

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 21, 2006

[Cite as *08/21/2006 Case Announcements*, 2006-Ohio-4291.]

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## MERIT DECISIONS WITHOUT OPINIONS

### **2006-1368. State ex rel. Stohlman v. Green.**

In Mandamus and Prohibition. On respondents' answers. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

## MOTION AND PROCEDURAL RULINGS

### **2006-1055. State ex rel. Rashada v. Pianka.**

Cuyahoga App. No. 87450, 2006-Ohio-2584. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of appellant's second and third motions for temporary restraining order,

IT IS ORDERED by the court that the motions are denied.

### **2006-1444. State v. Pounds.**

Montgomery App. No. 21257, 2006-Ohio-3040. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay of the court of appeals' decision,

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

## APPEALS NOT ACCEPTED FOR REVIEW

### **2006-1352. In re S.W.**

Franklin App. No. 05AP-1368, 2005-Ohio-2958. This cause is pending before the court as an appeal involving termination of parental rights/adoption. Upon

consideration of the jurisdictional memoranda filed in this case, the court declines jurisdiction to hear the case and dismisses the appeal as not involving any substantial constitutional question.

**2006-1407. In re J.J.**

Butler App. No. CA2005-12-525, 2006-Ohio-2999. This cause is pending before the court as an appeal involving termination of parental rights/adoption. Upon consideration of the jurisdictional memoranda filed in this case, the court declines jurisdiction to hear the case and dismisses the appeal as not involving any substantial constitutional question.

Lundberg Stratton, J., dissents.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2006-1349. State v. Carpenter.**

Erie App. No. E-04-043. Reported at \_\_\_ Ohio St.3d \_\_\_, 2006-Ohio-4085, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

## **DISCIPLINARY CASES**

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

This matter came on for further consideration upon the filing of a motion for an order to appear and show cause filed by Disciplinary Counsel on April 3, 2006, requesting the court to issue an order directing respondent to appear and show cause why he should not be found in contempt for his failure to abide by the court's December 7, 2005 order of disbarment. On May 11, 2006, this court granted that motion and ordered respondent to file a written response on or before May 31, 2006. Respondent did not file a response and he was ordered to appear before this court on August 8, 2006. Respondent and relator appeared. On consideration thereof,

IT IS ORDERED by the court that this cause is remanded to the Board of Commissioners on Grievances and Discipline. The board shall appoint a master commissioner to hold a hearing and determine factual issues raised by Disciplinary Counsel's motion for order to appear and show cause and at respondent's appearance before this court on August 8, 2006. It is further ordered, sua sponte, that proceedings before this court in this case are stayed until further order of this court.

IT IS FURTHER ORDERED 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.

**2006-1375. Trumbull Cty. Bar Assn. v. Gray.**

On July 20, 2006, and pursuant to Gov.Bar R. V(5a)(A)(1)(b), relator, Trumbull County Bar Association, filed with this court a motion for interim remedial suspension pursuant to Gov.Bar R. V(5a), alleging that respondent, James E. Gray, 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. On July 31, 2006, respondent filed a memorandum opposing the motion for interim remedial suspension.

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 James E. Gray, Attorney Registration No. 0005276, last known address in Warren, 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 James E. Gray 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 her suspension and her 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 Trumbull 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 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**

**2006-1370. State ex rel. Yavitch & Palmer Co., L.P.A. v. McClellan.**

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of the joint application for dismissal,

IT IS ORDERED by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

### **MEDIATION REFERRALS**

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

**2006-1414. State ex rel. Ellis Super Valu, Inc. v. Indus. Comm.**

Franklin App. No. 05AP-531, 2006-Ohio-3014.

**2006-1419. State ex rel. Collins v. Almar Realty Corp.**

Franklin App. No. 05AP-862, 2006-Ohio-3554.

**2006-1421. State ex rel. Autozone, Inc. v. Indus. Comm.**

Franklin App. No. 05AP-634, 2006-Ohio-2959.

**2006-1471. Cincinnati School Dist. Bd. of Edn. v. Hamilton Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2005-B-1275.

**2006-1475. Zoumberakis v. Coshocton Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2004-A-632.