

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

2005 ANNUAL REPORT

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2005 ANNUAL REPORT

OFFICE OF DISCIPLINARY COUNSEL OF THE SUPREME COURT OF OHIO

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 for calendar year 2005 (*see Tables 1-5*) and expenses (*see Table 6*) of ODC is made pursuant to the requirements of Gov. Bar R. V(3)(B)(3).

At the beginning of 2005, there were 381 grievances pending with ODC. As of December 31, 2005, there were 515 grievances pending and/or under investigation.

A total of 3,237 matters for consideration were received by ODC in 2005. That includes all relevant categories such as grievances filed against both Attorneys and Judges, Appeals from Certified Grievance Committees,

Bar cases, Board cases, Unauthorized Practice of Law cases, UPL Board cases, Child Support, Reciprocal and Resignations. Of that total, 2,182 represented grievances filed against Attorneys and 538 grievances filed against Judges. Four formal complaints alleging judicial misconduct were filed with the Board and one judicial misconduct case was argued by ODC before the Supreme Court during calendar year 2005.

In 2005, a total of 1,616 grievances were dismissed on intake or after initial investigation, and 1,098 were opened for investigation. A geographic distribution by Ohio county of the matters filed with ODC in 2005, based on the location of the Respondents' principal offices is provided. (*see Table 5*). For a detailed presentation of those grievances which were opened for investigation in 2005, please refer to Table 2. The data identifies the primary alleged violation. Table 2 also includes data from the prior two calendar years to assist in tracking trends in the state. Further, 39 formal complaints were filed with the Board. In the past five years (2001-2005), 199 formal complaints have been filed with the Board by ODC. Appeals received by ODC in 2005 totaled 359, an increase by 13 over the 2004 figure. As of December 31, 2005, 57 of those appeals were pending.

The number of UPL grievances filed with ODC showed a slight increase by four, from 82 in 2004 up to 86 in 2005. As of December 31, 2005, there were 41 UPL grievances pending in the ODC office. During

2005, two UPL Board cases were decided by the Court and by the close of calendar year 2005, two unauthorized practice of law cases were awaiting a decision from the Supreme Court of Ohio. In other categories, 18 Reciprocal grievances were received in 2005, nine of which were sanctioned, and four Child Support grievances were filed with our office in 2005, two of which were pending at the close of the year.

There were ten Resignations accepted by this Court during 2005, nine of which were Resignations Pending Discipline and one regular Resignation (*see Table 3*). There was a total of 20 resignations in 2004.

ODC conducted 29 hearings before the Board and argued 15 cases before the Supreme Court of Ohio in 2005. As of December 31, 2005, there were 24 cases awaiting hearing dates before the Board and 17 cases awaiting reports from the Board; no cases pending oral argument before the Supreme Court; and 14 cases pending decision by the Supreme Court of Ohio (*see Table 4*). In 2005, the Supreme Court of Ohio issued formal sanctions in 40 cases initiated by ODC (*see Tables 1 and 3*).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. E. Coughlan', written over a horizontal line.

Jonathan E. Coughlan
Disciplinary Counsel

TABLE 1

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
<u>Disposition of Grievances Received:</u>					
Dismissed on Intake or after Investigation	3014	3121	2668	2747	2603
Pending at End of Year	603	415	506	381	515
<u>Caseload Comparison:</u>					
Number of Grievances Received	3013	2933	2669	2683	2720
Number of Appeals Received	361	325	326	346	359
Number of UPLs Received	98	58	95	82	86
Number of Formal Complaints Filed	41	33	46	40	39
<u>Sanctions Issued:</u> <i>(see Table 3 for details)</i>					
Public Reprimands	2	3	2	2	1
Six-Month Suspensions	2	6	4	5	2
One-Year Suspensions	1	2	7	2	2
Eighteen-Month Suspensions	1	1	1	1	2
Two-Year Suspensions	5	4	0	8	5
Indefinite Suspensions	5	11	3	5	3
Interim Remedial Suspensions*					1
Disbarments	5	9	3	5	5
Reciprocal Disciplines	8	6	4	9	9
Resignations (includes Resignations Pending Discipline)	14	12	17	20	10

