

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 16, 2008

[Cite as *06/16/2008 Case Announcements*, 2008-Ohio-2889.]

SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF JUNE 16, 2008

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the June 16, 2008 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

2007-0125. State v. Ramey, 118 Ohio St.3d 191, 2008-Ohio-2218.

2007-0293 and 2007-0304. State v. Bates, 118 Ohio St.3d 174, 2008-Ohio-1983.

2007-0456. State v. Rich, 118 Ohio St.3d 191, 2008-Ohio-2217.

2007-0509. State v. Broyles, 118 Ohio St.3d 192, 2008-Ohio-2216.

2007-0519. State v. Blackburn, 118 Ohio St.3d 163, 2008-Ohio-1823.

2007-0567. State v. Roberson, 118 Ohio St.3d 193, 2008-Ohio-2215.

2007-0670. State v. Vogt, 118 Ohio St.3d 193, 2008-Ohio-2205.

2007-0747. State ex rel. Pilkington N. Am., Inc. v. Indus. Comm., 118 Ohio St.3d 161, 2008-Ohio-1506.

2007-0854. State v. Jackson, 118 Ohio St.3d 194, 2008-Ohio-2204.

2007-0877. State ex rel. L.P. Cavett Co. v. Indus. Comm., 118 Ohio St.3d 157, 2008-Ohio-1430.

2007-0881. State ex rel. Ohio State Univ. Hosp. v. Indus. Comm., 118 Ohio St.3d 170, 2008-Ohio-1969.

2007-1203. State v. Balderson, 118 Ohio St.3d 194, 2008-Ohio-2203.

2007-1211. State v. Dankworth, 118 Ohio St.3d 1210, 2008-Ohio-2234.

2007-1269. State v. Harmon, 118 Ohio St.3d 195, 2008-Ohio-2202.

2007-1296. State v. Mayle, 118 Ohio St.3d 196, 2008-Ohio-2201.

2007-1311. Doe v. Massillon City School Dist., 118 Ohio St.3d 1210, 2008-Ohio-2233.

2007-1468. State v. Cruzado, 118 Ohio St.3d 196, 2008-Ohio-2200.

2007-1490. Tenney v. Gen. Elec. Co., 118 Ohio St.3d 197, 2008-Ohio-2199.

2007-1740. State v. Nickum, 118 Ohio St.3d 198, 2008-Ohio-2198.

2007-1973. Disciplinary Counsel v. Zigan, 118 Ohio St.3d 180, 2008-Ohio-1976.

2007-2299. Ohio State Bar Assn. v. Jackel, 118 Ohio St.3d 186, 2008-Ohio-1981.

2007-2326. State v. Borders, 118 Ohio St.3d 199, 2008-Ohio-2197.

2008-103. Butler Cty. Bar Assn. v. Cunningham, 118 Ohio St.3d 188, 2008-Ohio-1979.

MOTION AND PROCEDURAL RULINGS

2007-2394. Lias v. Beekman.

Franklin App. No. 06AP-1134, 2007-Ohio-5737. This cause came on for further consideration of appellant's motion for new hearings.

It is ordered by the court that the motion is denied.

2008-0960. State v. Wolf.

Union App. No. 14-06-54, 2008-Ohio-1483. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellee's motion for appeal bond,

It is ordered by the court that the motion is granted.

It is further ordered that the Union County Court of Appeals shall set a reasonable appeal bond within ten days of the date of this order. Appellee shall be released from prison if he complies with all the conditions and requirements of the appeal bond set by the Union County Court of Appeals.

Moyer, C.J., and Pfeifer, Lundberg Stratton, and Lanzinger, JJ., concur.

Cupp, J., would order release without bond.

O'Connor and O'Donnell, JJ., dissent.

MISCELLANEOUS ORDERS

In re Report of the Commission
on Continuing Legal Education.

Case No. CLE-2007-30896

ENTRY

Dennis Jerome Polke
(#0030896),
Respondent.

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 2005-2006 reporting period.

The commission's report recommended imposition of a monetary sanction against the respondent for noncompliance in the 2005-2006 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 2005-2006 reporting period. On January 25, 2008, 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 \$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 2005-2006 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 that service shall be 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 the Office of Attorney Services.

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).

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 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-2007-[Registration #]

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

O R D E R
[Filed June 16, 2008]

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 2005-2006 reporting period.

The commission's report recommended imposition of a monetary sanction against the respondent for noncompliance in the 2005-2006 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 January 25, 2008, 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 2005-2006 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 that service shall be 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 the Office of Attorney Services.

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>County</u>	<u>State</u>	<u>Amount</u>
Joel Sidney Treuhaft	0033556		FL	\$750.00
Thomas Schmelzer	0032560	Cuyahoga	OH	\$600.00
Richard Wright Rubenstein	0011032	Franklin	OH	\$150.00
Jeffrey Charles Pettys	0061318	Franklin	OH	\$430.00
Harry Johann Wittbrod	0066021	Summit	OH	\$540.00
Douglas Stephen Tripp	0058362		OK	\$370.00

In re Report of the Commission
on Continuing Legal Education

Case No. CLE-2007-78661

Matthew Alfred Smith
(#0078661),
Respondent.

