

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 21, 2009

[Cite as *12/21/2009 Case Announcements*, 2009-Ohio-6700.]

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### **SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF DECEMBER 21, 2009**

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the December 21, 2009 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

**2008-1265. Sisk & Assoc., Inc. v. Commt. to Elect Timothy Grendell, 123 Ohio St.3d 447, 2009-Ohio-5591.**

**2008-2487. State v. Lupardus, 123 Ohio St.3d 1216, 2009-Ohio-5860.**

**2009-0884. State v. Meador, 123 Ohio St.3d 450, 2009-Ohio-5861.**

**2009-0958. State ex rel. Jones v. Bradshaw, 123 Ohio St.3d 444, 2009-Ohio-5586.**

**2009-0965. State ex rel. Watley v. Pfeiffer, 123 Ohio St.3d 445, 2009-Ohio-5587.**

**2009-1129. Turner v. Brunsman, 123 Ohio St.3d 445, 2009-Ohio-5588.**

**2009-1142. Ohio State Bar Assn. v. Trivers, 123 Ohio St.3d 436, 2009-Ohio-5285.**

**2009-1228. Hughley v. Saunders, 123 Ohio St.3d 446, 2009-Ohio-5585.**

**2009-1746. State ex rel. Chillicothe v. Ross Cty. Bd. of Elections, 123 Ohio St.3d 439, 2009-Ohio-5523.**

## **DISCIPLINARY CASES**

### **2005-1948. Disciplinary Counsel v. Henderson.**

On April 5, 2006, this court permanently disbarred respondent, Pippa Lynn Henderson, Attorney Registration No. 0041739, last known address in Cleveland, Ohio, from the practice of law pursuant to Gov.Bar R.V(6)(B)(1).

On September 24, 2009, relator, Disciplinary Counsel, filed a motion requesting this court to issue an order directing respondent to show cause why she should not be found in contempt for failure to comply with this court's April 5, 2006, order. On November 3, 2009, this court ordered respondent to appear in person before the court on December 2, 2009. Respondent failed to appear before the court on the scheduled date. Upon consideration thereof,

It is ordered that respondent be and hereby is found in contempt.

It is further ordered by the court, sua sponte, that respondent is fined \$1,000, which shall be payable to this court on or before 90 days from the date of this order. If this fine is not paid within 90 days, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order, and the matter will be referred to the Office of the Attorney General for collection proceedings.

It is further ordered that respondent shall serve 10 days in jail and that a warrant be issued for her arrest to the Sheriff of Cuyahoga County and to the sheriffs of such other counties as the contemnor may frequent.

It is further ordered, sua sponte, that the Clerk of the Supreme Court of Ohio be, and hereby is, authorized to release to the appropriate law enforcement officials any information concerning respondent that is otherwise confidential, including respondent's Social Security number, for the purpose of facilitating execution of the warrant issued for the arrest of respondent.

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 last known address of respondent.

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)(2), and that respondent bear the costs of publication.

Moyer, C.J. and Lundberg Stratton and Cupp, JJ, concur but would impose only five days in jail.

**2007-0768. Cuyahoga Cty. Bar Assn. v. Smith.**

On August 29, 2007, this court permanently disbarred respondent, Richard Ford Smith Jr., Attorney Registration No. 0018125, last known address in Cleveland, Ohio, from the practice of law pursuant to Gov.Bar R.V(6)(B)(1).

On September 17, 2009, relator, Cuyahoga County Bar Association, filed with this court a motion for an order to appear and show cause why respondent should not be found in contempt for failing to obey this court's August 29, 2007, order of disbarment.

On November 3, 2009, this court ordered respondent to appear in person before the court on December 1, 2009. Respondent appeared before the court on the scheduled date. Upon consideration thereof,

It is ordered by this court that respondent is found in contempt. It is further ordered that respondent is fined \$2,000 (\$1,000 for each of the two appearances set forth in relator's motion); however, \$1,000 of the fine will be waived if respondent enters into an agreement, within 30 days of the date of this order, with the Clients Security Fund for repayment of the full amount of all awards made against him by the fund. Respondent shall begin payment within 30 days of the date of this order, and full repayment to the Clients Security Fund of all awards against respondent must be made within two years of the date of this order. At the end of the two-year period, respondent shall file proof with the court that he has fully reimbursed the fund. If respondent fails to reimburse the fund for all awards against him within two years of the date of this order, the remaining \$1,000 of the fine will be imposed.

It is further ordered that respondent shall pay \$1,000 of the fine to the Clerk's Office within 90 days of the date of this order. If the fine is not paid within 90 days from the date of this order, interest at the rate of 10% per annum shall accrue on the unpaid fine, and the matter will be referred to the office of the Attorney General for collection.

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. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio, which govern access to court records.

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 to respondent's last known address.

Pfeifer, Lundberg Stratton, and O'Connor, JJ., concur in the sanction but would allow the entire \$2,000 fine to be waived if respondent repays the full amount of all awards made against him by the Clients Security Fund.

**2009-1960. Akron Bar Assn. v. McNerney.**

This cause is pending before the court upon the filing of a report and recommendation by the Board of Commissioners on Grievances and Discipline. On December 1, 2009, relator, Akron Bar Association, filed a suggestion of death of respondent. Upon consideration thereof,

It is ordered by the court that this matter is dismissed.

**MISCELLANEOUS ORDERS**

In re Report of the Commission  
On Continuing Legal Education.

Case No. CLE-2007-75411

Carlos Francisco Martin  
(#0075411),  
Respondent.

**ORDER**

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 2005-2006 reporting period.

On June 16, 2008, this court adopted the recommendation of the commission, imposed a sanction fee upon respondent, and suspended respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3) and (5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7), respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, respondent complies with this and all other orders of the court, and this court orders respondent reinstated.

On December 14, 2009, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2), finding that respondent has paid all fees assessed for noncompliance, has made up all deficiencies, and is now in full compliance with all requirements of Gov.Bar R. X and recommending that respondent be reinstated to the practice of law in Ohio. The commission certified that respondent had completed the credit hours of continuing legal education required during the

suspension by this court's order of suspension. Respondent has satisfied all the requirements of this court's order of suspension. Upon consideration thereof,

It is ordered by the court that the recommendation of the commission is adopted and respondent, Carlos Francisco Martin, is hereby reinstated to the practice of law.