IN THE SUPREME COURT OF OHIO

CASE NO. 2019-1739

Disciplinary Counsel,

Relator,

v.

Marilyn Abrienne Cramer,

Respondent

RESPONDENT'S OBJECTIONS TO RELATOR'S ERRONEOUS FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION, WHICH THE EVIDENCE REFUTES; WITH BRIEF IN SUPPORT OF RESPONDENT'S OBJECTIONS

Respectfully submitted,

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Respondent in Propria Persona

RESPONDENT'S OBJECTIONS TO RELATOR'S RECOMMENDATION

TABLE OF CONTENTS

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel, Relator. v. Marilyn Abrienne Cramer, Respondent.	)	**CASE NO. 2019-1739** **RESPONDENT'S OBJECTIONS TO RELATOR'S ERRONEOUS FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION, WHICH THE EVIDENCE REFUTES; WITH BRIEF IN SUPPORT OF OBJECTIONS**

Now comes Respondent, Attorney Marilyn A. Cramer, *in propria persona*, and respectfully submits *Respondent's Objections to Relator's Erroneous Findings of Fact, Conclusions of Law, and Recommendation, which the Evidence Refutes; with Brief in Support of Objections.* When filing a case, Relator bears the burden of proof to develop and present to the Court clear and convincing evidence of ethical violations. Yet the *Recommendation* herein fails miserably to meet Relator's burden. Nor can Relator prove its case, because, in truth and in fact, Respondent Cramer never violated any of the Rules of Professional Conduct. Therefore, to avoid a miscarriage of justice, Respondent respectfully urges the Court to reject Relator's *Recommendation* in its entirety.

In Respondent Cramer's 42½ years as a lawyer, no client has ever filed a complaint or grievance against her. In light of Respondent Cramer's more than four decades pursuing justice for the vulnerable, without concern for personal gain, (serving thirty of those years in honorable and decorated government service,) the *Recommendation* is extreme, on its face.[1]

[1] *See Appendix*, Exhibit A before the Board, for updated excerpts from Attorney Cramer's professional biography, describing some of her exemplary accomplishments. Everyone who knows Respondent will vouch that she has always endeavored to follow *"A Lawyer's Aspirational Ideals." See, e.g.,* in the *Appendix* hereto, Exhibit MMM-4 *(*Affidavit of Attorney Charles Russell Twist); Exhibit MMM-5 (Affidavit of Attorney R. Benton Gray); Exhibit MMM-6 (Affidavit of Attorney Laurence A. Turbow), and Exhibit MMM-13, Affidavit of Inspector Paul M. Hartman, (Duplicating Exhibit O, and Relator's Exh. 1, pages 344-351), all of which are discussed in the accompanying *Brief in Support of Objections*.

Respondent's opponents in litigation originated the false allegations against her in retaliation for her reporting their violations of Ohio statutes and the Rules of Professional Conduct. After refusing to even consider Respondent Cramer's grievances reporting the violations, Relator instead inconsistently chose to pursue the retaliatory false allegations her opponents made against her. Then, rather than properly investigate their false contentions, Relator inexplicably merely accepted the unsupported allegations as if they were true. Relator shifted and still attempts to shift its burden of proof to Respondent, expecting her to prove the negative concerning the allegations, which now, four years later, still remain nothing more than *unproven* allegations.[2]

Although Respondent bears no burden of proof, she nevertheless produced considerable evidence *refuting* the false accusations. Each time Respondent's evidence proved the falsity of the allegations, Relator manufactured new and different allegations. He did so multiple times, again always without proof. Although Relator's disciplinary counsel and its hearing panel continued to wrongly shift their burden of proof to Respondent, she nevertheless succeeded in proving the negative with overwhelming evidence refuting all of the false charges, including even the new allegations interjected during the hearing. Respondent developed this proof despite the Panel's efforts to control and limit the record by interrupting and cutting off her witnesses and unprofessionally denigrating her in front of the witnesses while they were testifying.[3]

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[2] Relator's Disciplinary Counsel violated virtually every deadline concerning investigations, as well as many additional disciplinary rules. *E.g.,* Gov. Bar. Rule V, Section 9(D)(1), expressly provides that investigations should be concluded within 60 days, with a decision within the next 30 days. Section 9(D)(2) mandates that no investigation shall be extended beyond one year. Section 9(D)(3) provides that investigations extending beyond one year from the date of filing of the grievance are *prima facie* evidence of unreasonable delay. The original grievance herein was filed in 2015. By dragging its feet for *four (4) years*, Relator's conduct was not only unreasonable, but also prejudicial to Respondent, as explained, *infra*.

[3] *See Transcript of Panel Hearing*. Especially the March 30, 2019 testimony of Deborah Altman and John R. Dunno.

Hoping to avoid scrutiny of its distorted *Recommendation,* Relator withholds from the Court the substantial evidence (documents and testimony) that directly contradicts its predetermined conclusion and agenda. Therefore, Respondent respectfully urges the Court to conduct the required careful *de novo* review of the actual testimony (not Relator's paraphrasing of it) and the actual probate and appellate court filings. The Court should hold *Relator* responsible to meet *its* burden to *prove* its allegations with clear and convincing evidence.

SYNOPSIS OF THE CASE

This case is actually very simple. In a nutshell, Attorney Cramer complied with Prof. Cond. Rule 8.3 and Gov. Bar R. IV, Sec. 2, when she reported violations of Ohio laws and Rules by the Franklin County probate court and by its politically connected lawyer. In retaliation for Respondent's reporting their violations, the perpetrators whom she had reported abused court and disciplinary processes by:

1. Filing a frivolous and vexatious lawsuit against Respondent (ultimately withdrawn three years later, in July 2019, just days after the Panel's hearing wherein Respondent Cramer testified and exposed the lawsuit's fraudulent nature);

2. Imposing nearly $23,000.00 in false sanctions against her, without conducting the requisite proper show cause hearing;

3. Avoiding appellate review on the merits by not forwarding the essential portions of the record to the Court of Appeals, even after Respondent filed a motion to compel the probate court to forward the entire record, (the probate judge, who is also the Clerk of Court, filed two false certifications claiming the probate court had forwarded the entire record when it had not);

4. Submitting false complaints against her to Disciplinary Counsel; and

5. Insulting and demeaning Respondent during probate hearings and in written entries.

The perpetrators whom Respondent had reported designed and intended their retaliation and defamation to discredit and silence Respondent from further revealing their violations. Relator's

Recommendation, presently before this Court, arises from and is an outgrowth of that unlawful retaliation.

