

IN THE SUPREME COURT OF OHIO

IN THE MATTER OF:

Case No. 99-026

GEOFFREY L. OGLESBY

Disciplinary Counsel,

Case No. 00-1100

-vs-

Geoffrey L. Oglesby,
Petitioner

**BRIEF IN SUPPORT OF PETITIONERS' REINSTATEMENT; OBJECTIONS TO
THE FINDINGS OF FACTS AND CONCLUSIONS OF LAW OF THE BOARD OF
COMMISSIONERS ON GRIEVANCES AND DISCIPLINE**

HEATHER HISSOM, Esq. (0068151)
Counsel of Record
OFFICE OF DISCIPLINARY COUNSEL
The Supreme Court of Ohio
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-5454
Tel: (614) 461-0256; Fax: (614) 461-7205

ALVIN E. MATHEWS (0038660)
Counsel of Record
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
(614) 227-2312
amathews@bricker.com
Counsel for Petitioner

Geoffrey L. Oglesby
11706 Andress Road
P.O. Box 42
Berlin Heights, OH 44814-0042

TABLE OF CONTENTS

Page

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
STATEMENT OF CASE AND FACTS	1
A. Background.....	1
B. Relevant Facts.....	1
I. PETITIONER, GEOFFREY OGLESBY, POSSESSES ALL MENTAL, EDUCATIONAL, AND MORAL QUALIFICATIONS FOR THE PRACTICE OF LAW AND IS A PROPER PERSON TO BE READMITTED	4
II. THIS COURT ROUTINELY PLACES CONDITIONS ON REINSTATEMENT SUCH AS MONITORING FOR PROTECTION OF THE PUBLIC	5
III. THE PANEL ERRED BY ADOPTING DISCIPLINARY COUNSEL'S UNREASONABLE STANCE ON PETITIONER'S REINSTATEMENT, GIVEN THE CLEAR AND CONVINCING EVIDENCE PRESENTED	6
CONCLUSION.....	8
CERTIFICATE OF SERVICE	11

APPENDIX

TABLE OF AUTHORITIES

Page

CASES

Disciplinary Counsel v. Catanzarite, 119 Ohio St. 3d 313, 2008-Ohio-4063..... 5

Disciplinary Counsel v. Cushion (2001), 92 Ohio St. 3d 144, 2001-Ohio-181..... 8

Disciplinary Counsel v. Jones (2000), 90 Ohio St. 3d 244, 2000-Ohio-29 6

In re Nevius (1963), 174 Ohio St. 560 4

Ohio State Bar Assn. v. Johnson, 96 Ohio St. 3d 192, 2002-Ohio-3998..... 6

Ohio State Bar Association v. Wolfson, 119 Ohio St. 3d.1217, 2008-Ohio-5090 6

STATUTES

R.C. 2921.12(A)(2)..... 6

RULES

Gov. Bar R. V §10 7

Gov. Bar R. V §10(E)(4)..... 5

Gov. Bar R. X, §3(G)..... 4

Gov. Bar. R. V §10(E) 4, 7

STATEMENT OF CASE AND FACTS

A. Background

Petitioner, Geoffrey L. Oglesby, will be 54-years old on March 30, 2009. (Tr. 19) This may be his last opportunity to obtain reinstatement to the practice of law. For almost 9 years, since 2000, he has served an indefinite license suspension. Since December 2000, he has continued to study law, assist other lawyers in their practices, and even taught at CLE programs and at a business college. To address problems leading to the denial of the 2004 petition for reinstatement, he complied with CLE requirements and hired an attorney at law to prepare his income tax returns. Mr. Oglesby has devoted himself to important community activities. One such activity was the establishing a youth golf academy for disadvantaged and minority youth in the city of Sandusky, Ohio.

Despite that Mr. Oglesby established clear and convincing evidence for reinstatement, Disciplinary Counsel arbitrarily opposed Mr. Oglesby's reinstatement. As outlined below, Petitioner urges this court to grant his reinstatement, conditioned upon the appointment of a monitoring attorney to ensure proper protection of the public.

B. Relevant Facts

Mr. Oglesby was admitted to the practice of law on May 10, 1982. He lost his mentor and father, Attorney Robert Oglesby, Esq. on August 14, 1995. That loss affected him more than he would admit. (Application for Reinstatement, p. 2) The misconduct that led to the 2000 discipline case generally occurred after 1995 and before November 1, 1999.¹ (See Amended Complaint BOC No. 99-26) Although Mr. Oglesby never attributed his misconduct to the use of

¹ Mr. Oglesby was previously disciplined in 1991. Mr. Oglesby explained his misconduct in the 1991 and 2000 cases and addressed how he would conduct himself differently if reinstated. The steps included how he would avoid neglecting legal matters and properly handle client funds.

alcohol, on November 1, 1999 he stopped drinking alcohol. Petitioner has abstained since. (Application for Reinstatement, p. 3)

As noted above, Petitioner has remained extremely active in studying the law. During the 9 years of his suspension, he has worked for several lawyers under “Employment of Suspended Attorney” forms filed with Disciplinary Counsel. (Tr. P. 59-61) He worked under the supervision of lawyers, preparing briefs, motions and pleadings for their approval. He has assisted lawyers with real estate transactions, franchise law matters, class actions and a host of other matters. (*Id*) As Petitioner’s prior area of practice focused on criminal law, he continued discussing strategy with lawyers on jury trials and appellate arguments. (*Id*) In addition to taking an abundance of continuing legal educational courses (attending seminars in Detroit, Washington, D.C. and Ohio) Mr. Oglesby taught two seminars and substitute taught at the Ohio Business College. (Application for Reinstatement, p. 3; *see also* Petitioner’s Ex. A and B, CLE activities from 01-01-2000 through 09-15-2008)

As for Petitioner’s community involvement, in 2004, Petitioner took up golf and immediately began assisting with the establishment of a youth golf program. (*See*, Petitioner’s Ex. C, Character Letters) “First Tee” was established in Sandusky for low income and minority kids to learn the game. (*Id*) Petitioner’s first attempt to write a grant for the program generated \$20,000.00 from the United States Golf Association. (*Id*) Since 2004 Petitioner has helped raise thousands of dollars by writing additional grants for the children in Sandusky to have golf clubs, access to courses and the like. (*See*, Application for Reinstatement, p. 4 and attachments)

In 2004 the panel recommended that Mr. Oglesby’s petition for reinstatement be denied. The 2004 panel based its recommendation on tax return errors and lack of documentation of CLE hours. In response to concerns of 2004 hearing panel, Mr. Oglesby engaged a licensed attorney

prepare his taxes, enrolled in ample CLE courses, and provided evidence that he satisfied CLE requirements. Petitioner exceeded CLE requirements by more than 40 hours. (*See*, Ex. A and Ex. B)² Disciplinary Counsel by way of discovery indicated it had no objection to Mr. Oglesby's reinstatement. (Tr. 146)³

At the hearing, Mr. Oglesby acknowledged that he was paying his taxes pursuant to a payment plan. Apart from the panel's concern that certain employing lawyers had not given him 1099 or W2 forms, it is undisputed that Mr. Oglesby reported all his income. (Tr. 72) There was no evidence of "deficiencies," as Disciplinary Counsel asserted and the panel concluded.

