

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 20, 2010

[Cite as *07/20/2010 Case Announcements*, 2010-Ohio-3372.]

MERIT DECISIONS WITH OPINIONS

2008-2127 and 2008-2249. State v. Rohrbaugh, Slip Opinion No. 2010-Ohio-3286.

Logan App. No. 8-07-28, 2008-Ohio-4781. Certified question answered in the affirmative, judgment of the court of appeals reversed, and cause remanded to the court of appeals.

Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Brown, C.J., not participating.

2009-1196. State v. Bess, Slip Opinion No. 2010-Ohio-3292.

Cuyahoga App. No. 91429, 182 Ohio App.3d 364, 2009-Ohio-2254. Judgment of the court of appeals reversed, and cause remanded to the trial court.

Lundberg Stratton, O'Connor, O'Donnell, and Cupp, JJ., concur.

Pfeifer and Lanzinger, JJ., dissent.

Brown, C.J., not participating.

2009-2283. Disciplinary Counsel v. Miller, Slip Opinion No. 2010-Ohio-3287.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-050. Wayne Donald Miller, Attorney Registration No. 0058543, is indefinitely suspended from the practice of law in Ohio.

Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Brown, C.J., not participating.

2009-2302. Cincinnati Bar Assn. v. Kellogg, Slip Opinion No. 2010-Ohio-3285.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-092. Paul Joseph Kellogg, Attorney Registration No. 0062303, is indefinitely suspended from the practice of law in Ohio.

Pfeifer, Lundberg Stratton, Lanzinger, and Cupp, JJ., concur.

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

Brown, C.J., not participating.

2010-0057. State ex rel. Rucker v. Guernsey Cty. Sheriff's Office, Slip Opinion No. 2010-Ohio-3288.

Guernsey App. No. 09-CA-4, 2009-Ohio-6336. Judgment of the court of appeals reversed, and cause remanded to the court of appeals.

Brown, C.J., and Pfeifer, O'Connor, Lanzinger, and Cupp, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., dissent.

DISCIPLINARY CASES

2003-1109. Cincinnati Bar Assn. v. Statzer.

This cause came on for further consideration upon respondent's filing of an application for reinstatement on May 4, 2010. On May 21, 2010, relator filed a motion for stay of the respondent's application for reinstatement. The court ordered respondent to show cause why the motion for stay should not be granted, and on June 22, 2010, respondent filed her response. Upon consideration thereof,

It is ordered by this court that relator's motion for stay is hereby denied.

O'Connor, J., would grant the motion.

2003-1109. Cincinnati Bar Assn. v. Statzer.

On application for reinstatement of Joni Elizabeth Statzer, Attorney Registration No. 0067179. Application granted and respondent is reinstated to the practice of law in Ohio.

2003-1865 and 2006-1261. Disciplinary Counsel v. Young.

On motion for reconsideration of denial of petition for reinstatement of James Cornell Young, Attorney Registration No. 0034227. Motion granted. Petition granted and respondent is reinstated to the practice of law in Ohio.

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

2004-2150. Ohio State Bar Assn. v. Allen.

On December 7, 2005, this court enjoined respondent John Allen from the unauthorized practice of law in Ohio, pursuant to its authority to regulate the practice under Article IV, Section 2(B)(1)(g) of the Ohio Constitution and Gov.Bar R.VII(19)(D)(1)(a) and assessed a civil penalty against him in the amount of \$40,000 pursuant to Gov.Bar R.VII(19)(D)(1)(c).

On May 12, 2010, relator, Ohio State Bar Association, filed a motion requesting this court to issue an order directing respondent to show cause why he should not be found in contempt of this court's December 7, 2005 order for continuing to practice law and for failing to pay the civil penalty. On June 10, 2010, this court ordered respondent to appear in person before the court on July 6, 2010. Respondent did not appear before the court on the scheduled date. Upon consideration thereof,

It is ordered by the court that respondent is hereby found in contempt.

It is further ordered by the court, sua sponte, that John Allen, a.k.a., John D. Allen, a.k.a., John Dale Allen, a.k.a., Dale Allen Oates, a.k.a., Dale Alan Oates, a.k.a., Dale Allen Oatess, a.k.a., Dale Alan Oatess, a.k.a., Dale A. Oatess, shall serve 30 days in jail and that a warrant be issued for his arrest to the Sheriff of Muskingum 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 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. All 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.

2009-1115. Cleveland Metro. Bar Assn. v. Dawson.

On application for reinstatement of William Dawson, Attorney Registration No. 0073025. Application granted and respondent is reinstated to the practice of law in Ohio.

2010-0851. Disciplinary Counsel v. Pullins.

The Board of Commissioners on Grievances and Discipline filed its final report in this court on May 12, 2010, recommending that pursuant to Gov.Bar R. V(6)(B)(2), the respondent, Scott Pullins, be indefinitely suspended from the practice of law. A show cause order was issued by the court and in response, respondent filed objections and the relator filed an answer. On June 15, 2010, respondent filed a request for remand to the board and a request for judicial notice of a decision in the Knox County Court of Appeals. On June 21, 2010, relator filed a memo opposing the request for remand and a memo opposing the request for judicial notice. On June 28, 2010, respondent filed a motion to strike count four and a motion for sanctions for frivolous action. A memo opposing these motions was filed on July 1, 2010 by relator. Upon consideration thereof,

It is ordered by the court that respondent's request for remand, request for judicial notice, motion to strike count four and motion for sanctions for frivolous action are denied.

It is further ordered that this case will be scheduled for oral argument.

Brown, C.J., dissents and would remand the matter to the board.