Respondent's accompanying *Brief in Support of Objections* shows that Probate Judge Robert G. Montgomery, in violation of the Ohio Revised Code concerning the appointment of administrators of estates, unlawfully appointed his friend and Election Committee Finance Chair, Thomas N. Taneff, to administer the ancillary estate of Respondent's deceased mother, Selena Cramer. They concealed their personal, financial and political connections from the heirs.[4]

This appointment of Taneff, over the objections of the heirs, was contrary to Ohio law and ethical rules, blatantly violating O.R.C. §§2113.06(A)(2) and 2113.06(C), which firstly required the appointment of Respondent as administrator. Secondarily, Ohio law required the appointment of the Ohio Attorney General, because Medicaid Recovery has a $39,000 claim against the estate.

Judge Montgomery disregarded both of these *statutory* priorities for the appointment of an administrator when he appointed the Finance Chairman of his election committee. Taneff's appointment further violated the Supreme Court's earlier specific directive to Judge Montgomery not to appoint persons who had contributed to his campaign. Taneff not only contributed to Montgomery's campaign; Taneff was in charge of *all* of the donations to Montgomery. Thus, Taneff's and the court's own violations of law, rules of evidence and procedure, and ethical rules

[4] Selena Cramer had four children and died intestate. As utilized herein, the term "heirs" refers only to Selena's two daughters, Respondent Attorney Marilyn Cramer and her sister Carrie Chaplin, because they are the only remaining heirs to the property that is the subject of the Franklin County ancillary administration. The term does not refer to their siblings, Callie Lipka ("Lipka") and Myron Cramer ("Myron,") because they, with the benefit of their own retained attorneys, on February 22, 2016, each filed *Answers* with written relinquishments and abandonments of all of their rights, titles, interests and claims in the Columbus, Ohio estate. (Relator's Exh. 1, Dkt. #6 and #14, Respectively.)

disparaged the integrity of the court, not Respondent's seeking compliance with the law and the rules. To the contrary, Respondent acted to preserve judicial integrity. [5]

The ancillary estate consisted solely of a house in Columbus, Ohio. Taneff's egregious misconduct continued throughout his "administration," breaching his fiduciary duties to the estate and to the heirs. The probate court, primarily acting through its magistrate, Kelly Green, ratified by Judge Montgomery and later by Visiting Judge Kenneth Spicer, ignored the rights and objections of the heirs and continued to approve everything Taneff did, regardless of its illegality and harm to the estate, the heirs, and the Medicaid creditor, and further violating the Code of Judicial Conduct.

In addition to disobeying the laws governing appointments of administrators, the judges and Taneff violated Ohio statutes and the local rules of the probate court concerning the disposition of estate property and the payment of fees to an administrator. Over the objections of the heirs, Taneff sold their estate house for *one third* of it fair market value to a suspicious buyer and then converted the *entirety* of the proceeds to Taneff's personal benefit, leaving *zero for the heirs* and *zero for Medicaid Recovery*. When the heirs objected to the theft of their inheritance, the judge approved Taneff's misconduct and also threatened the heirs for objecting.

Thus, in addition to the public's initial *perception* of a lack of integrity, the unjust and unlawful court decisions ratifying and thereby joining Taneff's egregious misconduct actually destroyed the integrity of the probate court. Specifically, the probate judges approved Taneff's fees of roughly $76,000.00 to sell the house to a suspicious buyer for $39,000 ($31,000 after

[5] Moreover, Taneff failed to name and include the Office of the Attorney General in the case, even though the AG was a creditor and a necessary party. Taneff refused to even serve the Medicaid Recovery Assistant Attorney General with copies of court filings. Taneff's and the court's exclusion of the Medicaid Assistant Attorney General continued throughout the case, even after Respondent Cramer protested their concealing the land sale case from this necessary party/creditor.

payment of commissions and taxes). No law or practice anywhere permits this fee of about 200% of an estate. Taneff's bills were not only unlawful, but also unreasonable, excessive, and unethical under Prof. Cond. R. 1.5, as a matter of law.[6]

Moreover, the evidence confirms that Taneff's own invoices, filed with the probate court, *expressly* included payments for substantive *ex parte* contacts with the probate court, double and triple billing, billing for motions he lost, billing for multiple attorneys and for unregistered employees, and other irregularities directly violating the Local Rules of the Probate Court, as well as Prof. Cond. Rule 1.5. *See* the *Brief in Support of Objections*. Taneff did not offer any proof whatsoever, under the Lodestar or any other standard, to justify the fees he sought. Nevertheless, the court approved his fees, including the fees for the unethical *ex parte* communications.[7]

Additionally, both Taneff and the probate court unlawfully refused entry into the house by the heirs and their purchasers, who were prepared to pay no less than between $101,000.00 and $104,000.00. The probate court and Taneff also violated the heir's right of priority under Ohio law to purchase the house themselves. *See Brief in Support*.

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[6] O.R.C. §2115.06 permits a fee of 1%, or $390 in the case of Taneff's sale of real estate. This is a far cry from the $76,421.48 he billed the estate. Even compared with certain other laws that may permit up to 4% on the first $100,000, Taneff's fees for his suspicious sale would only be $1,560, again a far cry from $76,421.28. In further violation, Taneff billed the estate prematurely and out of rule, disguised as a "distribution" from the sale of the property, in violation of Loc. R. 71.3. The probate court ignored these violations as well and approved Taneff's fees, while again criticizing the heirs for challenging the fees and suspicious sale.

[7] Thus, it is shocking that the *Recommendation* falsely contends that Respondent had absolutely no evidence of the *ex parte* contacts. The accompanying *Brief* details additional persuasive evidence proving that the unethical *ex parte* contacts between Taneff and the probate court did, in fact, occur numerous times. In addition to the express language in Taneff's own entries admitting the *ex parte* communications, the substantive nature of those contacts is further demonstrated by their close temporal links with Taneff's subsequent filings in the case.

The *Recommendation* Relator submitted to the Court fails to include any mention of these critical events and disregards Taneff's and the probate court's misconduct, to which Respondent was reacting and trying to remedy. By withholding critical evidence, the *Recommendation's* one-sided and misleading presentation works an injustice to the Court, as well as to Respondent Cramer.[8]

When Respondent Cramer reported the corruption of the probate court and its political appointee, Thomas Taneff, she was exercising her right and performing her duty under Gov. Bar R. IV, Sec. 2, not only on behalf of her clients (her mother's estate, and the other remaining heir, Carrie Chaplin,) but also for the benefit of the profession and in the interests of justice. Gov. Bar R. IV, "Professional Responsibility," Section 2, "Duty of Lawyers," expressly provides:

> Whenever there is proper ground for serious complaint of a judicial officer, it is the *right and duty* of the lawyer to submit a grievance to proper authorities. These charges should be *encouraged* and *the person making them should be protected*. [Emphasis added.]