The other area of concern for the panel was that "Respondent (sic) indicated that he would buy and use some kind of calendaring system when reinstated, but had not done any recent investigations to the effectiveness or cost of any particular system" (Board Report, 3) This conclusion that Petitioner had not identified a specific calendar system is contradicted by the evidence. Neither Disciplinary Counsel nor the 2004 reinstatement hearing panel recommend that Mr. Oglesby study "law office management" to satisfy the requisites of reinstatement. Moreover, under examination by the Panel, the Petitioner stated he would more effectively use the same calendaring programs he used in the past:

"I would have [Amicus] definitely under the computer, under a laptop system... It should be noted that Amicus has a system where it can monitor your trust account and it also has ledgers in there." Tr. 93

² As of the end of December 2008 Petitioner was suspended 96 full months and was required to take one hour of CLE per month of his suspension. As of December 2008 Petitioner had 136 hours of CLE.

³ In the discovery response by the Relator indicated they were not going to introduce any evidence and had no witnesses. The Relator never supplemented their discovery.

On direct examination Petitioner was asked about employing a calendaring system. Respondent stated: "I had Amicus when it first came out. I went to Toronto where they first introduced it." (Tr. 30)

As explained below, Petitioner established by clear and convincing evidence that he has met the requisites for reinstatement.

LAW AND ARGUMENT

I. PETITIONER, GEOFFREY OGLESBY, POSSESSES ALL MENTAL, EDUCATIONAL, AND MORAL QUALIFICATIONS FOR THE PRACTICE OF LAW AND IS A PROPER PERSON TO BE READMITTED

The primary issue in reinstatement proceedings is whether the disciplined attorney has been sufficiently rehabilitated as to justify readmission to the practice of law. See, *In re Nevius* (1963), 174 Ohio St. 560. Gov. R. V 10(E) states in pertinent part that a petitioner shall not be reinstated unless he establishes by clear and convincing evidence all of the following factors:

- (1) That petitioner has made appropriate restitution to the person who was harmed by his misconduct;
- (2) That petitioner possesses all of the mental, educational, and moral qualifications that were required of an applicant to the practice of law in Ohio at the time of his or her original admission;
- (3) That petitioner has complied with the continuing legal education requirements of Gov. Bar R. X, Section 3(G);
- (4) That petitioner is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action.

In the case at bar, it is undisputed that Mr. Oglesby presently owes no restitution. He did pay all court costs related to his prior proceedings. Mr. Oglesby's mental and educational requirements are met by his continued study of the law, his assistance other lawyers in their practices, and his teaching, among other things. His moral qualifications are reflected by the absence of problems during the 9 years following his suspension. As additional evidence of

rehabilitation and moral fitness, Mr. Oglesby has devoted himself to the important community activity of establishing a youth golf academy for disadvantaged youth in the city of Sandusky Ohio.

As evidenced by the excellent character letters received by the panel, Mr. Oglesby is the proper person to be readmitted. (*See*, Ex. C) The character letters included statements by former adversaries, Erie County Prosecutor Kevin Baxter, Esq. and Ottawa County Prosecutor Mark Mulligan, Esq., and former and present judges including Hon. Judge Tygh Tone, of Erie County Court of Common Pleas and Hon. Judge Roger Hafford of Sandusky County Court of Common Pleas. (*Id*) Numerous practicing lawyers, such as Keith Shumate, Esq. a partner at Squire Sanders & Dempsey, also gave praise to Mr. Oglesby's good character and reputation in the community. Petitioner's cousin, the Honorable Vonda Evans of Wayne County, Michigan wrote about how Petitioner has always accepted responsibility and has been and continues to be a role model for her. (*Id*) Indeed, these statements clearly reflect that Mr. Oglesby is a proper person for reinstatement to the practice of law.

II. THIS COURT ROUTINELY PLACES CONDITIONS ON REINSTATEMENT SUCH AS MONITORING FOR PROTECTION OF THE PUBLIC

The panel's reasons stated for denying Mr. Oglesby's petition seem to reflect a focus on his past deeds, not whether he possesses present character and fitness. Yet, Gov. Bar R. V 10(E)(4) makes it clear that "notwithstanding the previous disciplinary action, a lawyer may be reinstated. Moreover, this Court has repeatedly noted that "the disciplinary process exists not to punish the offender but to protect the public." See, *Disciplinary Counsel v. Catanzarite*, 119 Ohio St. 3d 313, 2008-Ohio-4063. Further, there is no doubt that imposing monitoring for reinstated lawyers fosters protection of the public. See, *Ohio State Bar Assn. v. Johnson*, 96 Ohio St. 3d 192, 2002-

Ohio-3998, ¶ 7. Despite this, Disciplinary Counsel and the panel uniformly ignored that Mr. Oglesby could address his past problems and the public can be protected through monitoring.⁴

This court frequently imposed monitoring as a condition to reinstatement to protect the public. A most recent example is *Ohio State Bar Association v. Wolfson*, 119 Ohio St. 3d.1217, 2008-Ohio-5090. There, petitioner was successfully reinstated to the practice of law despite previously being convicted of the third-degree felony of tampering with evidence, in violation of R.C. 2921.12(A)(2). Here, as evidence of rehabilitation, Mr. Oglesby indicated that he is more mature and ready to reenter his profession. See *Disciplinary Counsel v. Jones* (2000), 90 Ohio St. 3d 244, 2000-Ohio-29 (the petitioner was “mature... recognizes his problem, and...likely to avoid relapses in the future”).

Accordingly, appointment of a monitor as in *Wolfson* would address concerns of protection of the public, and Mr. Oglesby like the petitioner in *Jones* should be giving consideration for his maturity and reflection on mistakes of the past.

