

**OFFICE OF DISCIPLINARY COUNSEL
OF THE
SUPREME COURT OF OHIO**

2003 ANNUAL REPORT

by
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2003 ANNUAL REPORT
OFFICE OF DISCIPLINARY COUNSEL
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The position of Disciplinary Counsel and the Office of Disciplinary Counsel ("ODC") are established by the Supreme Court of Ohio pursuant to Gov. Bar R. V(3)(B). Under that rule, Disciplinary Counsel is authorized to investigate allegations and initiate complaints concerning misconduct and/or mental illness of judges or attorneys under the Code of Professional Responsibility, the Code of Judicial Conduct, and rules governing the Unauthorized Practice of Law, pursuant to the Ohio Supreme Court Rules for the Government of the Bar and the Government of the Judiciary.

This report to the Supreme Court of Ohio and the Board of Commissioners on Grievances and Discipline ("Board") concerning the activities and expenses of ODC is made pursuant to Gov. Bar R. V(3)(B)(3) for calendar year 2003.

At the beginning of 2003, there were 415 grievances pending with ODC. As of December 31, 2003, there were 506 grievances pending and/or under investigation. Also, 3,090 grievances, including appeals from certified grievance committees and unauthorized practice of law cases, were filed with ODC during 2003. Appeals from certified grievance committees were virtually identical during 2003, which totaled 326, up by one from 2002. The number of unauthorized practice of law cases showed a substantial increase from 58 to 95. The total of 3,214 matters, which appear on *Table 4*, includes additional categories such as UPL Board, Bar and Board cases, Child Support, Resignations and Reciprocals.

As of December 31, 2003, there were two formal complaints awaiting a hearing before the Board of Commissioners on the Unauthorized Practice of Law. No unauthorized practice of law cases were awaiting a decision from the Supreme Court of Ohio.

During the calendar year 2003, a total of 2,668 grievances were dismissed at intake or after investigation. Further, 46 formal complaints were filed with the Board and 2 formal complaints were filed before the Board of Commissioners on the Unauthorized Practice of Law. In the past five years, 198 formal complaints have been filed with the Board by ODC.

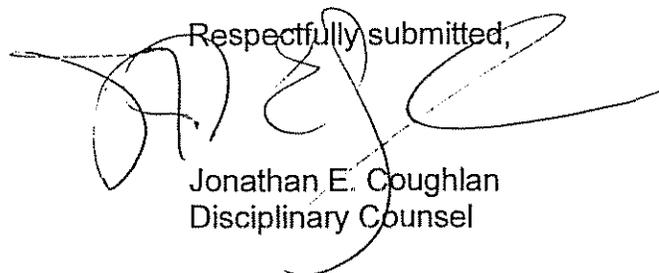
During 2003, at the certified grievance committee level, 326 grievances were dismissed and subsequently opened as appeals with ODC. As of December 31, 2003, 56 of those appeals were pending.

There were 17 resignations accepted by this Court during 2003, 15 of which were resignations pending discipline, and 2 were regular resignations (*see Table 2*). There was a total of 12 resignations in 2002.

There were 546 grievances against judges filed with ODC in 2003, of which 452 were dismissed on intake, the remaining 94 were investigated by ODC. Of those, 4 formal complaints alleging judicial misconduct were filed with the Board during 2003.

ODC conducted 24 hearings before the Board and argued 11 cases before the Supreme Court of Ohio in 2003. As of December 31, 2003, there were 35 cases awaiting hearing dates before the Board and 8 cases awaiting reports from the Board; 1 case pending oral argument before the Supreme Court; and 13 cases pending decision by the Supreme Court of Ohio (*see Table 3*). In 2003, the Supreme Court of Ohio issued formal sanctions in 41 cases initiated by ODC (*see Tables 1 and 2*).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. E. Coughlan', is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan E. Coughlan
Disciplinary Counsel

TABLE 1

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
<u>Disposition of Grievances Received:</u>				
Dismissed at Intake or after Investigation	3091	3014	3121	2668
Pending at End of Year	604	603	415	506
<u>Caseload Comparison:</u>				
Number of Grievances Received	3165	3013	2933	2669
Number of Appeals Received	337	361	325	326
Number of UPLs Received	100	98	58	95
Number of Formal Complaints Filed	45	41	33	46
<u>Sanctions Issued:</u> <i>(see Table 2 for details)</i>				
Public Reprimand	3	2	3	2
Six-Month Suspension	6	2	6	4
One-Year Suspension	1	1	2	7
Eighteen-Month Suspension	0	1	1	1
Two-Year Suspension	3	5	4	0
Indefinite Suspension	3	5	11	3
Disbarment	6	5	9	3
Reciprocal Discipline	5	8	6	4
Resignation	23	14	12	17

TABLE 2

**SANCTIONS ISSUED BY SUPREME COURT OF OHIO
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL**

Name of Respondent and Supreme Court Case Number

PUBLIC REPRIMAND — 2

Javier H. Armengau 2003-0382
Richard J. Kutilus 2003-1518

SIX-MONTH SUSPENSION — 4

Mark J. Gardner 02-1461
Darrell N. Markijohn 2003-0724
John S. Shaffer 02-1475
Thomas C. Wrenn 02-2181

ONE-YEAR SUSPENSION — 7

Stephen P. Ames 02-1136
Scott M. Bowman 02-2182
John E. Herman 2003-0725
George N. Kafantaris 2003-0381
Harold Pollock 2003-0398
William J. Shramek 02-2180
Randall C. Treneff 2002-1781

