

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

April 27, 2007

[Cite as *04/27/2007 Case Announcements, 2007-Ohio-1970.*]

MOTION AND PROCEDURAL RULINGS

2006-1025. Norfolk S. Ry. Co. v. Bogle.

Cuyahoga App. No. 86339, 166 Ohio App.3d 449, 2006-Ohio-1540. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of appellees' motion to participate in oral argument scheduled for Tuesday, May 1, 2007,

It is ordered by the court that the motion is denied.

MISCELLANEOUS DISMISSALS

2007-0085. In re Estate of Nipper.

Summit App. No. 23125, 2006-Ohio-6753. This cause is pending before the court as a discretionary appeal. Upon consideration of the joint application for dismissal,

It is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

MISCELLANEOUS ORDERS

The Supreme Court of Ohio has issued orders imposing suspensions and monetary sanctions upon 50 attorneys and judges for noncompliance with the provisions of Gov.Bar R. X and Gov.Jud. R. IV. The text of the entries imposing the sanctions are reproduced below. They are followed by a list of the attorneys and judges who were sanctioned. The lists include each attorney's or judge's Attorney Registration Number, the county and state of residence and the county and state of the attorney's or judge's employer, as last registered with the Attorney

Registration Section, and the amount of the sanction fee imposed by the Supreme Court.

In re Report of the Commission
on Continuing Legal Education

CLE-2006-[Registration Number]

[Attorney Name]
(#[Registration Number]),
Respondent.

ORDER
[Filed April 27, 2007]

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys and judges, including the above-named respondent, for failure to comply with the applicable continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2004-2005 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$[sanction amount] for noncompliance in the 2004-2005 reporting period. Furthermore, the commission's report recommended that the respondent be suspended from the practice of law pursuant to Gov.Bar R. X(5)(A)(4) for violation of Gov.Bar R. X for the third consecutive reporting period and for continuous and ongoing noncompliance with Gov.Bar R. X during the last three reporting periods. On December 29, 2006, this court issued to the respondent an order to show cause why the commission's recommendation should not be adopted and an order so entered against the respondent. Respondent filed no objections to the commission's recommendation, and this cause was considered by the court. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, [Attorney Name], is immediately suspended from the practice of law pursuant to Gov.Bar R. X(6)(B)(3) and Gov.Bar R. X(5)(A)(4), until respondent is reinstated by order of this court pursuant to Gov.Bar R. X(7).

IT IS FURTHER ORDERED that within 30 days of the date of this order, respondent shall pay to the Commission on Continuing Legal Education, by certified check or money order, a sanction fee which is hereby imposed in the total amount of \$[sanction amount].

IT IS FURTHER ORDERED that payment of the sanction fee notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2004-2005 reporting period. See CLE Reg. 503.4.

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

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

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

IT IS FURTHER ORDERED that respondent surrender forthwith respondent's attorney registration card to the Clerk of this court on or before 30 days from the date of this order, and that respondent's name be stricken from the roll of attorneys maintained by this court.

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 Gov.Bar R. X(7), (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

IT IS FURTHER ORDERED that within 30 days of 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 respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may

be obtained, calling attention to any urgency for obtaining such papers or other property;

3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;

5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;

6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

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

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

IT IS FURTHER ORDERED by the court that the Clerk shall send this order by certified mail to the respondent at the address registered with the Office of Attorney Registration and CLE under Gov.Bar R. VI; that, if this order is returned as undeliverable or unclaimed, the Clerk shall resend it by regular mail; and that service of this order in accordance with the foregoing shall be deemed effective service.

IT IS FURTHER ORDERED that pursuant to Gov.Bar R. X(6)(H), the Clerk of this court send certified copies of this order to those persons or organizations named in Gov.Bar R. V(8)(D)(1), and that publication be made as required under Gov.Bar R. X(6)(H).