Rather than protecting Respondent, however, as Rule IV, Sec.2 requires, Relator refused to even consider the grievances she had filed reporting the probate judges and Taneff. The Board of Professional Conduct claimed that it does not consider grievances involving ongoing litigation. In contrast, Relator curiously ignored this stated policy and failed to dismiss the perpetrators' grievances against Attorney Cramer, which grievances not only concerned ongoing litigation, but also involved the very same ongoing litigation that was involved in Respondent's grievances,

[8] While Relator chose to pursue Taneff's grievance against Respondent Cramer, Relator refused to even consider Respondent's grievance concerning Taneff's and Montgomery's misconduct. *See* the *Brief in Support,* which discuss the equal protection issues arising from the Board's disparate treatment concerning Respondent's grievances against Taneff and the probate judges, compared with the Board's decision to proceed with Taneff's grievance. In the process of Relator's one-sided "investigation," Relator violated many of its own ethical and disciplinary rules, as detailed in the attached *Brief in Support of Objections*.

which Relator has refused to even consider. Furthermore, Prof. Cond. Rule 8.3(b) provides:

> A lawyer who possesses unprivileged knowledge that a judge has committed a violation of the Ohio Rules of Professional Conduct or applicable rules of judicial conduct *shall inform* the appropriate authority. [Emphasis added.]

Instead of performing its duty to correct the perpetrators' violations and hold them accountable for their misconduct (which included, *inter alia*, criminal conduct), Relator has ignored their violations. Taneff, in fact, violated almost the entirety of Prof. Cond. R. 8.4, "Misconduct," and the probate judges expressly approved Taneff's misconduct. Adding insult to injury, the court criticized the heirs for raising the violations.

The unlawful and unethical conduct of the probate court and its political appointee, and their retaliation against Respondent for challenging and reporting their violations, constitute the true essence of this case. Yet, Relator's *Recommendation* curiously omits any discussion of the following: 1) their violations; 2) Respondent Cramer's reports of their misconduct, which reports Relator refuses to consider; and 3) their retaliation against Respondent Cramer. These substantial omissions from the *Recommendation* operate to conceal the true context of the actions of Respondent that the Relator purports to judge and now asks the Supreme Court to judge.

Instead of addressing the genuine issues that are the heart of the proceedings below, the *Recommendation* chooses to focus myopically on minor, peripheral matters, distorting incidents and misquoting statements, ignoring the true nature of the proceedings below and blindly accepting and parroting the perpetrator's allegations. To this day, the allegations remain just that: unproven allegations, lacking evidentiary support, designed and intended by the violators to advance a sinister agenda, namely to discredit and silence Respondent.

As is often the case, what is not said is more powerful than what is said. Respondent respectfully urges the Court to take note of the evidence that the *Recommendation* chooses to omit:

1) Relator did not call as witnesses any of the persons who made the attacks on respondent Cramer, (namely Taneff, the magistrate and probate judges, and Myron); 2) The *Recommendation* excludes any mention of the appearances and testimony of other crucial witnesses respondent called, (including *inter alia*, Realtor Deborah Altman, Attorney Gregg Garfinkel, and the other heir, Carrie Chaplin); 3) The *Recommendation* excludes significant documentary evidence; and 4) The *Recommendation* conceals the fact that a second, experienced attorney in the probate case, also representing an heir, made similar and the same filings as did Respondent Cramer. The second attorney for an heir also had a good faith basis and thought it reasonable to file nearly identical filings to those that Respondent filed. This fact further confirms that Respondent's filings were not unreasonable and not frivolous, as that term is objectively defined under the law.[9]

In the interests of justice, not only for Respondent Cramer personally, but also in the public's interest and for preservation of the integrity of Ohio courts, the Supreme Court's mandatory *de novo* review of the evidence in this case becomes all the more essential. The Court's review should include scrutiny of the portions of the record that Relator chose to ignore and conceal. The *Brief* demonstrates that the nature of the excluded (hidden) evidence further refutes the allegations and demonstrates that Relator's *Recommendation* is one-sided, rendering it not only an unconstitutional denial of fundamental fairness to Attorney Cramer, but also a disservice to this Honorable Court, to the profession, and to the public, as explained immediately below.

[9] Taneff did not file a lawsuit or a grievance against the other attorney, nor did the probate court sanction and fine him. Relator did not pursue charges against the other attorney and does not seek his *indefinite suspension*, or *any punishment*, for his virtually identical conduct during the probate case. The only difference between the second attorney and Respondent is that Respondent filed grievances reporting the court's and Taneff's violations.

IMPACT OF THIS CASE

The negative effects and damage from Relator's unjustified and extreme *Recommendation* are particularly far-reaching in this case for yet other reasons. Adopting the *Recommendation* and unjustly punishing Respondent would create a very dangerous chilling effect on attorneys and other persons, discouraging, if not preventing them from reporting violations of law and the rules. The public expects and has a right to demand a system of justice, not a system of politics where one shoots the messenger.

In addition to resulting in an improper, if not unconstitutional chilling effect, and beyond the unwarranted and unjust harms to Attorney Cramer personally, the Relator's *Recommendation* would also irreparably harm her many *pro bono* clients, whose cases and legal matters in 2019 comprised 85 percent of Respondent's caseload. These *pro bono* clients have already been victimized by others and they rely entirely upon Attorney Cramer to protect them and make them whole. These pro bono clients have included, *inter alia,* elderly nursing home patients; World War II veterans; victims of con men and frauds; a cloistered nun; homeless and unemployed persons; and persons wrongly accused of crimes. They lack the resources to obtain other representation, if Attorney Cramer is suspended.

In fact, Respondent's extensive *pro bono* work during the past 13 years since her honorable retirement from the Department of Justice further demonstrates a continuing interest in protecting the vulnerable and securing justice, without seeking personal monetary rewards. Respondent's unblemished record, during her almost 42½ years as an attorney, demonstrates her life-long career protecting the helpless and securing justice for victims of crime. Her more than four decades of

accomplishments, achieved despite substantial personal and financial sacrifices, in and of themselves, bely any contention that Respondent Cramer was ever motivated by selfish interests.[10]

OUTLINE OF RESPONDENT'S FILINGS HEREIN

THE *OBJECTIONS*

This document states Respondent Cramer's *Objections*, in summary fashion, with cross-references to the *Brief in Support*, which identifies the specific probative evidence relating to each objection.

THE BRIEF IN SUPPORT OF OBJECTIONS

Respondent's accompanying *Brief in Support of Objections* includes a discussion of the evidence, which evidence compels Judgment in favor of Respondent Cramer. The *Brief* includes sections setting forth the Standard of Review, the Burden of Proof, the Facts of the underlying probate case and proceedings below, and Respondent's Proposed Findings of Fact and Conclusions of Law.

Moreover, the *Brief* reveals additional relevant and highly probative evidence that was presented to Relator's Hearing Panel, but which it failed to consider and erroneously excluded from the record submitted to this Court. The excluded evidence not only provides substantive proof refuting the allegations against Respondent and further supporting Respondent's *Objections*. The wrongly excluded evidence also impeaches Relator's only witness at the hearing, Patrick Lavender.