III. THE PANEL ERRED BY ADOPTING DISCIPLINARY COUNSEL'S UNREASONABLE STANCE ON PETITIONER'S REINSTATEMENT, GIVEN THE CLEAR AND CONVINCING EVIDENCE PRESENTED

Disciplinary Counsel shifted from *no opposition* to Mr. Oglesby's petition during discovery, to being neutral at the outset of the hearing, to opposing reinstatement at the end of the hearing. The observation of this stark change in position was not refuted by Disciplinary Counsel:

MR. MATHEWS: If I may, Your Honors, actually, I'm somewhat surprised by Relator's position. I think we issued interrogatories. In response to that discovery, the Relator indicated *it would not oppose the petition*. And then Relator shows up today and says we are going to take a neutral position, which they're obviously entitled to, and then...based on some pretty one-sided analysis, has indicated they oppose the petition. [Tr. 146]

⁴ As noted above, Mr. Oglesby submitted numerous character letters, which also addressed his present fitness and rehabilitation.

As this Court is well-aware, the principal standard for lawyer reinstatement is “[t]hat petitioner possesses all of the mental, educational, and moral qualifications that were required of an applicant to the practice of law in Ohio *at the time of his or her original admission*. (Emphasis added) Gov. Bar R V (10) (E). It would be unreasonable to conclude that Mr. Oglesby does not possess the fitness required of an applicant at the time of his original admission.

Given the clear and convincing evidence presented and Mr. Oglesby’s efforts to cure deficiencies of his last effort at reinstatement in 2004, Disciplinary Counsel’s and the Board’s opposition is tantamount to the proverbial “moving the goalpost” and sets an unattainable bar for Mr. Oglesby’s reinstatement. This is contrary to Gov. Bar R V (10) and the precedent of this Court.

Notwithstanding Mr. Oglesby’s ample CLE, the panel questioned that Mr. Oglesby did not take CLE on “law office management.” It further, echoing Disciplinary Counsel’s opposition, the panel found that Mr. Oglesby has no business plan, no system for tracking cases and has no accounting system in place. (Board Report, 3) Yet, it might have been presumptuous for Mr. Oglesby to go further than he did in reflecting on past mistakes, investigating malpractice insurance, contacting an accountant, and considering proper use of the *Amicus* calendaring and accounting system he used in the past. Indeed, having a specific business plan has never been a requisite for reinstatement, nor does failure to have one adversely reflect on Mr. Oglesby’s fitness.

In fact, the precedent of this Court reflects just how arbitrary denying Mr. Oglesby’s reinstatement is. In *Disciplinary Counsel v. Cushion* (2001), 92 Ohio St. 3d 144, 2001-Ohio-

181, petitioner had served an indefinite suspension for a felony conviction. When there was a concern about his lack of future plans, the Board stated:

"Relator raises the concern that Respondent has not practiced law or worked *in any law related field* since 1998, yet may have a desire to practice law if reinstated, in areas of law totally unfamiliar to him. Relator then *surmises* that such a situation is contrary to the best interest of the public, unless a monitor of his practice is ordered as a condition of reinstatement." [See *Disciplinary v. Cushion* Case No. 00-2267, Board of Commissioners No. 99-36]

The *Cushion*, notwithstanding Disciplinary Counsel's argument for the appointment of a monitor, the panel determined that petitioner should be reinstated *without* monitoring. Here, despite that Mr. Oglesby has faced the consequences of his past conduct for 9 years and rehabilitated himself, Disciplinary Counsel unreasonably opposes reinstatement even with monitoring. The panel without closely analyzing the requisites for reinstatement followed suit. Indeed, the public would be protected if Mr. Oglesby is reinstated with the appointment of a monitor.⁵

CONCLUSION

It would be unreasonable to conclude that Mr. Oglesby lacks the fitness required of an applicant at the time of his original admission. Moreover, it is contrary to the Rules of this Court and its precedent to hold Mr. Oglesby's prior acts against him if he otherwise demonstrates rehabilitation, character and fitness. This Court established standards for reinstatement, so that there are no arbitrary denials. Given the forgoing, Disciplinary Counsel's last-minute opposition, which was unfortunately adopted by the panel, flies in the face of the clear and

⁵ The *Cushion* panel recommended reinstatement despite the fact that Mr. Cushion's hours were deficient at the time he applied for reinstatement and at the time of his hearing. Disciplinary Counsel filed no objections although Cushion's statement that he had satisfied CLE requirements was incorrect. Instead, *after the hearing* Cushion was allowed to make up more 24 deficient CLE hours. *See, Disciplinary v. Cushion*, Case No. 00-2267.

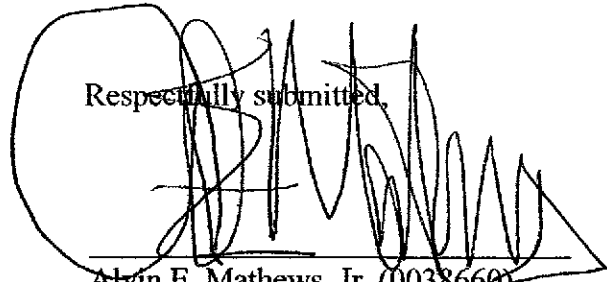
convincing evidence of Mr. Oglesby's mental educational and moral qualifications. Moreover, the favorable character evidence presented reflects he is a proper person to be readmitted to the practice of law in Ohio.

Mr. Oglesby deeply regrets his actions that led to prior discipline. Serving what amounts to a 9-year suspension gives him a much better insight. He satisfied his continuing legal education requirements, investigated malpractice liability insurance companies, and consulted with a certified public accountant to assist with his bookkeeping. His community work of establishing a golf program in Sandusky for minority and disadvantage youth is outstanding.

Mr. Oglesby has also considered what steps he would take to avoid neglect of legal matters and he has reflected upon proper means to protect client funds. It is unreasonable to oppose Mr. Oglesby's petition for reasons beyond the standards imposed by this court, such as not having a specific business plan. Moreover, the public would be protected by the condition of monitoring Mr. Oglesby's practice under circumstances in which he has had ample time to reflect on his past mistakes.

Mr. Oglesby's perseverance to return to practice law from an indefinite suspension should not be discouraged by erecting standards beyond those imposed by Gov. Bar R. V (10). As Judge Tone indicated in his letter to the Petitioner urging Petitioner to get reinstated, "Hopefully you will get ... back to work. More importantly the community would be well served if you would help some folks seek justice." (See, Petition for Reinstatement)

Respectfully submitted,



Alvin E. Mathews, Jr. (0038660)

BRICKER & ECKLER LLP

100 South Third Street

Columbus, Ohio 43215

Telephone: (614) 227-2300

Facsimile: (614) 227-2390

amathews@bricker.com

Geoffrey Oglesby/aemo

per telephone authority 3/16/09

Geoffrey L. Oglesby (0023949)

11706 Andress Road

P.O. Box 42

Berlin Heights, OH 44814-0042

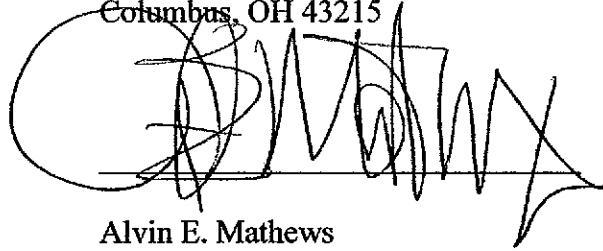
Telephone: (419) 370-5000

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on March 16, 2009 by sending the same ordinary U.S. Mail, postage prepaid to:

Heather Hissom
Office of Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-5454

Jonathan Marshall, Secretary,
Board of Commissioners on
Grievances and Discipline,
65 South Front Street
Columbus, OH 43215

A handwritten signature in black ink, appearing to read 'Alvin E. Mathews', written over a horizontal line. The signature is stylized and somewhat illegible.