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u>		<u>Employer</u>		<u>Amount</u>
		<u>County</u>	<u>State</u>	<u>County</u>	<u>State</u>	
Paul John Kukuca	0023977	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Jerald Bruce Kipp	0025486	Summit	OH	Summit	OH	\$100.00

John Gregory Gosling	0031040	Vinton	OH	Vinton	OH	\$750.00
Sterling Everard Gill, II	0034021	Franklin	OH	Franklin	OH	\$500.00
Phillip Robert Dawalt, Jr.	0038168		IN		IN	\$750.00
Benjamin Francis Barrett, Jr.	0038619	Cuyahoga	OH	Lorain	OH	\$250.00
Dennis Jay Goldman	0043567	Franklin	OH	Franklin	OH	\$750.00
Ramona Lynn Gerber	0059940	Cuyahoga	OH		TX	\$750.00
Heather Gilchrist	0067816		KY			\$750.00
Sherry Darlene Davis	0068036	Scioto	OH	Pike	OH	\$210.00
Michael E. Fielman	0071043	Hamilton	OH			\$750.00
Andrew Ryan Haney	0071562	Franklin	OH	Franklin	OH	\$305.00
Patrick Sean Leary	0072006	Cuyahoga	OH	Cuyahoga	OH	\$440.00

In re Report of the Commission
on Continuing Legal Education

CLE-2006-[Registration Number]

[Attorney Name]
(#[Registration Number]),
Respondent.

ORDER
[Filed April 27, 2007]

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys and judges, including the above-named respondent, for failure to comply with the applicable continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2004-2005 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$[sanction amount] for noncompliance in the 2004-2005 reporting period. Furthermore, the commission's report recommended that the respondent be suspended from the practice of law pursuant to Gov.Bar R. X(5)(A)(4) for failure to pay a previous court-ordered sanction for noncompliance in a previous reporting period in addition to noncompliance in the 2004-2005 reporting period. On December 29, 2006, this court issued to the respondent an order to show cause why the commission's recommendation should not be adopted and an order so entered against the respondent. Respondent filed no objections to the commission's recommendation, and this cause was considered by the court. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, [Attorney Name], is immediately suspended from the practice of law pursuant to Gov.Bar R. X(6)(B)(3) and Gov.Bar R. X(5)(A)(4), until respondent is reinstated by order of this court pursuant to Gov.Bar R. X(7).

IT IS FURTHER ORDERED that within 30 days of the date of this order, respondent shall pay to the Commission on Continuing Legal Education, by certified check or money order, a sanction fee which is hereby imposed in the total amount of \$[sanction amount].

IT IS FURTHER ORDERED that payment of the sanction fee notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2004-2005 reporting period. See CLE Reg. 503.4.

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

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

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

IT IS FURTHER ORDERED that respondent surrender forthwith respondent's attorney registration card to the Clerk of this court on or before 30 days from the date of this order, and that respondent's name be stricken from the roll of attorneys maintained by this court.

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 Gov.Bar R. X(7); (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

IT IS FURTHER ORDERED that within 30 days of 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 respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;

3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;

5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;

6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

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

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

IT IS FURTHER ORDERED by the court that the Clerk shall send this order by certified mail to the respondent at the address registered with the Office of Attorney Registration and CLE under Gov.Bar R. VI; that, if this order is returned as undeliverable or unclaimed, the Clerk shall resend it by regular mail; and that service of this order in accordance with the foregoing shall be deemed effective service.

IT IS FURTHER ORDERED that pursuant to Gov.Bar R. X(6)(H), the Clerk of this court send certified copies of this order to those persons or

organizations named in Gov.Bar R. V(8)(D)(1), and that publication be made as required under Gov.Bar R. X(6)(H).