Furthermore, if nothing else, even under Relator's version of the case, the excluded evidence provides significant factors that the Supreme Court Rules for the Government of the Bar

[10] *See also, Brief in Support*; and the evidence cited in footnote 1 herein. This actual evidence further refutes Relator's unspecified and unsupported contention that Respondent acted with some unidentified selfish motive.

of Ohio expressly recognize as mitigation. Therefore, Relator should not have withheld and concealed this evidence from the Court.[11]

THE *APPENDIX*

The *Appendix* contains particularly important evidence in the record, which is attached hereto for the Court's convenience. It also includes the wrongly excluded evidence, to enable the Court to review, consider, and rule upon Relator's wrongful exclusion of such important materials merely because that evidence refutes Relator's contentions and exonerates Respondent. Finally, the *Appendix* includes a *Summary Chart of Filings* (which was presented to the probate court as well as to the Hearing Panel).

PRAYER FOR RELIEF

The legal and factual grounds set forth in these *Objections* and in the *Brief in Support of Objections*, with *Appendix*, together with the totality of the evidence in the underlying probate case and proceedings below, compel rejection of Relator's unsupported *Recommendation* in its entirety and warrant adoption of Respondent Cramer's Proposed Findings of Fact and Conclusions of Law.

Wherefore, in the interests of justice, not only for herself, but also for her clients, the profession, and the public, Respondent respectfully moves the Court to enter judgment in her favor, expressly providing complete exoneration of Respondent, recovery of her damages, and instructions to guide lower courts and disciplinary bodies in the future.

[11] Even more troubling and incredible are Disciplinary Counsel's alleged grounds to strike Respondent's affidavits that other lawyers submitted on her behalf. Yet the Panel accepted his blatant misrepresentations and struck the affidavits. *See Brief in Support* for the outrageous details.

Respondent respectfully asks the Court to provide such other and further relief to her and her client sister, Carrie Chaplin, the other heir whose estate interest was stolen, as is necessary and proper, including, if possible, vacating the void and voidable orders of the lower courts.[12]

Respectfully submitted,

s/ *Marilyn A. Cramer*

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Respondent in Propria Persona

[12] The Ohio Revised Code provides for double restitution of damages by an administrator for the estate assets he converts to his personal benefit.

RESPONDENT'S OBJECTIONS TO RELATOR'S ERRONEOUS FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION, WHICH THE EVIDENCE REFUTES

SUMMARY OF OBJECTIONS

Whether intentional or unintentional, the *Recommendation* misleads the Court when it mischaracterizes and distorts the fraction of the evidence it offers. The *Recommendation* purports to paraphrase evidence, but does not do so accurately; it only partially quotes statements; and it also takes statements out of context, altering their meaning and intent. The *Recommendation* further misleads the Court by withholding crucial exculpatory testimony and documentary evidence, which refute its contentions, without even mentioning, let alone addressing, the testimony of three key witnesses who appeared before the panel and the existence of the documents refuting the allegations in the *Recommendation.*

It further confuses and misleads any reviewer when the *Recommendation* jumps back and forth, combining statements made in a public court of record during a hearing, on the one hand, with, on the other hand, statements made at different times, in different contexts, and even in different time frames. It is particularly confusing and misleading to intertwine statements made in contexts that enjoy privacy-protection and are not open to the public, with other statements and arguments offered during public hearings and in briefs.

Mixing publicly available statements made during hearings with statements made in answer to a series of probing questions during a presumably confidential grievance deposition, and cherry-picking portions of private letters taken out of context, is not only misleading but also particularly unfair in this case because of the nature of the alleged misconduct. For example, the *Recommendation* focuses on allegations (which are falsely reported) that Respondent carelessly made disparaging remarks about the Franklin County probate court, and that these alleged remarks

somehow hurt the public image of the court. (Moreover, Relator falsely portrays the alleged statements.)

In truth and in fact, many of the alleged statements (distorted and mischaracterized as Relator offers them) were never made during any hearing or in any publicly filed document. The public would never hear or have access to privacy-protected deposition answers Respondent may have given in response to questions in confidential depositions, where Relator repeatedly asked her what she personally believed about a person's motivation. Those answers to questions are not at all similar to the kind of presentations Respondent made during public court hearings. Relator, however, wrongly portrays them as if they were made in open court or publicly filed by Respondent, when they were not.

Thus, it is very wrong for Relator to mislead the Court by mixing and interlacing together statements made in different proceedings, occurring not even in the same years, in such a manner to imply that Relator's arguments during a probate court hearing occurred alongside and together with answers she gave to specific questions posed by Relator, at a different time and during a presumably confidential deposition, some of which answers were given off the record.

The Transcripts of the hearings will demonstrate that Respondent was never disrespectful to any judge or magistrate at any time; nor did she disparage the court in any manner, even when the magistrate and opposing counsel demonstrated unprovoked hostility towards Respondent and her co-counsel. Despite their rude insults, which occurred during virtually every hearing, Respondent remained professional and attempted to direct the focus to the legal issues before the court. The only thing that could operate to harm the image of the court was its own repeated and, at times blatant, violations of the Ohio Revised Code, the Rules of Evidence and Procedure, the Local Rules of the Probate Court, and the Rules of Judicial Conduct, as well as the probate court's permitting

Thomas Taneff, its politically appointed ancillary administrator, to violate Ohio statutes and the Rules of Professional Conduct. The court permitted Taneff, with impunity, to breach his responsibilities and duties to the estate and to the heirs. [13]

Therefore, Respondent respectfully cautions the Court to examine the actual statements, not Relator's inaccurately paraphrased versions, and consider the actual contexts, and the actual time frames, rather than rely upon Relator's chronology of events and self-serving comingling of different matters. Given the serious implications and ramifications of this case, Respondent Cramer, her clients, and the public are entitled to nothing less than a careful, direct, first-hand *de novo* review by the Court, as the case law requires.

OBJECTIONS TO RELATOR'S ALLEGED FACTS

Objection No. 1 [*See* Evidence in the Attached *Brief in Support*; and the *Summary Chart of Filings* in the *Appendix*.]

Respondent objects to Relator's false contention that she filed "*numerous* motions" delaying the administration of her mother's estate. Other than one or two routine scheduling matters, Respondent Cramer filed *a total of only two motions* in the probate case during the past *five years*. As a matter of law, two substantive motions during a five-year period do not amount to "numerous" motions. In fact, she filed fewer motions than any other attorney or party in the case.

[13] Scrutiny of the transcripts from the probate hearings and also from the Panel's hearing reveals the hostility and lack of neutrality of the magistrate, judges and even the Panel members, all of which fueled the frustration of Respondent, her client Ms. Chaplin, and the other witnesses. When reviewing Respondent's arguments and comments and the testimony of witnesses, the Court should not ignore the natural puzzlement and frustration over the "system of injustice" to which they were all subjected, as forum after forum attempted to stifle and punish Respondent for revealing the corruption by the probate court and its political appointee, Thomas Taneff.

