

Before the Supreme Court of Ohio

Complaint Against:

WALTER D. HARTSOCK
Registration Number 0031434

Respondent-Petitioner

v.

OHIO DISCIPLINARY COUNSEL

Relator

No 2001-1208

ORIGINAL

PETITION FOR REINSTATEMENT TO THE PRACTICE OF LAW

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WALTER D. HARTSOCK	}	
Registration Number 0034434	}	
Respondent-Petitioner	}	No 2001-1208
v.	}	
OHIO DISCIPLINARY COUNSEL	}	
Relator	}	

PETITION FOR REINSTATEMENT TO THE PRACTICE OF LAW

COMES NOW THE PETITIONER, WALTER D. HARTSOCK, through counsel, and moves to be reinstated to the practice of law in Ohio, pursuant to, and prescribed by Gov. Bar. R. V, §25. In support of the application Petitioner avers:

1. The Court entered an order of indefinite suspension from the practice of law in Ohio on December 19, 2001. *See, Disciplinary Counsel v. Hartsock*, 94 Ohio St.3d 18, 2001 Ohio 6977, 759 N.E.2d 778.
2. The Court also ordered the Petitioner to pay the costs.
3. The Petitioner's suspension was as a result of his conviction in the United States District Court for the Northern District of Ohio, Eastern Division, for conspiracy to commit mail fraud. He was

sentenced by then District Judge Kathleen M. O'Malley on April 18, 2000 under the name David Hartsock, see, *United States of America v. David Hartsock*, Ohio Northern District № 1:00-cr-0033-KMO-1. The Judge sentenced the Petitioner to probation for a term of 2 years. He was ordered to pay a \$100.00 special assessment, was ordered to be subject to the Home Confinement Program with Electronic Monitoring for a term of 6 months. He was permitted to leave his home to work and to receive medical treatment, and also was ordered to participate in a mental health program. The Petitioner successfully completed that Court ordered probation.

4. The Petitioner has not previously sought reinstatement.

5. The names of all persons and organizations, who were or would be entitled under this rule to receive from the clerk of the Supreme Court certified copies of the disciplinary order of the Supreme Court against the Petitioner resulting in his suspension, the name of the Bar Association of the county or counties in which Petitioner resides at the time of the filing of this petition, and the Bar Association of each county in which Petitioner proposes to maintain an office if reinstated, and the Ohio State Bar Association, are as follows:

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6. Petitioner offers an affidavit indicating that the Petitioner has no formal disciplinary proceedings pending; that he has complied with the continuing legal education requirements of GOV. BAR R. X; and has completed the specific terms of the Court's order of suspension.

7. The facts upon which the Petitioner relies to establish by clear and convincing evidence that he possesses all the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of his original

admission and that he is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action, are:

A. The Petitioner obtained a Bachelor of Science degree in education from Ashland College, in Ashland, Ohio (*magna cum laude*). He obtained the degree of Juris Doctor, from the University of Akron School of Law, in Akron, Ohio. He was licensed in 1983. The Petitioner practiced law from 1983 until 2001 without any disciplinary history. He was at first in private practice and then went to work for Nationwide Insurance in Canton, Ohio, as a claims attorney. He supervised claims in litigation, directed outside counsel and provided in-depth training to company personnel in bad faith, legal issues and changes in the law. Most years he was there, he tried and won more cases than all of his colleagues. One year, he tried 31 cases, and won 29 of them. He was assigned most of the large and complex claims that involved serious injury, death, reinsurance, complex coverage issues, and class action litigation.

B. From 1999 through 2001, he worked full time at a temporary position of litigation specialist and senior claims adjuster. The temporary agency assigned him to work for Cunningham Lindsay, AIG,

and Reliance Insurance companies.

C. From 2001 through 2004, he worked at K&K Insurance Company, in Fort Wayne, Indiana. He was a litigation specialist. He supervised both claims in litigation and high-exposure claims that were not yet in litigation. He facilitated the use of ADR to settle claims whenever possible, including many large high-exposure claims. He worked effectively there, with a case closing ratio was consistently above 1:1, thereby reducing the level of pending cases in the face of increased filings of lawsuits. He obtained favorable results in managing litigation for his employer, and worked to reduce defense costs through auditing attorney fee bills and outside expenses.

D. From 2005 though 2007, he worked for CRAIG/IS LTD. in Jacksonville, Florida. As a litigation specialist, he supervised the subrogation of large claims (\$100,000.00 up to and including millions). While there, he lead the company in recoveries in 2006, bringing in approximately \$9,000,000.00.

E. He then worked for Farah & Farah in Jacksonville, Florida for about 10 years, from 2007 through 2017. While there, he was a case manager, working to write demands, analyze medical records, and draft letters. He also negotiated personal injury settlements. He also worked

with a supervising attorney in identifying cases with large potential value for proper work-up to maximize case value.

F. Though working in the field, he has now been out of the practice of law for almost 20 years. In that time, in addition to the employment described above, he completed the court-ordered probation.

