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BEFORE THE BOARD OF PROFESSIONAL  
CONDUCT OF  
THE SUPREME COURT OF OHIO

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

William D. Bell, Esq.  
Suite 604 Second National Bldg  
830 Main Street  
Cincinnati, OH 45202  
Attorney Registration No. (0027596)

16 - 056

No. \_\_\_\_\_

Respondent,

CINCINNATI BAR ASSOCIATION  
225 East Sixth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

COMPLAINT AND CERTIFICATE

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

FILED

NOV 04 2016

Relator.

BOARD OF PROFESSIONAL CONDUCT

Now comes Relator and alleges that William D. Bell, an Attorney at Law duly admitted to the practice of law in the State of Ohio on May 6, 1977, is guilty of the following misconduct:

**Background**

1. On February 11, 2016, this matter was referred to Relator by Judge Richard A. Bernat of Hamilton County Municipal Court. Judge Bernat had presided over a case captioned *William D. Bell v. Levie Smith, dba Platinum Property Management Inc., et al.*, Case No. 15 CV 02376, in which Respondent sought to collect legal fees from a former client. In the Judgment Entry, Judge Bernat found that, as a matter of law, Respondent had breached his agreement with his client by settling the underlying matter without his client's consent. Further, that the client had thereby been harmed because certain claims for damages that he had were lost.

### Count I

2. Previously, Respondent represented Levie Smith, a landlord, in two eviction cases: *Levie W. Smith v. Letitia Betton*, Case No. 13CV22296 and *Levie W. Smith v. Letitia Betton*, Case No. 14CV09083 in Hamilton County Municipal Court. The first eviction case was based upon non-payment of rent. The second eviction case was based upon a separate lease violation. Both cases had a claim for possession of the property and for damages. The two cases were ultimately consolidated and assigned to Judge Cheryl Grant.
3. The eviction cases involved a tenant who had remained on the property for almost a year after the initial eviction complaint was filed. In order to remain in the property while the claims for possession were tried, the tenant was ordered to deposit her monthly rent into the court. However, in early June, 2014, the tenant moved out of the property, thereby resolving the possession claims.
4. The claims for damages were set for hearing before Judge Grant on September 9, 2014. At a settlement conference in June, 2014, Respondent and counsel for the tenant discussed the possibility of settling the remaining claims for damages. Respondent asked his client, Mr. Smith, to compile a list of damages, which Mr. Smith provided. The list contained some property damage as well as past due rent.
5. Although Respondent had some questions about the list Mr. Smith provided, he never spoke to Mr. Smith about the list. Respondent knew that Mr. Smith had previously rejected a settlement offer from the tenant which included the tenant moving out and

- receiving a refund of her security deposit. Mr. Smith told Respondent that the offer was not acceptable because the tenant owed money for damages, past due rent, and late fees.
6. Nevertheless, without Mr. Smith's knowledge or consent and with no further discussion, Respondent entered into a settlement on Mr. Smith's behalf. Mr. Smith was particularly aggrieved because the settlement allowed the tenant to receive some of the money she had escrowed with the court, even though she still owed Mr. Smith.
  7. On August 26, 2014, Respondent signed and filed a dismissal entry for the consolidated eviction cases. Per that entry, the tenant received \$560.00 from the escrowed funds and Mr. Smith and Respondent jointly received the remaining \$2,507.00 from the escrowed funds.
  8. Respondent went to Mr. Smith's home and sought Mr. Smith's endorsement to Respondent of the joint check for payment of his legal services. Mr. Smith refused to sign the check on the basis that he had not authorized the settlement.
  9. On February 3, 2015, Respondent filed the aforementioned suit against Mr. Smith and his company in the Hamilton County Municipal Court.
  10. By reason of the foregoing, Respondent has violated his oath of office and the Rules of Professional Conduct, specifically:
    - a. Rule 1.2(a) by failing to abide by the client's decision concerning the objectives of the representation; and
    - b. Rule 1.4(a) by failing to promptly inform the client of any decision or circumstances in which the client's informed consent is required.

## Count II

11. Respondent has admitted that he did not have professional liability insurance during the time he represented Mr. Smith.
12. Respondent failed to inform Mr. Smith that he did not maintain professional liability insurance, and he failed to provide Mr. Smith with a written notice regarding his lack of professional liability insurance.
13. By reason of the foregoing, Respondent has violated his oath of office and the Rules of Professional Conduct, specifically:
  - a. Prof. Cond. R. 1.4(c) by failing to notify his client of his lack of professional liability insurance.

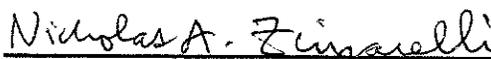
WHEREFORE, Relator alleges the Respondent is chargeable with misconduct as an attorney at law, which misconduct has brought disrepute to the legal profession, and, by reason thereof, Relator requests that Respondent be disciplined pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

Respectfully submitted,

CINCINNATI BAR ASSOCIATION

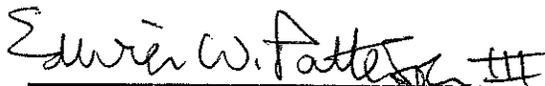


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*EWP #0019701  
per authority*



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## CERTIFICATE

The undersigned, Chairman of the Grievance Committee of the Cincinnati Bar Association, hereby certifies that Carrie H. Dettmer Slye, Nicholas Zingarelli, and Edwin W. Patterson, III 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: September 30, 2016



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Grievance Committee Chair

### **Gov. Bar R. V, Section 10 *Requirements for Filing a Complaint.***

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

\* \* \*

(7) Complaint filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Director of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

(8) Complaint filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Director of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) Service. Upon the filing of a complaint with the Director of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.