Alvin E. Mathews
Counsel for Petitioner

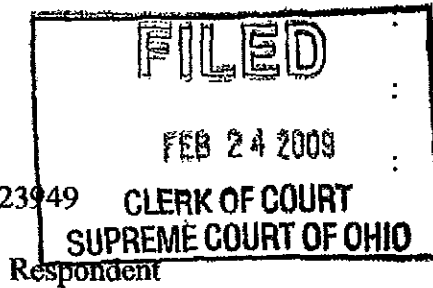
APPENDIX

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

In Re:

Reinstatement of

Geoffrey L. Oglesby
Attorney Reg. No. 0023949



Respondent

Disciplinary Counsel

Relator

SCO Case No. 00-1100

BOC Case No. 99-026

Findings of Fact,
Conclusions of Law and
Recommendation of the
Board of Commissioners on
Grievances and Discipline of
the Supreme Court of Ohio

This Petition for Reinstatement matter was heard January 23, 2009, in Columbus, Ohio before a panel consisting of William Novak of Cleveland, Martha Butler and Nancy D. Moore, Chair, both of Columbus, Ohio. None of the panel members is a resident of the district from which the complaint originated, a member of the probable cause panel that certified this matter to the Board, a member of the hearing panel on the original charges against Respondent, or a member of the first reinstatement hearing panel.

Heather L. Hissom represented Relator, Disciplinary Counsel. Respondent, Geoffrey L. Oglesby, was present and represented by Alvin E. Mathews, Jr.

Respondent has been suspended twice in the past. In 1992, Respondent was suspended for one year with six months stayed and other conditions in *Disciplinary Counsel v. Oglesby* (1992), 64 Ohio St.3d 39 (attached). In 2000, upon a finding of additional misconduct and a failure to comply with the monitoring that was ordered in the 1992 case, Respondent was

indefinitely suspended. *Disciplinary Counsel v. Oglesby*, 90 Ohio St.3d 455, 2000-Ohio-94 (attached).

Respondent first petitioned for reinstatement in 2003. After a hearing, that hearing panel found that Respondent failed to prove that "he has been rehabilitated so as to avoid similar problems in the future, or that he has the mental qualifications required to justify his reinstatement to the practice of law." (See attached Board Report). On May 10, 2004, the Supreme Court of Ohio denied respondent's petition for reinstatement without comment. *Disciplinary Counsel v. Oglesby*, 102 Ohio St.3d 1219, 2004-Ohio-2541.

In order to be reinstated, the burden of proof is on the Respondent to establish by clear and convincing evidence: (1) that he has made appropriate restitution to persons who were harmed by his misconduct, if applicable; (2) that he possesses all of the mental, educational and moral qualifications that were required of an applicant for admission to the practice of law at the time of his original admission in 1982; (3) that he has complied with the continuing legal education requirements; and (4) that he is now a proper person to be readmitted to the bar of Ohio notwithstanding the previous disciplinary action taken against him.

FINDINGS OF FACT

Respondent testified at the hearing. In addition, he called one character witness and presented numerous character letters from judges and lawyers. Some of the letters were from attorneys for whom Respondent has done legal research, writing and consulting during his suspension. The panel was convinced that Respondent was regarded in the Sandusky area as a skilled professional in criminal law. Additionally, Respondent is respected in his community for his dedication to the community and involvement in various volunteer activities.

Respondent submitted documentation of approximately 136 hours of CLE courses that he has attended since January 2000. Based upon the evidence presented, the panel was convinced

that appropriate restitution has been made to all harmed individuals and that all CLE requirements have been satisfied.

Respondent admitted that he did a poor job of handling finances and tracking cases when he practiced law. This lack of organization and management resulted in neglect of client cases, IOLTA violations, and harm to clients. Based upon that conduct, Respondent has twice been suspended from the practice of law.

During his testimony, Respondent testified that he is now an appropriate person to be reinstated to the practice of law in the State of Ohio. Respondent indicated that he would buy and use some kind of calendaring system when reinstated, but had not done any recent investigation as to the effectiveness or cost of any particular system. Respondent at one point indicated that he would handle all finances himself, but later indicated that he would instead hire a bookkeeper. Respondent also indicated that he had spoken to an accountant who would be willing to assist him in his business finances.

However, when pressed by counsel and the Panel, Respondent was unable to document any steps that he has taken since his last reinstatement hearing to ensure that the same problems do not arise in the future. Respondent has taken no CLE or other courses on law office management, has no business plan for the practice of law, has no defined system for tracking cases and meeting deadlines, and has no accounting system in place. However, Respondent claimed that the ethics portion of some CLE courses may have touched upon law office management. While Respondent insisted that he had addressed the deficiencies in his ability to manage a law office, he could not document any specific measures taken and the panel found him to be less than sincere in those claims. Having been indefinitely suspended from the practice for misconduct secondary to his inability to manage the details and business aspects of the practice, it was incumbent on Respondent to provide the panel with more than promises.

Respondent needed to show specific documented steps demonstrating that he has learned how to manage these details or has retained others with expertise to do it for him (and he understands his duty to supervise such persons).

Relator presented Respondent's federal tax returns¹ for the years 2000 through 2007. Tax reporting deficiencies were a major obstacle to his reinstatement at the 2003 hearing. Based upon review of the tax returns and Respondent's testimony, the Panel finds that Respondent has failed to correct serious deficiencies in his personal tax accounting and reporting methods since his 2003 reinstatement hearing. This failure to make necessary improvements demonstrates the same pattern of lack of attention to detail that resulted in Respondent's previous misconduct and suspensions.

The panel concludes that Respondent has failed to take the appropriate steps to remedy the problems that were of concern at the hearing in 2003. The Panel further finds that Respondent has failed to prove by clear and convincing evidence that (1) he possesses all of the mental, educational, and moral qualifications required; and that (2) he is now a proper person to be readmitted to the Bar of Ohio. As the first reinstatement panel concluded, this panel also finds that "the evidence, unfortunately, has demonstrated that Respondent displays a continuing problem in handling many things required of him in the practice of law." This panel does not believe that a period of monitoring would be sufficient to cure the existing concerns and adequately protect the public.

