

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

April 16, 2007

[Cite as *04/16/2007 Case Announcements*, 2007-Ohio-1751.]

MOTION AND PROCEDURAL RULINGS

2007-0633. State ex rel. WHIO-TV-7 v. O'Leary.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's motion for issuance of peremptory, alternative, and/or permanent writs of mandamus,

It is ordered by the court, sua sponte, that respondent's response to relator's complaint is due within five days of the date of this entry.

DISCIPLINARY CASES

2006-2332. Disciplinary Counsel v. Kramer.

This case is pending before this court upon the filing of a report and recommendation by the Board of Commissioners on Grievances and Discipline. On March 19, 2007, CLA*USA filed a motion for leave to intervene, a request for emergency relief, and a motion for stay. Relator filed its memorandum in opposition on March 28, 2007. Upon consideration thereof,

It is ordered by this court that the motions of CLA*USA are denied.

Lundberg Stratton, J., dissents.

2007-0068. In re Resignation of Baughman.

On affidavit of resignation from the practice of law of Thomas Hugh Baughman, Attorney Registration No. 0034360, and on report filed under seal by Disciplinary Counsel. Resignation accepted.

2007-0401. In re Heisler.

On March 6, 2007, 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 Dwight D. Heisler, 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 Dwight D. Heisler, Attorney Registration No. 0029005, last known business address in Cincinnati, 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 be, and hereby is, referred to the Cincinnati Bar Association for investigation and commencement of disciplinary proceedings.

It is further ordered that Dwight D. Heisler 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, respondent is 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 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, the Cincinnati 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.

2007-0403. In re Burkholder.

On March 6, 2007, 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 Fred J. Burkholder, 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 Fred J. Burkholder, Attorney Registration No. 0014094, last known business address in Toledo, 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 be, and hereby is, referred to the Ohio State Bar Association for investigation and commencement of disciplinary proceedings.

It is further ordered that Fred J. Burkholder 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, respondent is 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 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, the Ohio State 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

2005-1930. Cincinnati Bar Assn. v. Bailey.

This cause came on for further consideration upon the filing by respondent of a motion to take judicial notice. Upon consideration thereof,

It is ordered by this court that respondent's motion is denied.

It is further ordered by this court that this matter will be certified to the Office of Attorney General for collection proceedings.

In re Report of the
Commission On Continuing
Legal Education

William James Slivka (#0053047),
Respondent.

CLE-2005-53047

E N T R Y

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 April 20, 2006, the court adopted the recommendation of the commission and imposed a monetary sanction upon the respondent.

On March 9, 2007, the respondent filed a motion requesting that the sanction be vacated. The commission filed a response. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate is granted and this matter is dismissed.