

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

August 10, 2011

[Cite as *08/10/2011 Case Announcements*, 2011-Ohio-3936.]

MOTION AND PROCEDURAL RULINGS

2006-1806. State v. Craig.

Summit C.P. No. CR2006010340. This cause is pending before the court as an appeal from the Court of Common Pleas for Summit County.

Upon consideration of appellee's motion for continued stay of the supplemental briefing schedule, it is ordered by the court that the motion is granted. The parties shall notify this court within ten days of the United States Supreme Court's decision in *Williams v. Illinois*.

Pfeifer, J., dissents.

O'Connor, C.J., not participating.

2011-0035. State ex rel. Deal v. Cunningham.

Franklin App. No. 10AP-142, 2010-Ohio-6175. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County.

Upon consideration of the joint application for dismissal, it is ordered by the court that the joint application for dismissal is granted. Accordingly, this cause is dismissed.

2011-0125. State ex rel. Labor Works of Dayton L.L.C. v. Ohio Bur. of Workers' Comp.

Franklin App. No. 10AP-22, 2010-Ohio-6299. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's application for dismissal, it is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

2011-0374. LNV Corp. v. Etherington.

Warren App. No. CA2010-09-082. This cause is pending before the court as a discretionary appeal.

Upon consideration of appellants' application for dismissal, it is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

2011-1184. State v. Drane.

Montgomery App. No. 23862. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon consideration of appellant's application for dismissal, it is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

DISCIPLINARY CASES

2006-0738 and 2008-0037. Disciplinary Counsel v. Manning.

On July 15, 2011, respondent, Thomas Joel Manning, filed an application for termination of probation. Upon consideration thereof, the court finds that respondent has substantially complied with Gov.Bar R.V(9)(D), and with its order dated June 30, 2009 in which the court reinstated respondent and placed him on probation for a period of two years.

On consideration thereof, it is ordered by this court that the probation of respondent, Thomas Joel Manning, Attorney Registration No. 0059759, last known business address in Dayton, Ohio, is terminated.

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.

2010-0287. Disciplinary Counsel v. Ohlin.

It is ordered by this court, sua sponte, that Joseph David Ohlin, Attorney Registration No. 0031532, last known business address in Warren, Ohio, is found in contempt for failure to comply with this court's order of August 24, 2010, to wit: failure to file an affidavit of compliance on or before September 23, 2010.

2010-0346. Disciplinary Counsel v. Freeman.

It is ordered by this court, sua sponte, that Henry Roosevelt Freeman, Attorney Registration No. 0022713, last known business address in Tallmadge, Ohio, is found in contempt for failure to comply with this court's order of August 24, 2010, to wit: failure to file an affidavit of compliance on or before September 23, 2010.

2010-0783. Disciplinary Counsel v. Maynard.

It is ordered by this court, sua sponte, that Jerry LaVaughn Maynard, Attorney Registration No. 0062828, last known business address in Nashville, Tennessee, is found in contempt for failure to comply with this court's order of July 1, 2010, to wit: failure to file an affidavit of compliance on or before August 2, 2010.

2010-1234. Disciplinary Counsel v. Zapor.

It is ordered by this court, sua sponte, that Jeffery Alan Zapor, Attorney Registration No. 0079076, last known business address in Sylvania, Ohio, is found in contempt for failure to comply with this court's order of December 2, 2010, to wit: failure to file an affidavit of compliance on or before January 3, 2011.

2010-1840. Columbus Bar Association v. Janet Louise Larkin.

It is ordered by this court, sua sponte, that Janet Louise Larkin, Attorney Registration No. 0073610, last known business address in Columbus, Ohio, is found in contempt for failure to comply with this court's order of February 23, 2011, to wit: failure to file an affidavit of compliance on or before March 25, 2011.

2010-1863. Columbus Bar Association v. Van Sickle.

It is ordered by this court, sua sponte, that John Allan Van Sickle, Attorney Registration No. 0013780, last known business address in Columbus, Ohio, is found in contempt for failure to comply with this court's order of February 24, 2011, to wit: failure to file an affidavit of compliance on or before March 28, 2011.

2010-2035. In re Bubna.

It is ordered by this court, sua sponte, that Walter Peter Bubna, Attorney Registration No. 0017928, last known business address in Independence, Ohio, is found in contempt for failure to comply with this court's order of December 22, 2010, to wit: failure to file an affidavit of compliance on or before January 21, 2011.

2011-1338. In re Mitchell.

On August 5, 2011, and pursuant to Rule V(5)(A)(3) of the Supreme Court Rules for the Government of the Bar of Ohio, the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against William Mitchell Jr., an attorney licensed to practice law in the State of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that William Mitchell Jr., Attorney Registration No. 0019501, last known business address in Westlake, Ohio, is suspended from the practice of law for an interim period, effective as of the date of this entry.

It is further ordered that this matter is referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and is forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that, effective immediately, respondent is forbidden to counsel or advise, or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that respondent is 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 before entering into an employment, contractual, or consulting relationship with any attorney or law firm, the respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1), and from receiving, disbursing, or otherwise handling any client trust funds or property.

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 the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.

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 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 the respondent pursuant to Gov.Bar R.

VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

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 respondent's possession or control;
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 such 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 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. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence 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.

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.