* 2005 is the first year we are including this category in the ODC Annual Report

TABLE 2

GRIEVANCES OPENED FOR INVESTIGATION

Alleged Primary Violation	<u>2003</u>	<u>2004</u>	<u>2005</u>
Neglect/Failure to protect interests of the client	331	326	343
Failure to account or turn over file	66	57	57
Improper withdrawal (refusal to withdraw)	18	9	9
Excessive fees	54	70	60
Personal misconduct	89	115	115
Misrepresentation/false statement/concealment	47	19	39
Criminal conviction	2	6	12
Failure to file income tax returns	0	1	2
Commingling of funds	7	1	2
Conversion	27	29	18
Embezzlement	0	4	3
Failure to maintain funds in trust	47	72	110
Breach of client confidence	14	14	9
Conflict of lawyer's interest	17	22	23
Conflict of client's interest	54	50	52
Communication with adverse party represented by counsel	9	6	14
Trial misconduct	84	92	70
Failure to register	2	12	2
Practicing while under suspension	7	5	8
Assisting in the Unauthorized Practice of Law	12	6	9
Advertising/Solicitation	22	27	34
Judicial misconduct	92	78	89
Mental illness	1	5	2
Substance abuse	4	2	8
Other	9	5	8
TOTAL	1015	1033	1098

TABLE 3

**SANCTIONS ISSUED IN 2005 BY THE SUPREME COURT OF OHIO
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL**

Name of Respondent and Supreme Court Case Number

PUBLIC REPRIMANDS — 1

Willard Francis Spicer (Judge) 2004-1414

SIX-MONTH SUSPENSIONS — 2

Thomas Herbert Freeman 2005-0365
Myron Daniel Wheatley 2005-0349

ONE-YEAR SUSPENSIONS — 2

Darrell Wendell Holland 2004-1812
Christine Ann Johnson 2004-1811

EIGHTEEN-MONTH SUSPENSIONS — 2

Mark Joseph Lavelle 2004-2159
Steven Lewis Lo Dico 2004-2172

TWO-YEAR SUSPENSIONS — 5

Robert Logan Beeler 2004-1395
Christopher Richard Claflin 2005-0791
Anthony William Greco 2005-0799
Timothy Michael McLean 2004-2072
Neal Allen May 2005-0790

INDEFINITE SUSPENSIONS — 3

J. Walter Dragelevich 2005-0823
Deborah Ann Tyack 2005-0816
David Lee White II 2004-2157

INTERIM REMEDIAL SUSPENSIONS — 1

James Michael Lemieux 2005-1127

TABLE 3 (continued)

**SANCTIONS ISSUED IN 2005 BY THE SUPREME COURT OF OHIO
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL**

Name of Respondent and Supreme Court Case Number

DISBARMENTS — 5

Sandra Kay Hunter 2004-1770
Michael Anthony Ross 2005-0751
Ira Sidney Stern 2005-0283
Christopher Karl Ulinski 2004-2115
Michael Troy Watson 2005-0398

RECIPROCAL DISCIPLINES — 9

William Lewis Ankerman 2005-0466
Kurt Anthony Anselmi 2005-1005
Steven Edward Barnes 2005-1273
Sanford Joseph Edelman 2005-0458
Shelbra Jean Haggins 2004-2034
Edward Paul Kreiling 2004-1825
David MacGregor Neil 2005-1314
Jesus Carruth Sandoval 2005-0719
Otto Phillip Witt 2005-1219

RESIGNATIONS — 1

Allison Kay Huegel 2005-0066

RESIGNATIONS PENDING DISCIPLINE — 9

Michele Auge' Alvaro 2005-1329
Lewis William Dye 2004-0906
Susan Janet Kyte 2005-0032
Anthony Punka 2005-1504
Christopher William Siemen 2005-0096
William Franklin Slabaugh 2004-2021
Albert Frederick Swartz 2005-0104
Timothy James Taber 2005-0328
Ricardo Benjamin Teamor 2005-1614