PANEL RECOMMENDATION

In opening statements, Relator took a neutral position as to Respondent's reinstatement, but reserved the right to change that position following the presentation of evidence. In closing

¹ Only the two page Form 1040 was submitted for each of the tax years. These forms were provided by Respondent to Relator in response to their request for all W-2 and 1099 Forms. Respondent indicated that he received no W-2 or 1099 Forms from any of the attorneys for whom he has worked, so he submitted the Forms 1040 instead.

argument, Relator did change positions and opposed reinstatement based the evidence produced at the hearing. Respondent urged the Panel to recommend reinstatement to the practice of law.

It is the recommendation of the Hearing Panel that Respondent's application for reinstatement be denied.

BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V, Sec. 10(G)(5) and (6), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on February 13, 2009. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel and recommends that the Respondent, Geoffrey L. Oglesby, be denied readmission to the practice of law in the State of Ohio. The Board further recommends that the cost of these proceedings be taxed to the Respondent in any disciplinary order entered, so that execution may issue.

Pursuant to the order of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Recommendation as those of the Board.

A handwritten signature in black ink, appearing to read "Jonathan W. Marshall", is written over a horizontal line.

JONATHAN W. MARSHALL, Secretary

**Board of Commissioners on
Grievances and Discipline of
The Supreme Court of Ohio**

The Supreme Court of Ohio

1992 TERM

Disciplinary Counsel,
Relator,

v.

Geoffrey Lynn Oglesby,
Respondent.

To Wit: June 17, 1992

ON CERTIFIED REPORT BY THE BOARD
OF COMMISSIONERS ON GRIEVANCES AND
DISCIPLINE OF THE SUPREME COURT

91-2500

75-636

ORDER

The Board of Commissioners on Grievances and Discipline filed its Final Report in this Court on December 18, 1991, recommending that the respondent, Geoffrey Lynn Oglesby, Attorney Registration Number 0023949, be suspended from the practice of law for a period of one (1) year pursuant to Rule V, Section 7(c) of the Supreme Court Rules for the Government of the Bar of Ohio, with six (6) months of that suspension stayed if the Respondent successfully complies with the following conditions during the first six (6) months of his suspension: (a) full restitution of all sums (\$3,700) found by the hearing panel to be owed by the respondent as a result of his misconduct; and (b) completion of all required continuing legal education requirements to include at least four hours of continuing legal education on the subject of Professional Practice Management and Administration. The Board further recommended that Respondent be required to complete two (2) years of monitored probation after completion of his suspension.

IT IS ORDERED AND ADJUDGED by this Court that, consistent with the opinion rendered herein, Respondent, Geoffrey Lynn Oglesby, be suspended from the practice of law for a period of one (1) year pursuant to Gov. Bar R. V, Sec. 7, but that six (6) months of that suspension be stayed on the following conditions: (1) that within the first six months of his suspension respondent make full restitution of all sums, as set forth in the Court's opinion; (2) that within the first six months of his suspension respondent complete all continuing legal education requirements, as set forth in the Court's opinion; and (3) that he complete two years of monitored probation after completion of his suspension, in accordance with Gov. Bar R. V, Sec. 23.

IT IS FURTHER ORDERED that the respondent, Geoffrey Lynn Oglesby, immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

IT IS FURTHER ORDERED that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

IT IS FURTHER ORDERED that respondent is hereby divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

IT IS FURTHER ORDERED that respondent surrender forthwith his certificate of admission to practice to the Clerk of this Court and that his name be stricken from the roll of attorneys maintained by this Court.

IT IS FURTHER ORDERED that respondent be taxed the costs of these proceedings in the amount of One Thousand Two Hundred Thirty-Three Dollars and Thirty Cents (\$1,233.30), which costs shall be payable to this Court by certified check or money order on or before July 17, 1992.

IT IS FURTHER ORDERED that, pursuant to Gov. Bar R. X, Sec. 3(F), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month of the suspension. As part of the total credit hours of continuing legal education required by Gov. Bar R. X, Sec. 3(F), respondent shall complete one credit hour of instruction related to ethics and professional responsibility, including instruction on substance abuse, for each six months, or portion of six months, of the suspension.

IT IS FURTHER ORDERED that six months of respondent's suspension shall be stayed and respondent shall be placed on probation only if he files evidence with the Clerk of this Court that he has made all restitution, as set forth in the Court's opinion, and has completed all continuing legal education, as set forth in the Court's opinion. It is further ordered that if respondent is placed on probation he shall remain on probation until he applies for termination of probation in accordance with Gov. Bar R. V, Sec. 23(d) and this Court orders respondent's probation terminated.

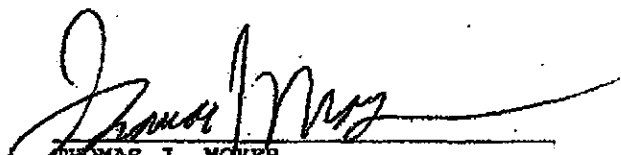
IT IS FURTHER ORDERED that on or before July 17, 1992, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of his suspension and his consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in his place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of his disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the Clerk of this Court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

IT IS FURTHER ORDERED that respondent surrender forthwith his attorney registration card for the 1991-1993 biennium.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

IT IS FURTHER ORDERED that the Clerk of this Court issue certified copies of this order as provided for in Gov. Bar R. V, Sec. 22.


THOMAS J. MOYER
Chief Justice

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

00-1100

In re:

Complaint against:

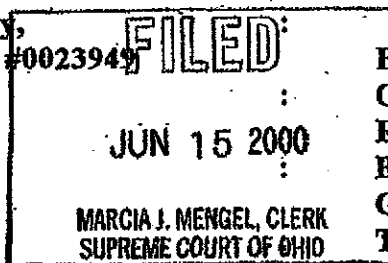
Case No. 99-26

Geoffrey Lynn Oglesby,
Attorney Registration #0023949

Respondent,

Disciplinary Counsel,

Relator.



Findings of Fact,
Conclusions of Law, And
Recommendation of The
Board of Commissioners On
Grievances And Discipline Of
The Supreme Court of Ohio

INTRODUCTION

A hearing on the above-styled case was held before a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio in Bucyrus, Ohio on January 31, 2000, and in Columbus, Ohio on February 10, 2000.