EIGHTEEN-MONTH SUSPENSION — 1

Mark E. DeLong 02-2222

TWO-YEAR SUSPENSION — 0

< none >

INDEFINITE SUSPENSION — 3

Philip J. Brumbaugh 2003-0418
Robert J. Garrity 02-1776
Jacqueline T. Johnson 2003-0817

TABLE 2 (continued)

**SANCTIONS ISSUED BY SUPREME COURT OF OHIO
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL
Name of Respondent and Supreme Court Case Number**

DISBARMENT — 3

Paul W. Allison 2002-1779
William J. Al'Uqdah 2003-0700
Elsebeth M. Baumgartner 2002-2237

RECIPROCAL DISCIPLINE — 4

Michael J. Colitz 2003-0644
Jacquelson A. Jennewein 2003-0944
Jeffrey A. Paine 2003-0466
Harrison B. Wilson 2003-0385

RESIGNATION — 2

Michael S. Conese 2003-0623
William Powell 2003-1255

RESIGNATION PENDING DISCIPLINE — 15

Robert J. Andrews 2003-0060
Timothy M. Bowman 2003-0061
Philip J. Brumbaugh 2003-0785
James J. Corbett 2003-0663
George F. Crummey 2003-1555
Henry A. DiBlasio 2002-1966
James C. Dodge 2003-0097
Donald E. George 2003-1694
Robert A. Gibson 2003-0658
Mark W. Haase 2003-0472
Harry D. Lewis 2003-0322
Michael A. Mirando 2003-0409
Mark A. Rock 2003-0631
Michael P. Socha 2003-1625
Scott W. Spencer 2003-0732

TABLE 3

STATUS OF FORMAL MATTERS PENDING

Reinstatements 1

Before the Probable Cause Panel

Awaiting Certification to Board 0

Appeal of Panel Dismissal to Full board 0

**Before the Board of Commissioners
on Grievances and Discipline**

Awaiting Hearing 35

Awaiting Board Report 8

Before the Supreme Court of Ohio

Awaiting Oral Argument 1

Awaiting Supreme Court Decision 13

TOTAL PENDING 58

TABLE 4

ALL MATTERS RECEIVED BY ODC FROM OHIO COUNTIES IN THE YEAR 2003
Based on County of Respondent's Principal office location

Adams _____	12	Hamilton _____	190	Noble _____	2
Allen _____	37	Hancock _____	10	Ottawa _____	7
Ashland _____	11	Hardin _____	10	Paulding _____	3
Ashtabula _____	27	Harrison _____	1	Perry _____	11
Athens _____	6	Henry _____	3	Pickaway _____	9
Auglaize _____	3	Highland _____	5	Pike _____	8
Belmont _____	14	Hocking _____	5	Portage _____	30
Brown _____	24	Holmes _____	1	Preble _____	4
Butler _____	66	Huron _____	7	Putnam _____	3
Carroll _____	6	Jackson _____	9	Richland _____	37
Champaign _____	19	Jefferson _____	19	Ross _____	14
Clark _____	36	Knox _____	18	Sandusky _____	11
Clermont _____	27	Lake _____	46	Scioto _____	31
Clinton _____	8	Lawrence _____	19	Seneca _____	13
Columbiana _____	12	Licking _____	29	Shelby _____	6
Coshocton _____	6	Logan _____	12	Stark _____	69
Crawford _____	9	Lorain _____	55	Summit _____	164
Cuyahoga _____	640	Lucas _____	107	Trumbull _____	63
Darke _____	5	Madison _____	9	Tuscarawas _____	17
Defiance _____	14	Mahoning _____	98	Union _____	6
Delaware _____	16	Marion _____	22	Van Wert _____	12
Erie _____	30	Medina _____	31	Vinton _____	2
Fairfield _____	37	Meigs _____	8	Warren _____	30
Fayette _____	7	Mercer _____	11	Washington _____	12
Franklin _____	478	Miami _____	12	Wayne _____	17
Fulton _____	4	Monroe _____	3	Williams _____	3
Gallia _____	2	Montgomery _____	157	Wood _____	12
Geauga _____	22	Morgan _____	4	Wyandot _____	5
Greene _____	14	Morrow _____	7	Other _____	82
Guernsey _____	8	Muskingum _____	23	TOTAL _____	3,214

FISCAL YEAR 2003
REPORT OF OPERATIONAL EXPENSES
OF THE OFFICE OF DISCIPLINARY COUNSEL
OF THE SUPREME COURT OF OHIO

I	Salaries	\$ 1,073,281.28
II	Fringe Benefits	\$ 248,304.56
III	Purchased Personal Services	\$ 71,452.03
IV	Education and Training	\$ 3,999.99
V	Supplies and Materials	\$ 40,162.85
VI	Automobile and Equipment	\$ 22,982.52
VII	Travel and Conferences	\$ 23,354.81
VIII	Postal and Shipping Expenses	\$ 12,337.01
IX	Communication Expenses	\$ 17,898.28
X	Maintenance and Repair Services	\$ 21,098.21
XI	Building, Utilities and Facilities	\$ 189,768.35
XII	Insurances, Licenses and Permits	\$ 1,451.48
XIII	Books, Subscriptions and Membership Dues	\$ 30,660.18
XIV	Investigation and Discovery	\$ <u>32,148.63</u>
	ODC - Operational Expenses for Fiscal Year 2003	\$ <u>1,788,900.18</u>

Jonathan E. Coughlan, Disciplinary Counsel