TABLE 4

**STATUS OF FORMAL MATTERS PENDING
AS OF DECEMBER 31, 2005**

Reinstatements 2

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 4

Awaiting Board Report 17

Before the Supreme Court of Ohio

Awaiting Oral Argument 0

Awaiting Supreme Court Decision 14

TOTAL PENDING 57

TABLE 5

ALL MATTERS RECEIVED BY ODC FROM OHIO COUNTIES IN THE YEAR 2005

Based on County of Respondent's Principal Ohio office location

Adams _____	2	Hamilton _____	195	Noble _____	3
Allen _____	14	Hancock _____	22	Ottawa _____	9
Ashland _____	4	Hardin _____	13	Paulding _____	6
Ashtabula _____	41	Harrison _____	2	Perry _____	11
Athens _____	6	Henry _____	2	Pickaway _____	11
Auglaize _____	8	Highland _____	8	Pike _____	2
Belmont _____	19	Hocking _____	15	Portage _____	12
Brown _____	8	Holmes _____	10	Preble _____	5
Butler _____	56	Huron _____	8	Putnam _____	4
Carroll _____	6	Jackson _____	10	Richland _____	35
Champaign _____	12	Jefferson _____	26	Ross _____	16
Clark _____	20	Knox _____	13	Sandusky _____	19
Clermont _____	28	Lake _____	36	Scioto _____	29
Clinton _____	15	Lawrence _____	10	Seneca _____	12
Columbiana _____	15	Licking _____	26	Shelby _____	9
Coshocton _____	7	Logan _____	11	Stark _____	105
Crawford _____	10	Lorain _____	56	Summit _____	192
Cuyahoga _____	611	Lucas _____	127	Trumbull _____	40
Darke _____	9	Madison _____	16	Tuscarawas _____	19
Defiance _____	11	Mahoning _____	101	Union _____	5
Delaware _____	20	Marion _____	13	Van Wert _____	5
Erie _____	28	Medina _____	25	Vinton _____	3
Fairfield _____	41	Meigs _____	5	Warren _____	20
Fayette _____	5	Mercer _____	2	Washington _____	6
Franklin _____	508	Miami _____	11	Wayne _____	12
Fulton _____	7	Monroe _____	3	Williams _____	3
Gallia _____	14	Montgomery _____	134	Wood _____	22
Geauga _____	10	Morgan _____	3	Wyandot _____	6
Greene _____	28	Morrow _____	11	Other _____	0
Guernsey _____	14	Muskingum _____	16	TOTAL _____	3,128

TABLE 6

**FISCAL YEAR 2005
REPORT OF OPERATIONAL EXPENSES
OF THE OFFICE OF DISCIPLINARY COUNSEL
OF THE SUPREME COURT OF OHIO**

I	Salaries	\$ 1,140,797.21
II	Fringe Benefits	\$ 318,907.08
III	Purchased Personal Services	\$ 49,816.60
IV	Education, Tuition and Training	\$ 3,484.00
V	Supplies and Materials	\$ 31,325.18
VI	Automobile and Equipment	\$ 35,918.14
VII	Travel and Conferences	\$ 31,167.94
VIII	Postal and Shipping Expenses	\$ 20,841.79
IX	Communication Expenses	\$ 13,697.11
X	Maintenance and Repair Services	\$ 15,133.48
XI	Building, Utilities and Facilities	\$ 238,439.58
XII	Insurances, Licenses and Permits	\$ 821.93
XIII	Books, Subscriptions and Membership Dues	\$ 27,966.19
XIV	Investigation and Discovery	<u>\$ 18,143.94</u>
	ODC - Operational Expenses for Fiscal Year 2005	<u>\$ 1,946,460.17</u>

Jonathan E. Coughlan, Disciplinary Counsel