Members of the panel present were Thomas Henretta, Akron, Ohio; Elaine Greaves, Youngstown, Ohio; and Judge Dana A. Deshler, Columbus, Ohio, Chairman. John McManus, Assistant Disciplinary Counsel, represented the relator, office of Disciplinary Counsel. Lurlia Oglesby, attorney at law, represented the respondent, Geoffrey Oglesby and Mr. Oglesby represented himself during various portions of the proceedings.

FINDINGS OF FACT

Upon the evidence adduced upon hearing, stipulations, exhibits and argument, the panels finds:

1. It has jurisdiction of the parties and the subject matter.

2. None of the panel members reside in Erie County, Ohio or served on the probable cause committee that reviewed this matter.
3. Respondent Geoffrey Lynn Oglesby is a forty-four year old attorney, admitted to the bar of Ohio in May 1982. He was a resident of Erie County when the incidents which are the subject matter of the complaint occurred. Mr. Oglesby is a graduate of Cleveland Marshall Law School, obtaining his undergraduate degree from The Ohio State University. He is also a graduate of Sandusky High School.
4. Mr. Oglesby is charged by Disciplinary Counsel with eight incidents of misconduct as reflected in the four-count amended complaint filed by Disciplinary Counsel.

COUNT I

5. Count one relates to a previous disciplinary proceeding involving respondent and formally reported at 64 Ohio State 3d 39 (1992). At that time, respondent was suspended for one year, with six months stayed, with conditions set forth as follows: restoring \$3,700 formally owed by respondent, completion of legal education requirements and completion of two years of monitored probation after serving the suspension.

6. Mr. Oglesby was reinstated to the practice of law on December 30, 1992. K. Ronald Bailey, attorney, was appointed in late 1992 to be the monitoring attorney and he has continued in that role to this date. Mr. Oglesby, after 1992, on various occasions filed applications for the termination of his probation with the Supreme Court of Ohio and all applications were denied.

7. Relator alleges that respondent violated Gov. Bar. R. V (9)(C)(1) by failing to meet regularly with Mr. Bailey, and by failing to cooperate fully with Mr. Bailey's efforts to monitor respondent's compliance as required by Gov. Bar R. V 9(C)(3). Relator also alleges respondent's failure to cooperate with the monitoring attorney violated DR 1-102(A)(6), engaging in conduct that adversary reflects on an attorney's fitness to practice.

8. A summary of the facts relating to Count One follows: As previously stated, respondent was placed on probation following disciplinary proceedings in 1992. Attorney K. Ronald Bailey was appointed as monitoring attorney. The testimony and exhibits established that respondent was to meet quarterly with Mr. Bailey. While respondent met with Mr. Bailey three times in 1993 and two times in 1994, the monitoring attorney received only a few reports in 1995 and 1996. Ultimately, Mr. Bailey testified that while he liked the respondent, he felt respondent did not satisfy his obligations regarding meetings. It should be noted that while respondent complied satisfactorily with terms of probation for a period of time, he ultimately failed to meet quarterly or correspond timely upon request of both the monitoring attorney and the Office of Disciplinary Counsel. Respondent, after continuing on probation, attempted three times to have the Ohio Supreme Court terminate his probation. However, the requests to terminate probation were denied. Thus, the probation originally intended for a two-year period continued and ultimately resulted in respondent's failure to comply with the original terms of probation. Respondent generally argued that he complied with the terms of probation and there was no record of any effort during the period since 1992 to revoke his probation.

Gov. Bar. R. V (9)(C)(1) - Duties of Respondent:

The respondent shall do all of the following:

- (1) Have a personal meeting with the monitoring attorney at least once each month during the first year of probation, and at least quarterly thereafter, unless the monitoring attorneys require more frequent meetings.
- (3) Cooperate fully with the efforts of each monitoring attorney to monitor the respondent's compliance.

DR 1-102(A)(6)

(A) A lawyer shall not:

- (6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

COUNT II

9. Count II involves respondent's representation of various clients and their appeals following their conviction in criminal cases. This count of the complaint involves four different clients.

a. James Hammon - in July 1997, Mr. Hammon was convicted in the Erie County Court of Common Pleas. The respondent was appointed as appellate counsel. Respondent filed a notice of appeal. However, the court of appeals, on December 22, 1997 dismissed the appeal, due to respondent's failure to file a brief. The motion for reconsideration, filed by respondent, was denied. In another case involving James Hammon, the same procedural scenario occurred, and after respondent, as appointed counsel filed a notice of appeal, the appeal was subsequently dismissed on the basis that no brief had been filed. A motion for reconsideration, filed by respondent, was denied in this case, as in Mr. Hammon's other case. Relator has alleged that respondent did not inform Mr. Hammon of the dismissal of his appeals. The state public defender later succeeded in having the appeals reinstated.

10. Relator alleges that respondent, with respect to the Hammon cases, violated DR 6-101 (A)(3) and DR 1-102(A)(6).

(A) A lawyer shall not:

(3) Neglect a legal matter entrusted to him.

(6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

11. The evidence reveals, through testimony and exhibits, that Mr. Hammon's appeals were originated by respondent and both appeals were dismissed for the appellant's failure to timely file a

brief. The issue remains somewhat equivocal as to whether respondent informed Mr. Hammon of the dismissals. Mr. Hammon acknowledged being aware of respondent's difficulty in obtaining transcripts. The major response of respondent to this aspect of the proceedings was that the difficulty of obtaining transcripts was the problem and such conduct was more aberrational than a reflection of a pattern of neglectful conduct in his practice.

b. Bryant Jenkins - in May 1997, Jenkins was convicted in proceedings in the Erie County Court of Common Pleas. Respondent was appointed to appeal Jenkins' conviction. Respondent filed a notice of appeal and after securing two extensions of time to file a transcript, the appeal was dismissed on December 22, 1997 for failure of appellant to file a brief. A motion for reconsideration, filed by respondent, was later denied. The appeal was later reinstated through new counsel.

12. Relator alleges that respondent violated DR 6-101 (A)(3) and DR 1-102(A)(6) regarding the Jenkins case. Relator also alleged a violation of DR 9-101(C) relating to a claim of improperly charging the client a fee when appointed by the court and indicating that he could expedite the process if paid a fee.

DR 9-101 (C):

(C) A lawyer shall not state or imply that he is able to influence improperly or upon irrelevant grounds any tribunal, legislative body or public official.

