

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

January 26, 2011

[Cite as *01/26/2011 Case Announcements, 2011-Ohio-290.*]

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## MERIT DECISIONS WITH OPINIONS

**2010-0849. State v. Williams, Slip Opinion No. 2011-Ohio-232.**

Trumbull App. No. 89-T-4210. Judgment of the court of appeals affirmed.

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

Pfeifer, J., dissents and would reverse the judgment of the court of appeals.

**2010-1285. State ex rel. DeGroot v. Tilsley, Slip Opinion No. 2011-Ohio-231.**

Hamilton App. No. C-100338. Judgment of the court of appeals affirmed.

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

**2010-1549. State ex rel. Bandarapalli v. Gallagher, Slip Opinion No. 2011-Ohio-230.**

Cuyahoga App. No. 95506, 2010-Ohio-3886. Judgment of the court of appeals affirmed.

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

**2010-1569. State ex rel. Scheck v. Collier, Slip Opinion No. 2011-Ohio-233.**

Medina App. No. 09CA0081-M. Judgment of the court of appeals affirmed.

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

## MOTION AND PROCEDURAL RULINGS

**2009-1869. State ex rel. Paneto v. Matos.**

Franklin App. No. 08AP-926, 2009-Ohio-4845. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County.

Upon consideration of appellee's motion to supplement the record with new evidence, it is ordered by the court that the motion is granted, and the record in this case is hereby supplemented with Exhibit A of the motion to supplement.

**2010-0809. Smith v. McBride.**

Franklin App. No. 09AP-571, 2010-Ohio-1222. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County.

Upon consideration of appellant's motion to exceed the page limitation for a reply brief, it is ordered by the court that the motion is granted, and the reply brief may be submitted for filing with up to 25 pages.

**2010-1551. State ex rel. Dreamer v. Mason.**

Cuyahoga App. No. 93949, 189 Ohio App.3d 420, 2010-Ohio-4110. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

Upon consideration of appellees' motion for leave to file their merit brief under seal, it is ordered by the court that the motion is granted.

**DISCIPLINARY CASES**

**2008-0412. Cincinnati Bar Assn. v. Moeves.**

This cause came on for further consideration upon the filing by relator, Cincinnati Bar Association, of a motion for an order to show cause. Respondent, Patrick E. Moeves, was ordered to appear before this court on January 18, 2011. Respondent did not appear as ordered.

Upon consideration thereof, it is ordered by this court that respondent, Patrick E. Moeves, is found in contempt for failure to comply with this court's order of September 16, 2008. It is further ordered that determination of the appropriate punishment in this matter will be made when this court is provided with information necessary to determine the status of the criminal proceedings against the respondent in the state of Kentucky, Kenton County District Court.

**2010-1805. Disciplinary Counsel v. Hoppel.**

This cause is pending before the court upon the filing by the Board of Commissioners on Grievances and Discipline of a final report and recommendation. On December 29, 2010, relator filed a motion to correct the record.

Upon consideration thereof, it is ordered by this court that the motion is granted.

**2010-2249. In re Resignation of Butts.**

On affidavit of resignation from the practice of law of Michael T. Butts, Attorney Registration No. 0046616, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

**2010-2273. Cleveland Metro. Bar Assn. Certified Grievance Commt. v. Freeman.**

On December 29, 2010, and pursuant to Gov.Bar R. V(5a)(A)(1)(b), relator, Cleveland Metropolitan Bar Association Certified Grievance Committee, filed with this court a motion for interim remedial suspension pursuant to Gov.Bar R. V(5a), alleging that respondent, Bryan S. Freeman, has engaged in conduct that violates the Ohio Rules of Professional Conduct and that he poses a substantial threat of serious harm to the public. Respondent did not file a response.

Upon consideration thereof and pursuant to Gov.Bar R. V(5a)(B), it is ordered and decreed that an interim remedial suspension is immediately entered against Bryan S. Freeman, Attorney Registration No. 0070637, last known business address in Lakewood, Ohio, and that the suspension be effective as of the date of this entry, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm.

It is further ordered that Bryan S. Freeman 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 effective immediately, he 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 he 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 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 pursuant to Gov.Bar R. X(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(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1) for each six months or portion of six months of the suspension.

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 this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.

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 by the Clients' Security Fund pursuant to Gov.Bar R. VIII(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 respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

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 respondent's suspension and 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 respondent's place;
2. Regardless of any fees or expenses due, 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 his possession or control;
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;



Upon consideration thereof and pursuant to Gov.Bar R. X(7), respondent is reinstated to the practice of law.