Objection No. 2 [*See* Evidence in the Attached *Brief in Support*.]

Respondent objects to the false characterization of her filings as "frivolous." Not one of Respondent filings were frivolous, including her two motions and even her responses and objections to the motions her opponents filed. In fact, if before a fair and neutral adjudicator, she would have won the motions. Further proof that Respondent's filings were reasonable, necessary, and not frivolous is the fact that the other experienced attorney representing Ms. Chaplin, the other heir, also filed similar documents.

Objection No. 3 [*See* Evidence in the Attached *Brief in Support*.]

Respondent objects to the false and vicious contention that she lied when she informed the probate court that she had buyers for her mother's house (the only property in the Franklin County, Ohio ancillary administration.) Attorney Cramer's truthful testimony was confirmed not only by the documentary evidence; but it was further confirmed by the testimony of Realtor Deborah Altman, with Kent Amlin Realty, the testimony of Ms. Carrie Ann Chaplin, the other remaining heir, and the testimony of John Robert Dunno, who, himself, was one of the potential buyers. This evidence unequivocally shows that there was not one, but in fact multiple buyers for the estate property. Moreover, *all* of the buyers Respondent produced were willing to purchase the property for between double and triple the price of Thomas Taneff's suspicious buyer, who ultimately proved to be a straw purchaser.

Objection No. 4 [*See* Evidence in the Attached *Brief in Support*.]

Respondent objects to the false allegation that she "had no evidence" showing that the probate court participated in unethical *ex parte* meetings with the attorneys opposing Respondent Cramer and Carrie Chaplin, who are the sole remaining heirs to the property in the ancillary estate. Respondent summarized her proof not only before the probate magistrate during the November 9,

2016 hearing, at pages 150 – 152 Exhibit FF-1; but, she also explained it to the Hearing Panel, on May 29, 2019, Hr. Tr. Vol. I, at 123-124. Thus, it is surprising, if not shocking, that Relator now dares to contend that Respondent had no factual basis for reporting the unethical *ex parte* contacts.

Objection No. 5 [See Evidence in the Attached *Brief in Support*.]

Respondent never spoke disparagingly or disrespectfully to any court or to the Board's Panel, in any manner, at any time, despite their insults and disrespect shown to her and to her witnesses, further fueling their frustration at being denied a fair and just forum.

Objection No. 6 [See Evidence in the Attached *Brief in Support.*]

Respondent objects to the vicious lie that she falsified the Affidavit of John Robert Dunno. Respondent objects to relator's extreme distortion and mischaracterization of his testimony and credibility, which mischaracterizations are refuted by the evidence, in the form of both documents and testimony. Mr. Dunno was one of the buyers Respondent had for the house, until Taneff and the probate court prevented that sale. Previously, he had submitted an Affidavit (Exhibit VV-2) in the probate court expressing his interest in purchasing the house. He flew to Columbus from his home in Florida, specifically to appear and testify at the Panel's hearing, on May 30, 2019.

Despite being grilled extensively by the Panel about his Affidavit, paragraph by paragraph, Mr. Dunnno was adamant that his Affidavit (Exhibit VV-2) filed in the probate court, was indeed his own affidavit in his own words. His testimony and demeanor confirmed that the Affidavit was indeed his own intended testimony. *See* Tr. of Panel Hearing on May 30, 2019, Vol. II.

His testimony before the Panel demonstrated his familiarity with the Columbus house, his strong desire to purchase it, his willingness to pay between $101,000.00 and $104,000.00. He also testified, however, that Taneff and his realtor refused to permit his entry into the house to inspect

the damages caused by Taneff's negligence to determine how those damages would affect his purchase price.

Mr. Dunno had seen the four pictures Taneff had filed in the probate court, showing extensive damage to the drywall in virtually every room of the house. Taneff had claimed that it was caused by vandals. Mr. Dunno has extensive experience with home remodeling, rehabbing houses, and restoring houses damaged by vandals. Mr. Dunno needed to see the house in person, because four grainy black and white pictures were insufficient to assess what it would cost to repair the damage. (The house was not vandalized or damaged at the time Respondent had shown it to Mr. Dunno in 2015. The record confirms many break-ins during the time Taneff was administrator.)

Mr. Dunno also testified that, in his experienced opinion, the pictures did not depict true vandalism. He characterized the drywall damage as "deconstruction," a term indicating selective demolition for purposes of remodeling a house. Removing the drywall would be a step to facilitate updating the mechanicals of a house, such as electrical and plumbing service, and also to rearrange the layout of rooms for a more modern "open floor plan." He explained that vandals will spray paint walls and do some more isolated damage to dry wall, but not the suspicious removal of entire walls like Taneff's pictures of the house depicted.

Mr. Dunno also testified that he never knew vandals to put padlocks on a house to secure it after they vandalize it, and vandals do not usually remove ceilings, as was done to the Columbus estate. He testified that it seemed the deconstruction was done for purposes of remodeling or as part of some insurance fraud. (Taneff had submitted a claim with the insurance company and obtained $44,000.00 for the damage. In and of itself, this is suspicious to Respondent because Taneff had insisted that the house was worth only $30,000. It it was worth only $30,000, why

would he pay for a policy that compensated him $44,000 for drywall damage, but no damage to the studs or structure or outside walls, and no damage causing a total loss of the house?)

Further corroboration of Mr. Dunno's testimony that he was a bona fide buyer is found in Respondent's Exhibit JJJ-2. This exhibit consists of Respondent's computer calendar for December 20, 2015 through January 30, 2016, showing she met with prospective buyer John Robert Dunno and his adult children, on Sunday December 20, 2015. The enlarged entry shows that they had brunch together and then she stayed and worked on the Columbus house. Respondent was still the Ancillary Administrator at that time and had no reason to think she would be replaced, since no legally recognized grounds existed to replace her.

Objection No. 7 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to relator's false contention that Respondent "admitted to trespassing" onto the estate property. Respondent's testimony was the direct *opposite* of such a claim. The record confirms that Respondent repeatedly and *expressly denied* ever trespassing on the estate property. Tr. June 10, 2016 Hearing before Probate Magistrate Green. Respondent again emphasizes that she never trespassed. Relator continues to ignore the fact that Respondent enjoyed the rights of an heir with respect to the estate property and she did not need to rely upon her additional rights as an administrator.

Objection No. 8 [See Evidence in the Attached *Brief in Support*.]

Respondent denies ever misrepresenting her authority pertaining to the property to any person at any time. The *Recommendation* does not specify when and to whom any alleged misrepresentation occurred. Therefore, Relator's allegation is so vague that it denies proper and sufficient notice to Respondent to satisfy due process.

