employer</u>		<u>Amount</u>
		<u>County</u>	<u>State</u>	<u>County</u>	<u>State</u>	
William Shepard Rose	0005755		SC		SC	\$315.00
William Lewis O'Quinn	0019106		CO		CO	\$570.00
Richard Slavin	0027903		CT		CT	\$190.00
Henry Marvin Mercer	0030203		NC		NC	\$150.00
Eric Lance Overstreet	0055722		AZ		AZ	\$530.00
Eric Dale Wallenbrook	0065213	Lyon, France		Lyon, France		\$155.00

Lora Lynn Maynard	0070471		WV		WV	\$610.00
Gerald Merlin Porter	0002660	Cuyahoga	OH	Cuyahoga	OH	\$100.00
Teddy Sliwinski	0024901	Cuyahoga	OH	Cuyahoga	OH	\$100.00
Jaime Planes Serrat	0031660	Cuyahoga	OH	Cuyahoga	OH	\$190.00
Stanley Eugene Tolliver, Sr.	0031969	Cuyahoga	OH	Cuyahoga	OH	\$610.00
Brian Francis McNamee	0040494	Cuyahoga	OH	Cuyahoga	OH	\$530.00
Laryn Dee Runco	0075322	Cuyahoga	OH			\$490.00
William Joseph Reynolds	0061242	Clermont	OH	Clermont	OH	\$600.00
Timothy Alan Pressler	0006715	Franklin	OH	Franklin	OH	\$350.00
Richard Wright Rubenstein	0011032	Franklin	OH	Franklin	OH	\$490.00
William Jeffrey Moore	0023429	Franklin	OH	Franklin	OH	\$490.00
Erica Elizabeth Retter	0038008	Franklin	OH	Franklin	OH	\$750.00
Kara Ann Morgan	0059356	Franklin	OH	Franklin	OH	\$ 55.00
James Joseph Merritt	0076148	Franklin	OH	Franklin	OH	\$205.00
Ron Owen Nisch	0041614	Ottawa	OH	Lucas	OH	\$100.00
Griff Makini Nowicki	0071849	Montgomery	OH	Montgomery	OH	\$750.00
Mary Elizabeth Booth	0033575	Portage	OH			\$150.00

The Supreme Court of Ohio has issued orders imposing sanctions upon six 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

CLE-2005-[Atty. Reg. Number]

[Attorney Name]  
(#[Atty. Reg. Number]),  
Respondent.

ORDER  
[Filed July 11, 2006]

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 2003-2004 reporting period.

The commission's report recommended imposition of a monetary sanction against the respondent for noncompliance in the 2003-2004 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 December 13, 2005, 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 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 2003-2004 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 address registered with the Attorney Registration Section under Gov.Bar R. VI, and that, if this order is returned as undeliverable or unclaimed, the Clerk shall resend it by regular mail. 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>Amount</u>
		<u>County</u>	<u>State</u>	<u>County</u>	<u>State</u>	
John Dudley Stuber	0059928		MS		TN	\$370.00
Craig William Syby	0061833	Lake	OH	Cuyahoga	OH	\$750.00
Joseph Dues Reed	0025938	Franklin	OH	Franklin	OH	\$510.00
Scott Adam Mittman	0058641	Franklin	OH	Franklin	OH	\$610.00
Michael Keith Whipple	0015586	Madison	OH	Madison	OH	\$150.00
Daniel James McGown	0017826	Medina	OH	Medina	OH	\$470.00

In re Report of the Commission  
on Continuing Legal Education.

CLE-2005-71513

William Shane McCarthy  
(#0071513),  
Respondent.

**ORDER**

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 2003-2004 reporting period.

The commission's report recommended imposition of a monetary sanction against the respondent for noncompliance in the 2003-2004 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 2003-2004 reporting period. On December 13, 2006, 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, William Shane McCarthy, 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 \$750.00.

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 2003-2004 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 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; 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).