

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 19, 2009

[Cite as *11/19/2009 Case Announcements*, 2009-Ohio-6095.]

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## MERIT DECISIONS WITH OPINIONS

**2009-0966. Ohio State Bar Assn. v. Heath, Slip Opinion No. 2009-Ohio-5958.**

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 07-10. Gary Allan Heath is enjoined from acts constituting the practice of law in Ohio, and civil penalty is imposed.

Moyer, C.J., and Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Pfeifer, J., concurs but would not impose a civil penalty.

**2009-1115. Cleveland Metro. Bar Assn. v. Dawson, Slip Opinion No. 2009-Ohio-5959.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-072. William Dawson, Attorney Registration No. 0073025, is suspended from the practice of law in Ohio for six months.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2009-1144. Disciplinary Counsel v. Smith, Slip Opinion No. 2009-Ohio-5960.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-019. Justin Martus Smith, Attorney Registration No. 0072044, is publicly reprimanded.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2009-1145. Cleveland Metro. Bar Assn. v. Nance, Slip Opinion No. 2009-Ohio-5957.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-070. Donald S. Nance, Attorney Registration No. 0034086, is suspended from the practice of law in Ohio for one year, with six months stayed on conditions.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, Lanzinger, and Cupp, JJ., concur.

O'Donnell, J., concurs but would stay the entire suspension.

## **MOTION AND PROCEDURAL RULINGS**

### **2009-1292. State ex rel. Doner v. Logan.**

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. In an entry filed October 23, 2009, the court appointed a master commissioner for the limited purpose of receiving evidence and making all necessary determinations and rulings in regard thereto. Pursuant to that entry,

It is ordered that the parties may commence discovery immediately; written discovery may be served up to seven days from the date of this entry; written discovery shall be answered within 35 days of the date of this entry; and depositions shall be completed within 63 days of the date of this entry. All evidence (including, to the extent possible, an agreed statement of facts) shall be presented in accordance with Sup.Ct.Prac.R. X(7) and submitted within 100 days of the date of this entry. A briefing schedule will be established by subsequent entry.

Cupp, J., not participating.

## **DISCIPLINARY CASES**

### **2009-1836. In re Resignation of Gray.**

On affidavit of resignation from the practice of law of James Edward Gray, Attorney Registration No. 0005276, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

### **2009-1883. In re Resignation of Pollard.**

On affidavit of resignation from the practice of law of Dennis Bernard Pollard, Attorney Registration No. 0061552, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

### **2009-1895. In re Wrage.**

On October 19, 2009, and pursuant to Gov.Bar R. V(5)(A), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of

Ohio submitted to this court a certified copy of a determination of default of a child support order by Eric Andrew Wrage, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R.V(5)(A)(4), it is ordered and decreed that Eric Andrew Wrage, Attorney Registration No. 0070463, last known business address in Minford, Ohio, is suspended from the practice of law for an interim period, effective as of the date of this entry.

It is further ordered that this matter be and hereby is referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

It is further ordered that Eric Andrew Wrage immediately cease and desist from the practice of law in any form and hereby is forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority.

It is further ordered that effective immediately, respondent is forbidden to counsel or advise or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that respondent is 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 before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property.

It is further ordered that respondent shall not be reinstated to the practice of law until (1) the Board of Commissioners on Grievances and Discipline files in accordance with Gov.Bar R. V(5)(D)(1)(b) with the Supreme Court a certified copy of a judgment entry reversing the determination of default under a child support order, or it files in accordance with Gov.Bar R. V(5)(D)(1)(c) with the Supreme Court a notice from a court or child support enforcement agency that respondent is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child support order that was in default and is complying with that notice or order, and (2) this court orders respondent reinstated to the practice of law.

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. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio, which govern access to court records.

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 to respondent's last known address.

It is further ordered that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.