At times Relator has criticized Respondent for contracting with a real estate agent when Respondent was Ancillary Administrator, before filing a land sale case. He ignores the fact that, at a previous hearing, all of the heirs agreed to sell the house and Respondent had already found a buyer and had Mr. Dunno as a back-up buyer. Relator then inconsistently criticizes Respondent for terminating the illegal listing Lipka had arranged. Lipka, in Alabama, never had any authority as an ancillary administrator in Columbus, Ohio. Lipka's actions were all taken surreptitiously, without legal or factual authority from any court or from the heirs. Hers was the illegal listing.[14]

Relator mischaracterizes Respondent's communications with Lipka's realtor. At all times, Respondant was truthful with her, stating that, after Lipka and Myron agreed to Respondent's appointment, the magistrate announced that she was appointing me, but could not finalize it until I obtained the "foreign records" from Alabama that Jay Michael failed to obtain and file.[15]

Objection No. 9 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to relator's mischaracterization of the obviously coerced and perjured testimony of Patrick Lavender. Relator's attempts to contend that he was "credible" is ludicrous when the documentary evidence as well as the testimony of other witnesses totally refuted him. As explained in the attached *Brief,* Lavender's testimony was not logical for a police officer. Also, he impeached himself with his inconsistencies and his lack of recollection.[16]

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[14] The *Recommendation* also conceals the fact that Myron and Lipka had agreed to the appointment of Respondent as Ancillary Administrator during the September 25, 2014 hearing, after their lawyer, Jay Michael, withdrew, on the basis of his clients' (Myron's and Lipka's) illegal "behavior" in Alabama opening the fraudulent estate.)

[15] The Magistrate also wanted Respondent to change her paperwork to apply for only ancillary administration, since Selena Cramer was a resident of Cuyahoga County during the last 30 years of her life. (She, in fact, lived with respondent and was registered to vote in Cuyahoga County.)

[16] If Lavender were so credible, Relator would not have felt the need to strike the documents that impeached him. *See Appendix,* Exhibits JJJ, JJJ-1 through JJJ-6; Exhibit KKK; and Exhibit LLL.

Objection No. 10 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the unsupported allegation that Respondent's disability (sleep disorders) "disqualify her from the practice of law," as Relator erroneously suggests.[17] Respondent's disability consists of sleep disorders, not mental health issues, as Relator improperly suggests, *for the very first time*, in its *Recommendation*. Respondent also objects to the contention that sleep disorders warrant subjecting Respondent to a "mental health examination." The relevant federal laws refute these contentions. *See, e.g.*: the Americans with Disabilities Act (the "ADA") with concepts of reasonable accommodation; as well as the Health Insurance Portability and Accountability Act ("HIPAA"), the 1996 federal law that restricts access to individuals' private medical information. HIPAA also makes it a *federal felony* to use health information to cause malicious harm.[18]

See also Exhibit A, excerpts from the professional biography and exemplary legal career of Attorney Cramer, easily proving that her life-long sleep disorders have not impaired her ability to produce exceptional achievements as a lawyer during the past 42 and a half years, earning her many awards and accolades.[19]

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[17] Panel Chair Lynne Lampe actually stated during the hearing, "Maybe your disability disqualifies you from practicing law." May 30, 2019 Hr. Tr. Respondent respectfully asserts that her disability does not disqualify her from practicing law. Rather it qualifies her for reasonable accommodation. *See* the Americans with Disabilities Act.

[18] Compelling Respondent to reveal her confidential health information and then using that health information in an attempt to suspend Respondent and deprive her of her exemplary career of over four decades and her livelihood, not to mention defaming her in her career and profession, as well as personally, can easily be viewed as "causing malicious harm."

[19] *See also* footnote 1, *supra*, at the *Introduction*, Page iv, concerning Respondent's abilities and achievements.

Objection No. 11 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the unsupported innuendo that sleep disorders are "mental illnesses" that lead to dishonesty and require OLAP intervention and physical examinations and certifications. Respondent receives ongoing treatment for her sleep disorders at the world renown Cleveland Clinic Foundation. She offered the Panel access to her medical records, and they declined the offer.[20]

Objection No. 12 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to relator's vague and unsupported allegation that she acted with a selfish motive, which alleged motive the relator never specifies. Nor was the allegation of selfish motive ever raised during the hearing or at any time prior to the filing of Relator's *Recommendation.* Virtually every person who knows Respondent would never accuse her of operating with a selfish motive, at any time, on any matter.

Objection No. 13 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the unsupported allegation that she impugned the integrity of the probate court. At all times she acted to protect the interests of the estate and its heirs and to ensure the actual integrity of the courts, and the public's perception of the integrity of judges and attorneys. When a court acts illegally, as occurred in the underlying probate case herein, it impugns its own integrity. All of Attorney Cramer's actions were designed and intended to preserve and protect the integrity of the court and the legal system.

[20] Respondent answered all of the Panel's medical questions, despite the lack of a good faith basis to seek that irrelevant information. After the hearing, she did not submit additional cumulative information or records to the Panel concerning her sleep disorders because they bear no relevance to the nature of Relator's allegations, even if anyone believed the false contentions. Respondent was not required to continue to accede to nosy, fishing expeditions.

Objection No. 14 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the unsupported allegation that she engaged in repeated, "multiple incidents of misconduct." Relator has failed to produce evidence of any misconduct by Attorney Cramer. Therefore, evidence of repeated misconduct and a pattern of unethical behavior does not and cannot exist in this case. Respondent notes that the burden of proof is on Relator to prove its allegations by clear and convincing evidence. Relator has not even alleged multiple incidents, and certainly has not proved any. It cannot just quote phrases from the disciplinary rules as accusations, without proof, and then expect Respondent to be required to prove the negative.

Objection No. 15 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the unsupported allegation that she failed to cooperate with the disciplinary process. Respondent was subjected to many letters of inquiry, multiple depositions, and a moving target of ever changing allegations. She not only cooperated fully, providing detailed, written responses to multiple letters of inquiry, but she also produced hundreds of pages of exhibits, court documents, and transcripts, as well as affidavits from witnesses. She demonstrated great diligence and extraordinary patience and professional courtesy to Relator's counsel, despite the numerous ethical violations by Relator, including repeated violations of Respondent's Constitutional rights and the blatant hostility and lack of neutrality and fairness of various "adjudicators" along the way.

Relator's attorney repeatedly failed to keep the grievances confidential, as required by Gov. Bar Rule Sec. 4(F), including improperly contacting clerks of various state and federal courts where Respondent had ongoing civil and criminal cases. He thereby prejudiced the courts not only in relation to Respondent, but also disadvantaged the clients she represented.

Objection No. 16 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to relator's contention that the only mitigating factor in this case is the absence of any prior disciplinary actions against Respondent. Gov. Bar Sec. 13(C)(1). The Supreme Court Rules for the Government of the Bar of Ohio expressly identify several mitigation factors that are present in this case. In addition to the facts of this case, Exhibit A (duplicating MMM-7) demonstrates an absence of dishonest or selfish motive, as recognized under Gov. Bar Sec. 13(C)(2).