The Jenkins case, from an evidentiary standpoint, is similar to the pattern of events in the Hammon cases. The evidence clearly revealed that respondent was appointed to prosecute Jenkins' appeal, did not file transcripts and the appeal was dismissed for failure to file a brief. There was also evidence that respondent charged Jenkins \$1,000 to pursue the appeal even though he was appointed by the court. Respondent offered little explanation of the circumstances giving rise to the

dismissal of the client's appeal, other than the ongoing difficulty relating to obtaining the transcript emanating from a two-day trial.

c. Donald Walk - in 1997, Donald Walk was convicted in a criminal proceeding in the Erie County Court of Common Pleas. The respondent was appointed as appellate counsel. Respondent filed a notice of appeal, but as in the Hammon and Jenkins cases, the appeal was dismissed for failure to file a praecipe and documenting statement. The court of appeals denied reconsideration and denied a motion to reconsider the denial of reinstatement. As in the other cases in the court of appeals, there is no claim that any of the appellants authorized a dismissal of their appeal.

13. Relator alleges that respondent violated Disciplinary Rules 6-101 (A)(3) and 1-102(A)(6). The Walk case is very similar to the Hammon and Jenkins cases. The panel concluded that the case was dismissed as a result of respondent's failure to timely file a docketing statement and brief. There was little if anything suggested by respondent by way of a defense. Respondent repeatedly asserted a difficulty in obtaining transcripts and claims such deficiencies in his appellate practice were aberrational as opposed to revealing a pattern of neglect.

d. Fred Farris - The various allegations regarding respondent's representation of Fred Farris served as the basis for alleged violations of DR 6-101(A)(3) and DR 1-102(A)(6). Respondent represented Farris upon trial and in the court of appeals. The allegations in relator's complaint and exhibits are not sufficient to sustain relator's evidentiary burden regarding the claimed violations relating to representation of Fred Farris. There was no direct evidence presented on this aspect of relator's case and therefore, such DR charges should be dismissed.

Count III

14. Count III of relator's complaint involves the respondent's representation of Michelle Poorman. On February 20, 1988, the mother of Michelle Poorman went to Croghan Colonial Bank to obtain a money order for \$375 to be sent to respondent as a partial payment of \$750 in fees owed to respondent for his representation of Michelle Poorman. The bank clerk, in error, made out a money order for \$5,375. Ms. Poorman, without being aware of the error, mailed the money order to respondent's office. The bank learned of the error and called the Poorman's residence on Monday. Poorman also called respondent's office to relate the problem with the money order. A secretary at respondent's office indicated they would contact the bank. The money order was deposited in the respondent's office account. Since that time and until early this year, the respondent had failed to return the \$5,000 to the bank.

15. Relator alleges that in view of respondent's uncontested depositing of the money order and retention of the funds represented by the money order, that respondent violated DR 1-102(A)(3), DR 1-102(A)(4), DR 1-102(A)(6) and DR 9-102(B)(4).

DR 1-102:

(A) A lawyer shall not:

(3) Engage in illegal conduct involving moral turpitude

DR 1-102(A)(4)

(A) A lawyer shall not:

(4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

DR 1-102(A)(6)

(A) A lawyer shall not:

(6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

DR 9-102(B)(4)

(B) A lawyer shall:

(4) Promptly pay or deliver to his client as requested by a client the funds, securities or other properties in the possession of the lawyer which the client is entitled to receive.

16. The panel finds respondent's conduct inexplicable in view of a number of uncontested facts giving rise to the charges under Count III. The respondent did attempt to resolve the matter but ultimately conditioned his repayment of the \$5,000 to the bank on dismissal of disciplinary charges. Also, the respondent, while trying to resolve the problem, finally ended any substantive effort when the bank's patience became exhausted and a legal action was threatened. Ultimately, respondent did pay the \$5,000 to the bank with an accompanying letter on February 8, 2000, a week after the first hearing in this disciplinary case.

17. The panel recognizes Respondent has recently paid the money owed the bank since early 1998. The most troubling aspect of this count of relator's complaint is respondent's equivocal attitude regarding his obligations or his office's obligation to refund money owed the bank. In closing argument, respondent stated that "as far as the bank is concerned, I guess I'm just damned if I do and damned if I don't." In brief, respondent seemed to recognize that he owed the money to the bank, but struggled with recognizing any compelling reason to resolve the situation. Respondent did offer to pay the money in installments in 1999 but this offer was apparently rejected. The panel finds DR 9-102(B)(4) inapplicable to the facts and dismisses this particular DR charge.

Count IV

18. Count IV of relator's complaint involves respondent's representation of Russell Boyd, Jr. Russell Boyd, Sr., contacted respondent in August 1997 regarding representation of his son,

Russell Boyd, Jr. The younger Boyd was facing charges of driving under suspension and speeding. After paying respondent \$1,000 in fees, Boyd, Sr. learned later, through a police officer, that his son was going to be arrested. After numerous phone calls to respondent's office without response, Boyd, Sr. met with respondent and suggested that respondent go with his son, and that his son would turn himself in and seek bail. The client claimed respondent advised his son against turning himself in to authorities. Some time passed and on the eve of Thanksgiving, the son was arrested. Boyd, Sr. called respondent and he was assured counsel would appear in court on Monday after the long Thanksgiving weekend on behalf of his son. Upon the hearing in court on Monday, respondent did not appear but an associate appeared late and after the judge had set bail at \$10,000. The client then sought other counsel and requested a refund of the retainer. Eventually, respondent sent a check to the client in the amount of \$600 as a refund. It should be noted here that the evidence does not reveal that the Boyds received any service of value for the \$1,000 paid by Mr. Boyd, Sr. after he retained respondent.

19. Relator, in relation to respondent's representation of the Boyds has alleged the following violations of the disciplinary code:

DR 6-101 (A)(3)

(A) A lawyer shall not:

(3) Neglect a legal matter entrusted to him.

DR 7-101(A)(1)

(A) A lawyer shall not intentionally:

(1) Fail to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules, except as provided by DR 7-101.

DR 7-101 (A)(3)

(A) A lawyer shall not intentionally:

(3) Prejudice or damage his client during the course of the professional relationship, except as required under DR 7-102(B).

DR 1-102(A)(6)

(A) A lawyer shall not:

(6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

DR 2-106(A)

(A) A lawyer shall not enter into an agreement for change, or collect an illegal or clearly excessive fee.

DR 9-102(B)(4)

(B) A lawyer shall:

(4) Promptly pay or deliver to his client as requested by a client the funds, securities, or other properties in the possession of the lawyer which his client is entitled to receive.

It should be noted that respondent called eight different people to testify as character witnesses. The witnesses, including attorneys and a law professor, attested to respondent's legal abilities, his honesty, and contributions to the community. It was established that respondent has an exemplary record of contributing his time and professional abilities to his community.

CONCLUSIONS OF LAW

Count I As to Count I, this panel, found, by clear and convincing evidence that Respondent violated disciplinary rules relating to Gov. Bar. R. V (9)(C)(1) and (3). However, this panel could not conclude that relator had established by clear and convincing evidence that Respondent had violated DR 1-102(A)(6).

