

JUN 18 2014

FILED

**BEFORE THE BOARD OF COMMISSIONERS  
ON GRIEVANCES AND DISCIPLINE  
OF  
THE SUPREME COURT OF OHIO**

FILED

JUN 18 2014

In re: )  
Complaint Against )

CASE NO.: 14 - 051

**HOWARD SCHUMAN (0033578)** )  
2267 Fenwick Road )  
University Heights, OH 44118 )

RESPONDENT )

**COMPLAINT AND CERTIFICATE**

**CLEVELAND METROPOLITAN** )  
**BAR ASSOCIATION** )  
1301 East Ninth Street, Second Level )  
Cleveland, Ohio 44114-1253 )

**(Rule V of the Supreme Court Rules  
for the Government of the Bar of Ohio)**

RELATOR )  
)  
)  
)

Now comes the Relator, Cleveland Metropolitan Bar Association, and alleges that Howard Schuman, at one time duly admitted to the practice of law in the State of Ohio, and under indefinite suspension since March 4, 1998, is guilty of the misconduct alleged herein.

Howard Schuman, Ohio Supreme Court Attorney Registration Number 0033578, (hereinafter, "Respondent"), was admitted to the practice of law in Ohio on November 7, 1970, and as such is subject to the Supreme Court Rules for the Government of the Bar of Ohio and the Ohio Rules of Professional Conduct. Respondent is not currently registered with the Court.

**COUNT I**  
**(Kimberly S. Collins's Grievance)**

1. In the summer of 2011, Kimberly S. Collins's ("Ms. Collins") home had been subject to foreclosure proceedings. At that time, she received an unsolicited letter from an attorney concerning possible representation of Ms. Collins in bankruptcy proceedings.

2. Ms. Collins called the office of the attorney who had sent the letter. She requested a return call.

3. Respondent returned the call and arranged an in-person meeting with Ms. Collins.

4. At the meeting, conducted at a local restaurant, Ms. Collins met only with Respondent. Ms. Collins believes Respondent introduced himself as an attorney. At no time did he indicate his license to practice law had been indefinitely suspended.

5. Respondent provided information to Ms. Collins concerning Chapter 7 and Chapter 13 bankruptcies, suggested pursuing a Chapter 13, and advised her concerning a strategy concerning her personal and household bills.

6. Within a few weeks, Ms. Collins met again with Respondent to discuss her case. No other person was present at the meeting.

7. At this second meeting, Ms. Collins paid Respondent \$1,600.00. Respondent advised Ms. Collins that he had sufficient information to prepare a filing with the Bankruptcy Court.

8. Ms. Collins subsequently attended a hearing at the Bankruptcy Court. Respondent did not appear. The lawyer who had sent the letter to Ms. Collins appeared on her behalf.

9. Subsequently, Ms. Collins met with Respondent and the lawyer who wrote the letter. After the meeting began, the lawyer left the room and Ms. Collins continued to meet only with Respondent. Respondent advised Ms. Collins concerning her bankruptcy filing.

10. On January 31, 2013, Ms. Collins' bankruptcy matter was dismissed.

11. Thereafter, Respondent telephoned Ms. Collins and requested \$8,000.00 to prepare a new matter. Ms. Collins refused.

12. Respondent's conduct with respect to Ms. Collins violated the following provisions of the Rules of Professional Conduct as adopted in Ohio:

- a. Prof. Cond. Rule 5.5 (a) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- b. Prof. Cond. Rule 5.5(b)(2) – A lawyer who is not admitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction; and
- c. Prof. Cond. Rule 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

13. Respondent's conduct with respect to Ms. Collins violated the following provisions of the Rules for the Government of the Bar:

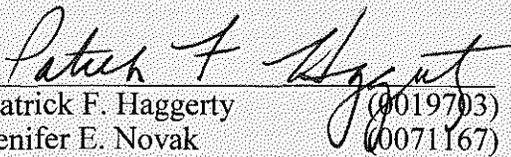
Gov. Bar. Rule V(G)(1) - A disqualified or suspended attorney subject to division (G) of this rule shall not do either of the following:

- (a) Have any direct client contact, other than serving as an observer in any meeting, hearing or interaction between an attorney and a client;
- (b) Receive, disburse, or otherwise handle client trust funds or property.

WHEREFORE, Relator prays that Respondent be appropriately disciplined for his misconduct.

Respectfully submitted,

CLEVELAND METROPOLITAN BAR ASSOCIATION, BY:

  
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*Assistant Counsel,  
Cleveland Metropolitan Bar Association*

**CERTIFICATE**

The undersigned, **DARRELL A. CLAY, CHAIRPERSON**, of the **CLEVELAND METROPOLITAN BAR ASSOCIATION'S CERTIFIED GRIEVANCE COMMITTEE**, hereby certifies that **PATRICK F. HAGGERTY and JENIFER E. NOVAK** are duly authorized to represent Relator in the premises and have accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: \_\_\_\_\_

*June 3, 2014*

\_\_\_\_\_  
DARRELL A. CLAY, CHAIRPERSON  
Certified Grievance Committee

**(Rule V of the Supreme Court Rules for the Government of the Bar of Ohio)  
Section (4)**

(4)(I)(8) The Complaint; Where Filed; By Whom Signed. A complaint shall mean a formal written complaint alleging misconduct or mental illness of one who shall be designated as the Respondent. Six (6) copies of all such complaints shall be filed in the office of the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall not be accepted for filing unless signed by one or more members of the Bar of Ohio in good standing, who shall be counsel for the Relator, and supported by a certificate in writing signed by the President, Secretary or Chairman of the Certified Grievance Committee, which Certified Grievance Committee shall be deemed the Relator, certifying that said counsel are duly authorized to represent said Relator in the premises and have accepted the responsibility of prosecuting the complaint to conclusion. It shall constitute the authorization of such counsel to represent said Relator in the premises as fully and completely as if designated and appointed by order of the Supreme Court of Ohio with all the privileges and immunities of an officer of such Court. The complaint may also, but need not, be signed by the person aggrieved.

Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

Upon the filing of a complaint with the Secretary of the Board, Relator shall forward a copy thereof to Disciplinary Counsel, to the Certified Grievance Committee of the Ohio State Bar Association, to the local bar association and to any Certified Grievance committee serving the county or counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.