See *Brief in Support of Objections* and Exhibit MMM-4; Exhibit MMM-5; MMM-6; and MMM-13, (duplicated in Exhibit O-3), in the *Appendix*. These Affidavits, from attorneys who have known Respondent and are aware of her professional and personal reputation, and the Affidavit of a former federal law enforcement agent who has handled cases with her and is aware of her excellent and respected reputation with judges, federal agents, local law enforcement officers, and other lawyers, all demonstrate Respondent's reputation for honesty and good character. *See* Gov. Bar Sec. 13(C)(5).

Another recognized mitigating factor is that the probate court has previously issued an order for Respondent to pay almost $23,000.00 in alleged attorney's fees to Taneff. *See* Gov. Bar Sec. 13(C)(6), recognizing the imposition of other penalties or sanctions.

And, as discussed herein, despite Relator's extreme violation of the time limits for concluding an investigation, and despite his pretense of receiving a new grievance when no new grievance existed in order to subject Respondent to a second oppressive deposition, and despite his other rules violations, Respondent has made full and free disclosure to the Board and

demonstrated a cooperative attitude toward proceedings, despite the Board's aggravation of her injuries from a severe truck accident.[21]

Then, even after Relator's attorney caused aggravation of her fractures by not agreeing to any extension of time for her to prepare a Response to his Letter of Intent, and after she prepared a response despite it increasing her pain, Relator's attorney violated Gov. Bar R. 10((F) by not including her response to his Letter of Intent when he submitted his letter to the Board.

Objection No. 17 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the false allegation that she was late to or failed to call in for telephone hearings, prior to the panel's in-person evidentiary hearing in May, 2019. Respondent called in for the first telephone hearing at the number she was told to call. The automated system recording advised her that she was "the first caller" and that she should wait for the other callers to join the call. Respondent waited an entire hour, but no other persons ever joined the call. Respondent cannot be blamed for the malfunction of Relator's telephone call-in service.

At a subsequent in-person hearing concerning discovery disputes and Relator's request for an extension of time before the originally scheduled Panel hearing, the Panel Chair granted

[21] On March 14, 2018, a semi-truck slammed into the driver's side of Respondent's car, totaling the car and fracturing the base of Respondent's spine and two of her pelvic bones. It was a miracle that she survived the accident, but was limited to living and sleeping on the first floor of her house and using crutches to walk and occasionally a wheelchair. Sitting was the most painful for her, and her Cleveland Clinic Bone Center doctors and she requested and obtained extensions on briefs, because she could not sit for long periods of time. Respondent submitted her primary bone doctor's report and request to the Board, seeking additional time to file her Answer to the Complaint. Despite the doctor's request for a minimum of two or three months' enlargement of time, Relator allowed her only two weeks. (Even federal courts of appeal were more accommodating.) The Board's forcing Relator to type longer than the doctors advised aggravated Respondent's injuries and greatly increased the pain she suffered. Also, when Relator's attorney sent respondent his Notice of Intent to request that a complaint be filed, she requested an extension of time, also providing him with medical documentation. He completely denied her request and would not grant any more time, even though he had taken four years on his "investigation."

Relator's motion for more time. In answer to Respondent's question, the last thing the Panel Chair did was confirm that the next hearing would also be an in-person hearing and that it would occur in Columbus, Ohio, in the morning. Thereafter, Respondent traveled to Columbus and appeared at the Moyer Judicial Center for the in-person hearing. When she attempted to sign in at the security desk, the guard advised her that there was no hearing scheduled that day. Respondent had incurred travel and hotel expenses, not only for herself, but also for a driver, because she had traveled to Columbus the night before since the hearing was scheduled for the morning.

Late that afternoon, Respondent subsequently learned that the Panel Chair had canceled the in-person hearing and changed it to an afternoon telephone conference, without advising Respondent. No one had informed Respondent, by email, telephone, or in any manner, that an afternoon telephone conference had been substituted for the in-person morning hearing in Columbus. As a result of this failure to notify Respondent, she was excluded from the telephone conference. One must wonder how the Assistant Disciplinary Counsel was aware of the change without similar notice being provided to Respondent.

It is bad enough that no one ever apologized for the Board's malfunctioning telephone call-in service that wasted an hour of Respondent's time and no one apologized for not notifying Respondent that she need not consume at least seven hours of travel time to and from Columbus and incur hotel and driver expenses for a hearing that was canceled. These problems, caused by the Relator and not by Respondent, certainly cannot constitute grounds to sanction Respondent. Nor can they form the basis of any claim that Respondent did not cooperate with the proceedings, Especially in light of the considerable responsiveness she provided to Relator's counsel over the course of his unreasonable four (4) year investigation. *See* Objection No. 15*, supra.*

Objection No. 18 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the false allegation that Respondent's asked the Clerk of Court to utilize Respondent's deposit in a different case to pay the extra one dollar ($1) owed for filing her *Answer* to Taneff's land sale *Complaint*. There was only one probate case, as the Tenth District Court of Appeals confirmed. Her $270.00 deposit was in that one and the same probate case.

Objection No. 19 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the false allegation that she was late to a probate court hearing without explanation. During the travel from Cleveland to Columbus, there was construction on the freeway just north of the city. Traffic was diverted off of the freeway and traffic was very heavy. Respondent called the probate court and spoke with the scheduler for the magistrates. Respondent also called her co-counsel, Gregg Garfinkel and he also explained the situation to the court. It was agreed that Attorney Garfinkel would cover for the heirs until Respondent arrived. Regardless, the allegation is disingenuous because Magistrate Kelly Green never once started a hearing on time.

Objection No. 20 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the false contention that inspector Hartman disrupted the hearing when he entered. Taneff made the scene. Inspector Hartman never made a remark about a witness when he entered. His remark referred to Taneff, who had made an unnecessary scene with Taneff's unprofessional behavior. Inspector Hartman testified explaining that he was referring to Taneff, not the witness. Regardless, Respondent cannot be sanctioned for someone else's remark.

Objection No. 21 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the false allegation that she was not prepared for the Panel's hearing in May 2019. It was Relator's attorney, Donald Scheetz, who was not prepared. It takes no

preparation to just dump literally entire case files on a tribunal, as he did. He also failed to provide a Table of Contents, as the Panel had ordered the parties to do, and he failed to tab individual entries, as ordered. He missed all of the deadlines for filing exhibit lists and witness lists. In contrast, Respondent's filings were timely. Relator's lists failed to include the required contact information for his witnesses. Because of the total lack of any organization or labeling of his exhibits, no one was able to find documents to utilize during the hearing, including the panel and Relator's attorney, himself.

