

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 7, 2011

[Cite as *01/07/2011 Case Announcements, 2011-Ohio-18.*]

MOTION AND PROCEDURAL RULINGS

2009-1735. Engel v. Univ. of Toledo College of Medicine.

Franklin App. No. 09AP-53, 184 Ohio App.3d 669, 2009-Ohio-3957. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of amicus curiae Dr. Marek Skoskiewicz's motion to participate in oral argument scheduled for Tuesday, February 1, 2011,

It is ordered by the court that the motion is granted. Amicus curiae Dr. Marek Skoskiewicz shall be allotted ten minutes for oral argument. Pursuant to S.Ct.Prac.R. 9.5, appellant and appellee shall still be allotted fifteen minutes each for oral argument.

Oral argument shall proceed as follows: appellant's case-in-chief; appellee's response; amicus curiae Dr. Marek Skoskiewicz's argument in support of neither party; and appellant's rebuttal, if any.

2009-1806. State ex rel. Merrill v. Ohio Dept. of Natural Resources.

Lake App. No. 2008-L-007 and 2008-L-008, 2009-Ohio-4256. This cause is pending before this court as an appeal and cross-appeal from the Court of Appeals for Lake County.

Upon consideration of the motion to determine an order and allocate separate additional time for oral argument of Homer S. Taft, it is ordered by the court that the motion is granted in part, and oral argument scheduled for Tuesday, February 1, 2011, shall proceed as follows: Appellants/cross-appellees' case-in-chief; appellee/cross-appellant's case-in-chief; appellees/cross-appellees' argument in response to the appeal and cross-appeal; appellants/cross-appellees' rebuttal, if any; appellee/cross-appellant's rebuttal, if any.

It is further ordered that appellants/cross-appellees shall have fifteen minutes of argument time, appellee/cross-appellant shall have ten minutes of argument time, and appellees/cross-appellees shall have ten minutes of argument time.

DISCIPLINARY CASES

2010-0486. In re Guernsey.

By order of April 15, 2010, and pursuant to Gov.Bar R.V(5), this court suspended respondent, Donald James Guernsey, from the practice of law for an indefinite period upon his felony conviction. On December 29, 2010, the Board of Commissioners on Grievances and Discipline filed a certified copy of a judgment entry reversing respondent's conviction. Upon consideration thereof,

It is ordered by the court that Donald James Guernsey, Attorney Registration No. 0002690, last known business address in Fostoria, Ohio, is reinstated to the practice of law in Ohio pursuant to Gov.Bar R.V(5)(D)(1). It is further ordered that pursuant to Gov.Bar R.V(5)(D)(2), this order does not terminate any disciplinary proceedings that may be pending against respondent.

2010-1782. Disciplinary Counsel v. Asante.

On October 15, 2010, the Board of Commissioners on Grievances and Discipline filed a final report in the office of the Clerk of this court pursuant to BCGD Proc. Reg. 11(D), in which it accepted the agreement entered into by the relator, Disciplinary Counsel, and the respondent, Lilian Antwiwaa Asante. The agreement set forth the misconduct and the agreed, recommended sanction of a two year suspension. The board recommended that the agreement be accepted. The court, sua sponte, issued an order waiving the issuance of a show cause order, and this matter was submitted to the court on the report and record filed by the board. On consideration thereof,

It is hereby ordered by the court, sua sponte, that the recommended sanction is rejected. It is further ordered that pursuant to Gov.Bar R. V(8)(D), this cause is remanded to the Board of Commissioners on Grievances and Discipline for further proceedings, including consideration of a harsher sanction. Proceedings before this court in this case are stayed until further order of this court. Costs to abide final determination of the case.

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.

2010-2291. In re Toohig.

On December 30, 2010, and pursuant to Gov.Bar R. V(5)(A)(3), 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 Kevin Thomas Toohig, 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 Kevin Thomas Toohig, Attorney Registration No. 0067447, last known business address in Beachwood, 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 Cleveland Metropolitan Bar Association 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, 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 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 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, 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. 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.

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.

MISCELLANEOUS ORDERS

In re Continuing Legal Education Suspension	:	
Jeffrey Van Hawkins	:	ORDER OF
Respondent.	:	REINSTATEMENT
	:	
	:	(0038978)
Jeffrey Van Hawkins	:	
One Cascade Plaza Ste 2210	:	
Akron OH 44308	:	January 6, 2011

On December 17, 2010, respondent was suspended from the practice of law pursuant to Gov.Bar R. X(5). On January 6, 2011, respondent applied for reinstatement to the practice of law and complied with the requirements for reinstatement set forth in Gov.Bar R. X(7).

Upon consideration thereof and pursuant to Gov.Bar R. X(7), respondent is reinstated to the practice of law.