

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 3, 2006

[Cite as *08/03/2006 Case Announcements*, 2006-Ohio-3936.]

MOTION AND PROCEDURAL RULINGS

2006-0839. Ohio State Bar Assn. v. Burdzinski, Brinkman, Czarzasty & Landwehr, Inc.

Board on the Unauthorized Practice of Law, No. UPL 04-05. This cause is pending before the court as an unauthorized-practice-of-law case. Upon consideration of the motion of amicus curiae Ohio Management Lawyers Association for leave to participate in oral argument,

IT IS ORDERED by the court that the motion is granted and the amicus shall share the time allotted to the respondents.

DISCIPLINARY CASES

1999-2237. Cleveland Bar Assn. v. Shafran.

On May 2, 2000, this court suspended respondent, Michael Shafran, Attorney Registration No. 0028991, last known business address in Cleveland, Ohio. On June 26, 2006, relator, Cleveland Bar Association, filed a motion for order to show cause why respondent should not be held in contempt for failing to obey this court's order of May 2, 2000. Upon consideration thereof,

IT IS ORDERED by this court that the motion is granted to the extent that respondent show cause by filing a written response with the clerk of this court on or before 20 days from the date of this order why respondent should not be held in contempt.

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.

2006-0428. In re Resignation of Lockhart.

On affidavit of resignation from the practice of law of John Dallas Lockhart, Attorney Registration No. 0073401, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2006-0827. In re Resignation of Plasco.

On affidavit of resignation from the practice of law of Marvin Robert Plasco, Attorney Registration No. 0018089, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2006-0828. In re Resignation of Sassé.

On affidavit of resignation from the practice of law of Cynthia Ann Sassé, Attorney Registration No. 0042071, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2006-1098. In re Resignation of Lemieux.

On affidavit of resignation from the practice of law of James Michael Lemieux, Attorney Registration No. 0032701, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2006-1116. In re Resignation of Ruggiero.

On affidavit of resignation from the practice of law of John Michael Ruggiero, Attorney Registration No. 0025784, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2006-1260. In re Andrews.

On June 30, 2006, 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 John Robert Andrews, 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 John Robert Andrews, Attorney Registration No. 0006931, last known business address in West Chester, Ohio, 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 is referred to the Disciplinary Counsel 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 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.

MISCELLANEOUS ORDERS

2006-0755. In re Application of Howard.

This matter is pending before the court upon the filing of a report of the Board of Commissioners on Character and Fitness. On June 14, 2006, applicant, Micheal

Howard, filed a motion to seal the record in this matter. Upon consideration thereof,

IT IS ORDERED by this court that the motion is denied.

Pfeifer, J., dissents.

In re Report of the Commission
On Continuing Legal Education

Susan A. Manardo
(#0070367),
Respondent.

E N T R Y

Case No. CLE-05-70367

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education ("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.

On May 16, 2006, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the commission's recommendation related to the 2003-2004 reporting period imposing a sanction fee upon the respondent. The order also revoked the corporate status granted to respondent pursuant to Gov.Bar R. VI(4)(A).

On June 30, 2006, the commission filed a motion to vacate, requesting that the order of May 16, 2006, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate is granted.

IT IS FURTHER ORDERED by the court that the order of May 16, 2006, pertaining to respondent, is vacated and this cause is dismissed.

In re Report of the Commission
On Continuing Legal Education

Peter Hogan Barton Collins
(#0011747),
Respondent.

E N T R Y

Case No. CLE-92-11747

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education ("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 1990-1991 reporting period.

On June 18, 1993, pursuant to Gov.Bar R. X(6)(B)(3), this court entered an order adopting the commission's recommendation related to the 1990-1991 reporting period, suspending the respondent and imposing a sanction fee upon the respondent.

On June 30, 2006, the commission filed a motion to vacate, requesting that the order of June 18, 1993, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate is granted.

IT IS FURTHER ORDERED by the court that the order of June 18, 1993, pertaining to respondent, is vacated and this cause is dismissed.

MEDIATION REFERRALS

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

2006-1332. State ex rel. Lynch v. Giant Eagle, Inc.
Franklin App. No. 05AP-864, 2006-Ohio-3148.