

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 15, 2010

[Cite as *09/15/2010 Case Announcements, 2010-Ohio-4325.*]

DISCIPLINARY CASES

2009-0401. Cleveland Metro. Bar Assn. v. Johnson.

On August 26, 2009, this court publicly reprimanded respondent, Rita R. Johnson, and ordered her to pay board costs in the amount of \$1,919.45 on or before November 24, 2009. On August 4, 2010, this court issued an order to show cause why she should not be held in contempt for failing to comply with the court's order. Respondent did not file a response to the show cause order, and board costs, publication costs, and accrued interest remain unpaid. Upon consideration thereof,

It is ordered that respondent, Rita R. Johnson, Attorney Registration No. 0065959, last known business address in Garfield Heights, Ohio, is found in contempt for failure to comply with the court's August 26, 2009 order. It is further ordered that respondent is suspended until board costs, publication costs, and accrued interest are paid in full.

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 instruments 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 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, sua sponte, by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

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 the Supreme Court Rules for the Government of the Bar of Ohio, (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 on or before 30 days from 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 to act as an attorney 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 respondent 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, the Cleveland Metropolitan 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 Section.

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.

2009-0466. Columbus Bar Assn. v. Kizer.

It is ordered by this court, sua sponte, that Tanya Johnston Kizer, Attorney Registration No. 0073402, last known business address in Columbus, Ohio, is found in contempt for failure to comply with this court's order of September 17, 2009, to wit: failure to file an affidavit of compliance on or before October 19, 2009.

MEDIATION REFERRALS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. 17.1(A):

2010-1285. State ex rel. DeGroot v. Tilsley.

Hamilton App. No. C-100338.

2010-1296. Huff v. O'Toole.

In Mandamus.

2010-1312. In re Monogudis.
Cuyahoga App. No. 92988, 2010-Ohio-2087.

2010-1400. State ex rel. Lundeen v. Ryan.
Franklin App. No. 08AP-601.

2010-1525. State ex rel. Bell v. Madison Cty. Bd. of Commrs.
Madison App. No. CA2010-04-010.

2010-1534. State ex rel. DeGroot v. Bohannon.
In Mandamus.

2010-1536. State ex rel. O'Shea & Assoc. Co., L.P.A. v. Cuyahoga Metro. Hous. Auth.
Cuyahoga App. No. 93275, 2010-Ohio-3416.

2010-1538. State ex rel. Waters v. WEK Acquisition Corp., Inc.
Franklin App. No. 09AP-337, 2010-Ohio-3520.

2010-1579. State ex rel. Fifth Third Mtge. Co. v. Russo.
Cuyahoga App. Nos. 94816, 94817, and 94818, 2010-Ohio-3734.

2010-1580. Parma City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, No. 2008-M-401.

2010-1583. Walgreen Co. v. Stark Cty. Bd. of Revision.
Board of Tax Appeals, No. 2007-M-1268.

2010-1592. State ex rel. Striker v. Clerk of Court.
Richland App. No. 09CA107, 2010-Ohio-3592.

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. 17.1(E):

2010-0586. State ex rel. Alston v. Interpak, Inc.
Franklin App. No. 09AP-534, 2010-Ohio-790.

2010-0636. State ex rel. Akron Paint & Varnish, Inc. v. Gullotta.
Franklin App. No. 09AP-492, 2010-Ohio-1321.