G. The events leading up to the Petitioner's criminal conviction and current suspension were an aberration in an otherwise unblemished career. The United States Government in fact moved for a downward departure from the Petitioner's Guideline range sentence under the United States Federal Sentencing Guidelines (USSG). This was due to Petitioner's cooperation and assistance in investigating and prosecuting the conspiracy, which involved at least four other lawyers, Lawrence Seidita, Joseph Dubyak, Stuart Banks, and Paul Gambrel. See, *Disciplinary Counsel v. Dubyak*, 92 Ohio St.3d 18, 2001 Ohio 145, 748 N.E.2d 26; *In re Resignation of Seidita*, 90 Ohio St.3d 1209, 735 N.E.2d 894 (2000); and *Disciplinary Counsel v. Gambrel*, 94 Ohio St.3d 10, 2001 Ohio 6979, 759 N.E.2d 771.

H. The Petitioner has teaching experience. He has in the past taught English and physical education at the high school level and taught law classes at ETI Technical College in Niles, Ohio. As shown

above, the Petitioner is very skilled at assessing injury and damage cases.

I. He lives at 4561 West South Range Road, Columbiana, Ohio 44408, which is in Mahoning County. He has worked to support himself. He has no present mental or physical health issues that would impair his ability to practice competently and ethically. Despite the discipline and the events that led up to it, he is mentally and physically able to re-enter practice.

8. Petitioner submits herewith costs to be deposited with a Petition for Reinstatement, for probable costs and expenses to be incurred in connection with the proceedings.

9. The Petitioner possesses all of the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of his original admission.

10. The Petitioner has complied with the order of suspension, and has served not less than two years of the indefinite suspension before filing the Application.

11. The Petitioner has complied with the continuing legal education requirements of GOV. BAR R. X.

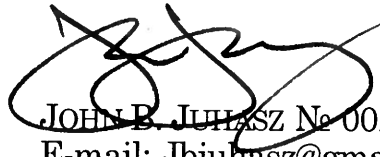
12. There are no disciplinary proceedings pending against the

Petitioner.

13. The Petitioner is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action.

WHEREFORE, the Petitioner prays that this matter be referred to a panel of the Board of Professional Conduct, and that at the conclusion of those proceedings he be reinstated to the practice of law in Ohio.

Respectfully submitted,



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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent by regular United States Mail, postage prepaid; hand delivered to counsel or counsel's office; sent by telecopier or electronic mail this 20 day of July, 2021 to:

Joseph Caligiuri, Esq.
Ohio Disciplinary Counsel
Office of Disciplinary Counsel
65 East State Street, Suite 1510
Columbus, Ohio 43215

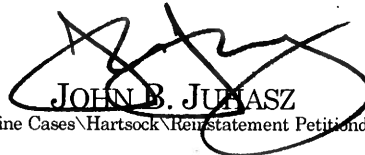
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JOHN B. JURASZ

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VERIFICATION

STATE OF OHIO }
COUNTY OF MAHONING } ss.

I, WALTER D. HARTSOCK, being first duly sworn and cautioned according to law, deposes and say the following, which is true to the best of my knowledge, information, and belief.

1. I am the respondent in this case, and now I am the Petitioner, seeking reinstatement to the practice of law.

2. I have read the foregoing Petition and based upon my personal knowledge the Petition for reinstatement to the practice of law and it is true as I verily believe.

AND FURTHER AFFIANT SAYETH NAUGHT.


WALTER D. HARTSOCK

STATE OF OHIO }
COUNTY OF MAHONING } ss.

Before me, a Notary Public in and for said County and state, personally appeared Walter D. Hartsock, who executed the foregoing in my presence and who acknowledged before me that the information contained therein is true to the best of his knowledge, information, and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal

at Boardman Township, Mahoning County, Ohio this 30th day of June,
2021.


NOTARY PUBLIC

**Lynn Maro, Attorney At Law
Notary Public-State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.**

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v.	}	
OHIO DISCIPLINARY COUNSEL	}	
Relator	}	

AFFIDAVIT OF WALTER DAVID HARTSOCK

I, WALTER DAVID HARTSOCK, being first duly sworn and cautioned according to law, deposes and say the following, which is true to the best of my knowledge, information, and belief.

1. I am the Respondent in these cases, and now the Petitioner seeking reinstatement to the practice of law.
2. There are no formal disciplinary proceedings pending against me.
3. I have complied with the continuing legal education requirements of GOV. BAR R. X.
4. I have completed all conditions of probation and all other sanctions imposed as part of a sentence for a felony conviction by the United States District Court for the Northern District of Ohio Eastern Division.

5. I believe that, notwithstanding the previous disciplinary action, I presently possess possesses all the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of my original admission.

6. I presently reside in Mahoning County Ohio.

7. If readmitted to the practice of law in Ohio, I intend to practice from my address of 4561 West South Range Road, Columbiana, Ohio 44408, which is in Mahoning County, unless I obtain other employment after reinstatement.

AND FURTHER AFFIANT SAYETH NOT.


WALTER DAVID HARTSOCK

STATE OF OHIO }
COUNTY OF MAHONING } ss.

Before me, a Notary Public in and for said County and state, personally appeared Walter David Hartsock, who executed the foregoing in my presence and who acknowledged before me that the information contained therein is true to the best of his knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and notarial seal at Boardman Township, Mahoning County, Ohio this 27th day of June, 2021.


NOTARY PUBLIC

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Lynn Maro, Attorney At Law
Notary Public-State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.