

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

February 16, 2017

[Cite as *02/16/2017 Case Announcements*, 2017-Ohio-528.]

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## MERIT DECISIONS WITH OPINIONS

**2015-0243. Akron Bar Assn. v. Bednarski, Slip Opinion No. 2017-Ohio-522.**

On Certified Report by the Board of Professional Conduct, No. 2014-094. Holly Lynn Bednarski, Attorney Registration No. 0077231, is hereby suspended from the practice of law for two years, with the final six months stayed on conditions.

O'Connor, C.J., and O'Donnell, Kennedy, French, Fischer, and DeWine, JJ., concur.

O'Neill, J., dissents and would grant respondent credit for time served under interim default suspension.

## AFFIDAVITS OF DISQUALIFICATION

The chief justice has released the following judicial-disqualification opinion, which was previously issued as an entry in response to an affidavit of disqualification filed pursuant to R.C. 2701.03.

**17-AP-002. In re Disqualification of Saffold, Slip Opinion No. 2017-Ohio-523 (decided Feb. 2, 2017).**

## MOTION AND PROCEDURAL RULINGS

**2016-0172. Cleveland v. Oles.**

Cuyahoga App. No. 102835, 2016-Ohio-23. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Cuyahoga County.

Upon consideration of the joint motion of appellant and amicus curiae Cuyahoga County Prosecuting Attorney for divided argument time on Wednesday, March 1, 2017, it is ordered by the court that the motion is granted. Amicus curiae shall share the time allotted to appellant.

**2016-0238. State v. Bembry.**

Mahoning App. Nos. 2014 MA 51 and 2014 MA 52, 2015-Ohio-5598. This cause is pending before the court as an appeal from the Court of Appeals for Mahoning County.

Upon consideration of the joint motion of appellee and amicus curiae Ohio Attorney General Michael DeWine for divided argument time scheduled for March 1, 2017, it is ordered by the court that the motion is granted. Amicus curiae shall share the time allotted to appellee.

**2016-0271. State v. Polk.**

Franklin App. No. 14AP-787, 2016-Ohio-28. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County.

Upon consideration of the joint motion of appellant and amicus curiae Ohio Attorney General Michael DeWine for divided argument time scheduled for March 1, 2017, it is ordered by the court that the motion is granted. Amicus curiae shall share the time allotted to appellant.

**2016-0282. Cleveland v. Oles.**

Cuyahoga App. No. 102835, 2016-Ohio-23. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

Upon consideration of the joint motion of appellant and amicus curiae Cuyahoga County Prosecuting Attorney for divided argument time scheduled for Wednesday, March 1, 2017, it is ordered by the court that the motion is granted. Amicus curiae shall share the time allotted to appellant.

**2017-0220. State ex rel. Cowan v. Gallagher.**

Cuyahoga App. No. 104666, 2017-Ohio-108. This cause was filed as a jurisdictional appeal. Upon consideration of appellant's memorandum in support of jurisdiction, it is determined by the court that this cause originated in the court of appeals and, therefore, should proceed as an appeal of right pursuant to S.Ct.Prac.R. 5.01.

It is ordered by the court that the clerk shall issue an order for the transmission of the record from the Court of Appeals for Cuyahoga County and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.07.

## DISCIPLINARY CASES

### **2016-0538. Disciplinary Counsel v. Walton.**

This matter came on for further consideration upon the filing by relator of a notice of violation and motion to lift stay.

Upon consideration thereof, it is ordered by the court that the motion is denied.

O'Connor, C.J., dissents.

Fischer, J., not participating.

### **2016-1148. Lorain Cty. Bar Assn. v. Mackin.**

This cause is pending before the court upon the filing of a report by the Board of Professional Conduct.

On February 16, 2017, in 2017-0037, *In re Resignation of Mackin*, this court accepted respondent's resignation from the practice of law with disciplinary action pending.

Therefore, it is ordered by the court that 2016-1148 is dismissed.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$2,619.02, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10 percent per annum shall accrue as of 90 days from the date of this order and the matter may be referred to the attorney general for collection. It is further ordered that respondent is liable for all collection costs pursuant to R.C. 131.02 if the debt is certified to the attorney general for collection.

### **2016-1844. Lorain Cty. Bar Assn. v. Jones.**

On December 15, 2016, and pursuant to Gov.Bar R. V(14)(A), the Board of Professional Conduct filed with this court a certification of default, alleging that respondent, Ken Jones, failed to file an answer to a formal complaint pending before the board. Respondent did not file a response.

Upon consideration thereof and pursuant to Gov.Bar R. V(14)(B)(1), it is ordered that this matter is dismissed pursuant to *Disciplinary Counsel v. Harris*, 137 Ohio St.3d 1, 2013-Ohio-4026, 996 N.E.2d 921. It is further ordered that this matter is referred to the Board on the Unauthorized Practice of Law for further proceedings.

Fischer, J., dissents.

**2017-0037. In re Resignation of Mackin.**

On application for resignation of Patrick Charles Mackin, Attorney Registration No. 0038677, and on report filed under seal by disciplinary counsel. Resignation accepted with disciplinary action pending.

**2017-0038. In re Resignation of Goldthorpe.**

On application for resignation of Christopher J. Goldthorpe, Attorney Registration No. 0007787, and on report filed under seal by disciplinary counsel. Resignation accepted with disciplinary action pending.

O'Neill and Fischer, JJ., dissent.