

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 24, 2007

[Cite as *05/24/2007 Case Announcements*, 2007-Ohio-2487.]

APPEALS NOT ACCEPTED FOR REVIEW

2006-2256. In re T.G.

Butler App. Nos. CA2005-10-444 and CA2005-12-521, 2006-Ohio-5504. On March 28, 2007, this court announced that the above-captioned appeal had not been accepted for review. However, no formal judgment entry dismissing the appeal was signed and filed with the Clerk of court.

Accordingly, 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.

It is hereby ordered that for the purpose of filing a motion to reconsider this decision or the filing of an appeal of this decision, this case shall be deemed dismissed as of the date of the filing of this entry.

DISCIPLINARY CASES

2006-1146. Disciplinary Counsel v. Stollings.

It is ordered by this court, sua sponte, that Jerry Chad Stollings, Attorney Registration No. 0073342, last known business address in Kokomo, Indiana, is found in contempt for failure to comply with this court's order of November 1, 2006, to wit: file an affidavit of compliance on or before December 1, 2006 .

2006-1927. Cuyahoga Cty. Bar Assn. v. Griffin.

It is ordered by this court, sua sponte, that Willie L. Griffin, Attorney Registration No. 0038051, last known business address in Cleveland, Ohio, is found in contempt for failure to comply with this court's order of March 14, 2007, to wit: failure to surrender his attorney registration card and file an affidavit of compliance on or before April 13, 2007.

MISCELLANEOUS ORDERS

In re Report of the Commission
on Continuing Legal Education

CLE-2006-38882

Joseph Andrew Battani
(#0038882),
Respondent.

ORDER

[Filed May 24, 2007]

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 2004-2005 reporting period.

On December 29, 2006, 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, requesting that he be permitted to make installment payments. This cause was considered by the court. Upon consideration thereof,

IT IS ORDERED by the court that respondent shall pay a sanction of \$750.00 to the Commission on Continuing Legal Education. Respondent shall pay this sanction in five monthly installments of \$150.00 each. The installments shall be due the first of each month, with the first payment due July 1, 2007, and the final payment due November 1, 2007. Payments shall be submitted to the Clerk's Office by certified check or money order.

IT IS FURTHER ORDERED that the respondent shall not be deemed to be in good standing with the Supreme Court of Ohio until the sanction of \$750.00 is paid in full and respondent has fully complied with this order. 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 payment of the sanction notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2004-2005 reporting period. See CLE Reg. 503.4.

The Supreme Court of Ohio has issued orders imposing sanctions upon 22 attorneys and judges for noncompliance with the provisions of Gov.Bar R. X and

Gov.Jud. R. IV. The text of the entries imposing the sanctions are reproduced below. Each 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 Office of CLE and Attorney Registration; and the amount of the sanction fee imposed by the Supreme Court.

In re Report of the Commission
on Continuing Legal Education.

CLE-2006-[Registration Number]

[Attorney Name]
([Registration Number]),
Respondent.

O R D E R

[Filed May 24, 2007]

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 2004-2005 reporting period.

On December 29, 2006, 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 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 that the respondent shall not be deemed to be in good standing with the Supreme Court of Ohio if the respondent has not 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 2004-2005 reporting period. See CLE Reg. 503.4.

<u>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>	
James Earl Cooney	0009251	Butler	OH	Butler	OH	\$100.00
Douglas Whitney Bulson	0020983	Franklin	OH	Franklin	OH	330.00
Richard Brendan Kelly	0025386		WA		WA	150.00
Richard Austin	0031709		V.I.		V.I.	100.00
Kenneth Levon Lawson	0042468	Hamilton	OH	Hamilton	OH	390.00
Gary Duane Dunbar	0043304		PA		PA	610.00
John William Bruni	0047355		PA		PA	430.00
Patrick Joseph Harrington	0051627	Lorain	OH	Cuyahoga	OH	490.00
James Glenn Aldrich	0058756		MI		MI	150.00
Steven Paul Billing	0061063	Franklin	OH	Miami	OH	55.00
Tarik Hashmi	0064329		FL		FL	180.00
Kathleen L. Sain	0066634		PA		PA	100.00
Todd J. Flagel	0066976	Hamilton	OH	Hamilton	OH	65.00
Thomas Patrick Branigan	0071740		MI		MI	250.00
Roger David Drake	0075586		CA		CA	640.00

In re Report of the Commission
on Continuing Legal Education.

CLE-2006-[Registration Number]

[Attorney Name]
(#[Registration Number]),
Respondent.

O R D E R

[Filed May 24, 2007]

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 2004-2005 reporting period.

The commission's report recommended imposition of a monetary sanction against the respondent for noncompliance in the 2004-2005 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 29, 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 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 2004-2005 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. 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>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>	
Paige Arlene Martin	0009750	Noble	OH	Franklin	OH	\$250.00
Anthony Phillip Georgetti	0030055	Lucas	OH	Lucas	OH	750.00
John Eugene DiAlbert	0030101	Franklin	OH	Franklin	OH	750.00
Todd Bradley Carver	0055859	Montgomery	OH	Montgomery	OH	270.00
David John Gerchak	0069060	Mahoning	OH	Mahoning	OH	315.00

In re Report of the Commission
on Continuing Legal Education.

[Attorney Name]
([Registration Number]),
Respondent.

CLE-2006-[Registration Number]

ORDER

[Filed May 24, 2007]

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 2004-2005 reporting period.

The commission's report recommended imposition of a monetary sanction against the respondent for noncompliance in the 2004-2005 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 2004-2005 reporting period. On December 29, 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 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 2004-2005 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).

<u>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>	
Merlin Major Hill	0048049	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Douglas John Ellis	0066885		PA		PA	700.00