Count II Regarding Count II, this panel finds that based upon the evidence including the exhibits of record, that Respondent violated DR 6-101(A)(3), relating to representation of

Hammon, Jenkins, and Walk. However, the panel concludes that the evidence was not clear and convincing that Respondent violated DR 1-102(A)(6), relating to Hammon and Walk, or that Respondent violated DR 1-102(A)(6) or DR 9-101 (C) relating to representation of Jenkins. As stated, allegations of misconduct regarding representations of Farris are dismissed for failure of proof.

Count III As to Count III, the panel finds that by respondent's failure to promptly return funds to the bank, he violated DR 1-102(A)(6). The panel concludes that relator did not establish by clear and convincing evidence violations of DR 1-102(A)(3) and DR 1-102(A)(4).

Count IV Count IV involved the Respondent's representation of Russell Boyd Jr. The panel finds that Respondent, as a consequence of his conduct relative to his representation of Mr. Boyd, violated DR 6-101(A)(3), DR 7-101(A)(1), DR 7-101(A)(3) and DR 1-102(A)(6). Additionally, Respondent's failure to promptly refund an unearned retainer violated DR 9-102(B)(4). The panel finds no violation regarding DR 2-106 relative to charging an illegal or clearly excessive fee.

It should be noted relator has requested that Respondent be indefinitely suspended.

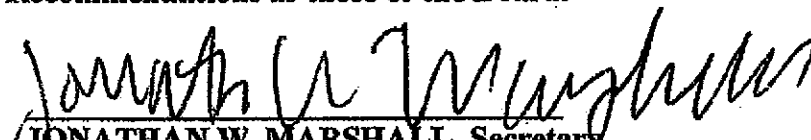
Respondent, in response to relator's recommendation of sanctions, did not directly answer with any alternative course of action. The Respondent, in general, seems to believe that none of his clients were harmed by his practice behavior and in some instances, the problems respondent faced were, in his view, due to the fault of others. In view of Respondent's disciplinary case in 1992, which involved client neglect charges and resulted in suspension and probation, and considering the violations found by this panel relative to Counts I, II, III, and IV of relator's amended complaint, the panel recommends that Respondent's earlier probation be revoked and that he be suspended for one year. Respondent's earlier disciplinary action compels a more severe penalty than public

reprimand or a short period of suspension. Thus the panel's final recommendation to the Board is that Respondent's license be suspended for one year.

BOARD'S RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on June 1 and 2, 2000. The Board adopted the Findings of Fact and Conclusions of Law of the Panel on Counts 2, 3 and 4. The Board, based on the entire record, finds no Disciplinary Rule violations in Count I. The Board adopted the Recommendation of the Panel and recommends that the Respondent, Geoffrey Lynn Oglesby, be suspended from the practice of law in the State of Ohio for one year, and the current probation be terminated. The Board further recommends that the cost of these proceedings be taxed to the Respondent in any disciplinary order entered, so that execution may issue.

Pursuant to the order of the Board of Commissioners on Grievances and Discipline of The Supreme Court of Ohio, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Recommendations as those of the Board.


JONATHAN W. MARSHALL, Secretary
Board of Commissioners on
Grievances and Discipline of
The Supreme Court of Ohio

The Supreme Court of Ohio

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

92-472

Disciplinary Counsel, Relator,	:	ON CERTIFIED REPORT BY THE BOARD
	:	OF COMMISSIONERS ON GRIEVANCES AND
	:	DISCIPLINE OF THE SUPREME COURT
v.	:	
	:	Case No. 00-1100
Geoffrey Lynn Oglesby, Respondent.	:	
	:	O R D E R

The Board of Commissioners on Grievances and Discipline filed its Final Report in this Court on June 15, 2000, recommending that pursuant to Rule V, Section 6(B)(3) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Geoffrey Lynn Oglesby, be suspended from the practice of law for a period of one year, and the current probation be terminated. Relator filed objections to said Final Report, and this cause was considered by the Court. On consideration thereof,

IT IS ORDERED AND ADJUDGED by this Court that pursuant to Gov. Bar R. V, Sec. 6(B)(2), respondent, Geoffrey Lynn Oglesby, Attorney Registration Number 0023949, last known business address in Sandusky, Ohio, be indefinitely suspended from the practice of law consistent with the opinion rendered herein.

IT IS FURTHER ORDERED that the respondent, Geoffrey Lynn Oglesby, immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

IT IS FURTHER ORDERED that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

IT IS FURTHER ORDERED that respondent is hereby divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

IT IS FURTHER ORDERED that respondent surrender his certificate of admission to practice to the Clerk of this Court on or before 30 days from the date of this order, and that his name be stricken from the roll of attorneys maintained by this Court.

IT IS FURTHER ORDERED that respondent be taxed the costs of these proceedings in the amount of Two Thousand Four Hundred One Dollars and Ninety-Three Cents (\$2,401.93), which costs shall be payable to this Court by certified check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest

at the rate of 10% per annum shall accrue as of 90 days from the date of this order, on the balance of unpaid Board costs. It is further ordered that respondent may not petition for reinstatement until such time as he pays his costs in full, including any accrued interest.

IT IS FURTHER ORDERED that, pursuant to Gov. Bar R. X, Sec. 3(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov. Bar R. X, Sec. 3(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov. Bar R. X, Sec. 3(A) (1), for each six months, or portion of six months, of the suspension.

IT IS FURTHER ORDERED, sua sponte, by the Court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov. Bar R. VIII, Sec. 7(F). It is further ordered, sua sponte, by the Court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov. Bar R. VIII, Sec. 7(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

IT IS FURTHER ORDERED that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio; (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the Court; and (4) this Court orders respondent reinstated.

IT IS FURTHER ORDERED that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of his suspension and his consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in his place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of his disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the Clerk of this Court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

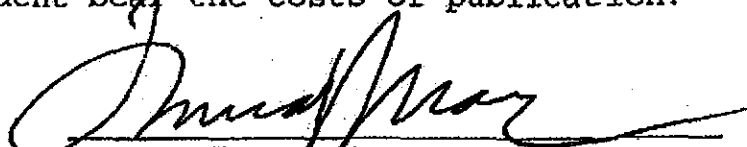
IT IS FURTHER ORDERED that on or before 30 days from the date of this order, respondent surrender his attorney registration card for the 1999/2001 biennium.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this Court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the attorney registration office.

IT IS FURTHER ORDERED that the Clerk of this Court issue certified copies of this order as provided for in Gov. Bar R. V, Sec. 8(D)(1), that publication be made as provided for in Gov. Bar R. V, Sec. 8(D)(2), and that respondent bear the costs of publication.


THOMAS J. MOYER
Chief Justice