ENTRY

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 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 2005-2006 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$150.00 for noncompliance in the 2005-2006 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)(B), for failure to complete a New Lawyer Training Program as required by Gov.Bar R. X(3)(H), in the 2005-2006 reporting period. On, January 25, 2008, 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 no objections to the commission's recommendation 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, Matthew Alfred Smith is immediately suspended from the practice of law pursuant to Gov.Bar R. X(5)(B)(3), 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 \$150.00.

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 2005-2006 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, 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 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 Office of Attorney Services.

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).

In re Report of the Commission
on Continuing Legal Education

Case No. CLE-2007-78941

John Thomas Forristal
(#0078941),
Respondent.

ENTRY

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 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 2005-2006 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$150.00 for noncompliance in the 2005-2006 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)(B), for failure to complete a New Lawyer Training Program as required by Gov.Bar R. X(3)(H), in the 2005-2006 reporting period. On, January 25, 2008, 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 no objections to the commission's recommendation 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, John Thomas Forristal, is immediately suspended from the practice of law pursuant to Gov.Bar R. X(5)(B)(3), 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 \$150.00.

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 2005-2006 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, 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 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 Office of Attorney Services.

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).

The Supreme Court of Ohio has issued orders imposing sanctions upon 31 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 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 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-2007-[Registration #]

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

ORDER
[Filed June 16, 2008]

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 and judges, including the above-named respondent, for failure to comply with the application continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2005-2006 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$[sanction amount] for noncompliance in the 2005-2006 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 January 25, 2008, 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 no objections to the commission's recommendation 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, [attorney name], 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 2005-2006 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 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 Office of Attorney Services.

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>County</u>	<u>State</u>	<u>Amount</u>
Joseph Allen Sims	0041736		NY	\$750.00

Jeffery Lee Mangun	0074979	Carroll	OH	\$550.00
Mark Alan Sams	0071198	Columbiana	OH	\$750.00
Christopher James McCauley	0034632	Cuyahoga	OH	\$600.00
Aaron Charles Newman	0067372	Cuyahoga	OH	\$750.00
Molly Ann Rice	0070621	Cuyahoga	OH	\$150.00
Eric Edward Norton	0071563	Cuyahoga	OH	\$340.00
Lucinda Dawn Randall	0014374	Greene	OH	\$750.00
Lee William Mozakis	0069105	Licking	OH	\$650.00
Dean Edward Weaver	0062145	Ottawa	OH	\$750.00
William George Simon, Jr.	0000586	Portage	OH	\$150.00
Richard Joseph Wendelken	0001142	Summit	OH	\$750.00
Ricardo Ruben Sanz	0037659	Warren	OH	\$750.00
Lora Lynn Maynard	0070471		WV	\$750.00

In re Report of the Commission
on Continuing Legal Education

CLE-2007-[Registration #]

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

ORDER
[Filed June 16, 2008]

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 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 2005-2006 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$[sanction amount] for noncompliance in the 2005-2006 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 2005-2006 reporting period. On January 25, 2008, 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 no objections to the commission's recommendation 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, [attorney name], 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 2005-2006 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 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 Office of Attorney Services.

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>County</u>	<u>State</u>	<u>Amount</u>
Carlos Francisco Martin	0075411		FL	\$750.00
Darran David Winslow	0074008		KY	\$570.00
Bryan Lee Monaghan	0070803		MI	\$750.00

Matthew James Zavač	0041475		MO	\$750.00
Richard Michael Summers	0005284	Cuyahoga	OH	\$600.00
Harold Wilfred Shaffer, Jr.	0038444	Cuyahoga	OH	\$640.00
Terri Marie Peto	0040500	Cuyahoga	OH	\$750.00
Diana S. Moulton	0064423	Cuyahoga	OH	\$700.00
Daniel Dean Pope	0074205	Cuyahoga	OH	\$750.00
Jeanne Lynn Schoenberger	0056276	Hamilton	OH	\$750.00
G. Benjamin Wills	0030544	Licking	OH	\$750.00
Kimberly Ann Starr	0071106	Lucas	OH	\$150.00
Kevin William Thornton	0064509	Warren	OH	\$680.00
Derek Charles Schlageter	0074266	Wood	OH	\$600.00
Fred Paul Zimmer	0009483		TX	\$750.00
John Lowell Thomas	0029003		TX	\$750.00
Christopher Michael Sandefur	0073153		VA	\$750.00

In re Report of the Commission
on Continuing Legal Education.

Nathan Samuel Williams,
(#0079987),
Respondent.

CLE-2007-79987

**CORRECTED
O R D E R**

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 2005-2006 reporting period.

On January 25, 2008, 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 \$150.00. It is further ordered that recommendation of suspension shall be dismissed on the conditions that respondent take the New Lawyers Training Course and pay the \$300.00 late fee to the commission on or before June 30, 2008.

It is further ordered 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 2005-2006 reporting period. See CLE Reg. 503.4.