His noncompliance handicapped Respondent, because he and Respondent had agreed to utilize certain agreed-upon joint exhibits from his binder and he had promised to display the exhibits on the courtroom monitor as Respondent needed them with witnesses. Because of the chaos of his exhibits, he was not able to find and display any exhibits for Respondent.

It is untrue that Respondent did not prepare her case. She had selected and listed her exhibits six months prior to the Panel Hearing. Relator's attorney did not submit his list until shortly before the panel hearing. It takes no preparation to just submit the entire probate file, including many scurrilous, hearsay and unauthenticated exhibits that Myron had submitted to the probate court *pro se.* The hearing transcripts confirm that the Assistant Disciplinary Counsel made no genuine effort to select only relevant and admissible documents and never actually discussed or utilized his 7 binders of exhibits.

Objection No. 22 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to what is more disconcerting, however; that is the Board's deliberate misrepresentations concerning Respondent's preparation of her exhibits. These accusations are knowingly false because Respondent had provided the Board with a written explanation of the Parties' plan to share one set of exhibits wherever possible to avoid duplication for the Panel, and

Respondent discussed the issues and problems that arose preventing that sharing of exhibits, (because of Disciplinary Counsel's lack of preparation and organization.) *See Respondent's Exhibits and Table of Contents*, at pages 3 – 6. Respondent did not have access to or see Respondent's exhibit binders until they were at the hearing, which was too late to add the required tabs.

Objection No. 23 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the false contention that the parties were ordered to file a post-hearing brief. It was an invitation, not an order, as the record confirms, and what was invited was a closing argument, rather than a post hearing brief. Having been given insufficient time to prepare both a written closing argument and better exhibit binders than Relator's unworkable 7 huge binders, Respondent chose to remedy the issues caused by the disorganization of Relator's exhibits, rather than work on a closing argument, because proper exhibit binders would be more helpful to the Panel.

Consequently, Respondent selected the relevant and probative documents, instead of just dumping seven binders of the entire probate case on the Panel to sort out, as Relator's attorney had done. To assist the Panel further, Respondent also prepared a very detailed Table of Contents, which described each exhibit and its relevance. Respondent also tabbed each separate filing, so that individual filings could be located. Respondent prepared and tabbed four sets of three binders each, so that each panel member would have a workable set of the exhibits and there would also be one for filing in the Record.

OBJECTIONS TO RELATOR'S ALLEGED CONCLUSIONS OF LAW

Objection No. 1 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to Relator's erroneous failure to apply the required *de novo* standard of review. The Panel erroneously believed that it was bound by the factual statements of the Court

of Appeals, despite evidence before the Panel refuting the appellate findings.

Objection No. 2 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to Relator's erroneous conclusion that an heir is a trespasser if the heir enters the real estate that constitutes her inheritance. An heir enjoys an equitable interest in the real estate, even before transfer of title in a deed. Similarly, Respondent objects to Relator's erroneous conclusion that an heir is a trespasser if the heir maintains and protects the real estate she inherits, or if she enters the real estate to remove property she owns.

Objection No. 3 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to the erroneous conclusion that it disparages a court and constitutes an ethical violation to file a grievance reporting a judge's violations of law and the rules, and the Code of Judicial Conduct and that such report should be punished by an indefinite suspension. The rules require such reporting and also provide that the lawyer reporting the violations must be protected.

Objection No. 4 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to Relator's conclusion that an attorney can be suspended indefinitely for filing a motion to consolidate hearings and a motion to remove a politically appointed negligent ancillary administrator, who permits break-ins and damage to the estate real property, refuses to provide documents and information to the heirs, and refuses to allow the heirs to enter onto the property. Respondent objects to Relator's conclusion that an attorney can be suspended indefinitely for filing objections to a magistrate's recommendation, as permitted by the rules.

Objection No. 5 [See Evidence in the Attached *Brief in Support*.]

Respondent objects to Relator's conclusion that an attorney can be suspended indefinitely for representing the lawyer's clients zealously, within the parameters established by the case law.

Given the time limitations for briefing her objections, other filing restrictions, and the ever-changing nature of the allegations against her, including new ones invented and raised for the first time in the *Recommendation* itself, Respondent Cramer must deny and object to any and all allegations and conclusions in Relator's *Recommendation* not expressly admitted herein. Respondent Cramer is appearing before the Court *in propria persona*. Therefore, she will be available during the hearing to respond directly to any questions the Court may have concerning any and all matters, should the Court desire more information.[22]]

CONCLUSION

Wherefore, on the bases of the factual and legal grounds and the evidence detailed herein and in the attached *Brief in Support of Objections*, together with the testimony and exhibits already in the record, and the evidence wrongly excluded, together with the *Appendix,* the Respondent respectfully moves the Court to reject Relator's *Recommendation* in its entirety.

In the interests of justice, not only for Respondent and her clients, particularly her *pro bono* clients, but also for the public's right to a system of justice, rather than a system of politics, and for the integrity of the profession, Respondent Cramer respectfully urges the Court to adopt Respondent Cramer's *Proposed Findings of Fact* and *Conclusions of Law*, in the attached *Brief in Support of Objections*.

Respondent respectfully moves the Court to enter Judgment in her favor, expressly providing complete exoneration of Respondent, recovery of her damages resulting from the defamation as well as the other burdens arising from Relator's mishandling of the complaint.

[22] Relator was permitted a full six and a half (6½) months (200 days) to prepare its *Recommendation*; and, Relator also enjoys the opportunity to file a response. Respondent Cramer, on the other hand, has been allowed only 33 days, mostly during the religious holidays, to respond to the 34-page *Recommendation*; and, absent a court order, the rules do not afford her a reply.

Respondent further requests that the Court issue instructions to guide lower courts and disciplinary bodies, in order to prevent them from engaging in Relator's errors in the future.

Respondent respectfully asks the Court to provide such other and further relief to her as is necessary and proper, including vacating the void and voidable orders of the lower courts.

s/ *Marilyn A. Cramer*

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Respondent in propria persona

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020, I electronically submitted for filing in the Ohio Supreme Court the foregoing *Respondent's Objections to Relator's Erroneous Findings of Fact, Conclusions of Law, and Recommendation, which the Evidence Refutes, with Supporting Brief*, and *Appendix,* utilizing the Court's E-Filing Portal. Parties may access this filing through the Court's Portal. Additionally, on January 29, 2020, I served a copy of the foregoing upon Donald M. Scheetz, Assistant Disciplinary Counsel, attorney for Relator, by electronic mail, addressed to Katie.Stillman@sc.ohio.gov, as he instructed. On this same date, I served a copy of the foregoing upon Richard A. Dove, Director of the Ohio Board of Professional Conduct, by electronic mail addressed to him at bpc.ohio.gov.

/s *Marilyn A. Cramer*

MARILYN A. CRAMER (Atty. Reg. No. 0032947)