

**BEFORE THE BOARD OF COMMISSIONERS ON THE UNAUTHORIZED  
PRACTICE OF LAW  
THE SUPREME COURT OF OHIO**

<b>OFFICE OF DISCIPLINARY COUNSEL</b>	:	
	:	<b>UPL CASE NO. 10-03U</b>
<b>Relator,</b>	:	
	:	
<b>Vs.</b>	:	
	:	
<b>CHERYL J. O'CONNOR</b>	:	
	:	
<b>Respondent.</b>	:	
	:	

<b>FILED BOARD ON THE JUL 15 2010 UNAUTHORIZED PRACTICE OF LAW</b>
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**REVISED SETTLEMENT AGREEMENT**

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Relator filed a complaint against respondent, Cheryl J. O'Connor, with the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court of Ohio (The Board). The parties now enter into this revised settlement agreement, (as requested by the panel), pursuant to Gov. Bar R. VII(5b)(A)(1) and move that the within cause be dismissed.

**STIPULATED FACTS**

1. Respondent, Cheryl J. O'Connor, is a natural person who resides at 5814 Sherwood Circle, Monclova, Ohio, 43542.
2. Respondent was admitted to the state bar of Georgia in June 1994, and is an attorney in good standing in that state.
3. Respondent was employed as an assistant attorney general with the Georgia Department of Law from 1994 to 1997.

4. Respondent was employed with a law firm in Atlanta, Georgia from 1997 through September 2000.
5. In October 2000 respondent relocated to Cleveland, Ohio and began her employment with Developers Diversified Realty Corporation (DDR), a real estate investment trust located in Beachwood, Ohio, where she worked until February 2006.
6. While acting as in-house counsel at DDR, respondent worked with outside counsel retained by DDR, gathered and reviewed due diligence information, helped structure real estate deals, reviewed documents, including loan agreements and mortgages, assisted sales, and drafted memos and contracts.
7. While at DDR, respondent performed legal services as in-house counsel focusing on various aspects of real estate law.
8. From October 2000 until February 2006 during her period of employment with DDR respondent maintained her good standing with the State Bar of Georgia, but respondent was not admitted to practice in Ohio pursuant to Gov. Bar R. I, or certified pursuant to Gov. Bar R. II, Gov. Bar R. VI, Gov. Bar R. IX, or Gov. Bar R. XI.
9. On October 23, 2007 respondent began her employment with Health Care REIT, Inc. in Toledo, Ohio, but did not initially perform legal services.
10. Respondent filed a certificate of registration, together with the appropriate fee, pursuant to Gov. Bar R. VI(3) on November 7, 2007, and disclosed the circumstances surrounding her previous employment with DDR, including that she had not previously sought corporate registration status.

11. The Supreme Court of Ohio approved respondent's corporate registration status under Gov. Bar R. VI(3) in February 2008, after which date respondent began performing legal services for Health Care REIT.

#### **STIPULATED RESOLUTION**

12. As set forth in Gov. Bar R. VII (5b)(C):
  - a.) Respondent admits that she engaged in the unauthorized practice of law as set forth in relator's formal complaint;
  - b.) Respondent admits the material allegations of the unauthorized practice of law as set forth in relator's formal complaint;
  - c.) The public is protected from future harm and no substantial injury has occurred;
  - d.) Respondent agrees to cease and desist from engaging in the unauthorized practice of law;
  - e.) This settlement agreement resolves the material allegations of the unauthorized practice of law in the future;
  - f.) This settlement agreement does not involve any public policy issues or encroach upon the jurisdiction of the Supreme Court to regulate the practice of law; and,
  - g.) This settlement agreement furthers the stated purposes of Gov. Bar R. VII.
  - h.) Respondent acknowledges that she may not apply for admission to the bar of Ohio without examination pursuant to Gov. Bar R. VI(3)(C).

**CIVIL PENALTY**

13. Relator does not believe it is appropriate to impose a civil penalty upon respondent for the following reasons:

- a.) Respondent self-reported her failure to register for corporate registration status to the Supreme Court of Ohio's Director of Attorney Services on November 7, 2007.
- b.) Respondent fully cooperated with relator in its investigation of this matter.
- c.) While respondent was not registered for corporate registration status from October 2000 until February 2006, during which time period she worked for DDR, she was unaware of this necessity. Once she became aware of this requirement, and prior to performing any legal services for Health Care REIT, she immediately took steps to rectify the situation.
- d.) No third parties have been harmed by respondent's conduct.
- e.) The following mitigating factors also exist:
  - 1. Respondent has ceased in engaging in the conduct alleged in the complaint;
  - 2. Respondent has admitted the conduct alleged in the complaint.
  - 3. Respondent has admitted the material allegations of the unauthorized practice of law set forth in relator's complaint.
  - 4. Respondent has agreed to cease and desist from similar conduct in the future.

5. Respondent's conduct did not result from a dishonest or personal motive.



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Jonathan B. Coughlan (0026424)  
Disciplinary counsel



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Carol A. Costa (0046556)  
Assistant Disciplinary Counsel  
Counsel for Relator



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Geoffrey Stern (0013119)  
Counsel for respondent



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Cheryl J. O'Connor  
Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Settlement Agreement was served via U.S. Mail, postage prepaid, this 15<sup>th</sup> day of July, 2010, upon: Mr. Geoffrey Stern, Esq., 65 East State Street, Suite 1800, Columbus, OH 43215, Michael O'Callaghan, Esq., Shumaker, Loop and Kendrick, LLP, 41 South High Street, Suite 2400, Columbus, OH 43215, Cheryl J. O'Connor, 5955 Wildwood Land, Whitehouse, OH 43571, and Michelle Hall, Esq., Board on the Unauthorized Practice of Law, 65 South Front Street, 5<sup>th</sup> Floor, Columbus, OH 43215.



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Counsel for Relator