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u>		<u>Employer</u>		<u>Amount</u>
		<u>County</u>	<u>State</u>	<u>County</u>	<u>State</u>	
Joseph John Cox	0014059		NJ		NY	\$680.00
Paul Andrew Greve, Jr.	0015027		IN		IN	\$680.00
Craig Stewert Bonnell	0026237		GA		GA	\$750.00
David Lawrence Deibel, Jr.	0031368		CA		CA	\$750.00
Janice Lorraine Jessup	0032410		NY		NY	\$750.00
Stuart J. Alterman	0034333		NJ		NJ	\$750.00
George Guy Gardner	0057561		KY		KY	\$750.00
Jonathan James Johnson	0058537		VT			\$750.00
John Arthur Burgess	0063872		PA		PA	\$750.00
Sean Paul Hodge	0067116		CA		CA	\$750.00
Matthew David Gramly	0070506		CA			\$750.00
Mark Anthony Douglas	0073436		MN	Cuyahoga	OH	\$750.00
Robert O'Neil Garnett	0024990	Cuyahoga	OH	Cuyahoga	OH	\$600.00
Estella Louise Loar	0025454	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Aziza Dalila Jimerson	0071631	Cuyahoga	OH	Cuyahoga	OH	\$100.00
Charles Michael Conrad	0073089	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Murray H. Arons	0064494	Cuyahoga	OH			\$430.00
Anne Kennedy Lynch	0054288	Cuyahoga	OH	Cuyahoga	OH	\$750.00
David Paul Bradley	0041966	Cuyahoga	OH			\$750.00
Mary Anne Brown-Schwartz	0059345	Franklin	OH	Franklin	OH	\$750.00
David Francisco	0072007	Franklin	OH	Franklin	OH	\$750.00
Robert Lee Chapman	0024892	Franklin	OH	Franklin	OH	\$750.00
Theodore William Howe	0026176	Hamilton	OH	Hamilton	OH	\$750.00
Thomas Michael Gould	0033893	Hamilton	OH	Hamilton	OH	\$750.00
Girard Reuel Jetton, Jr.	0003459	Hancock	OH	Hancock	OH	\$750.00
Terry Ann Bryer	0030549	Lorain	OH	Lorain	OH	\$750.00
Thomas George Kirkhope	0051628	Lucas	OH			\$500.00
William Green, Jr.	0022145	Mahoning	OH	Mahoning	OH	\$750.00
Charles Eric Curry	0062864	Mahoning	OH	Mahoning	OH	\$750.00
Deborah Anne Franz	0072473	Montgomery	OH	Montgomery	OH	\$750.00
Michael Scott Koughan	0067428	Montgomery	OH	Montgomery	OH	\$750.00
John Yalen Gerhardt	0040749	Hamilton	OH	Montgomery	OH	\$750.00
David Leonard Jamison	0034070	Summit	OH	Summit	OH	\$750.00
Sandra Kay Braden	0020547	Summit	OH			\$750.00
Brendan Joseph Daly	0071784	Summit	OH	Summit	OH	\$750.00
Pauline Remenyi Aydin	0066016	Summit	OH			\$750.00

In re Report of the Commission
on Continuing Legal Education

Matthew Edwin Maybee
(#0077449),
Respondent.

CLE-2006-77449

ORDER

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys and judges, including the above-named respondent, for failure to comply with the applicable continuing legal education provisions of Gov. Bar R. X and Gov. Jud. R. IV for the 2004-2005 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$150.00 for noncompliance in the 2004-2005 reporting period. Furthermore, the commission's report recommended that the respondent be suspended from the practice of law pursuant to Gov.Bar R. X(5)(B) for failure to complete a New Lawyer Training Program as required by Gov.Bar R. X(3)(H) in the 2004-2005 reporting period. On, December 29, 2006, this court issued to the respondent an order to show cause why the commission's recommendation should not be adopted and an order so entered against the respondent. Respondent filed no objections to the commission's recommendation, and this cause was considered by the court. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, Matthew Edwin Maybee, is immediately suspended from the practice of law pursuant to Gov.Bar R. X(5)(B)(3) until respondent is reinstated by order of this court pursuant to Gov.Bar R. X(7).

IT IS FURTHER ORDERED that within 30 days of the date of this order, respondent shall pay to the Commission on Continuing Legal Education, by certified check or money order, a sanction fee which is hereby imposed in the total amount of \$150.00.

IT IS FURTHER ORDERED that payment of the sanction fee notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2004-2005 reporting period. See CLE Reg. 503.4.

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

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

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

IT IS FURTHER ORDERED that respondent surrender forthwith respondent's attorney registration card to the Clerk of this court on or before 30

days from the date of this order, and that respondent's name be stricken from the roll of attorneys maintained by this court.

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 Gov.Bar R. X(7); (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

IT IS FURTHER ORDERED that within 30 days of 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 respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;

6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

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

IT IS FURTHER ORDERED by the court that the Clerk shall send this order by certified mail to the respondent at the business address registered with the Office of Attorney Registration and CLE under Gov.Bar R. VI; that, if this order is returned as undeliverable or unclaimed, the Clerk shall resend it by regular mail; and that service of this order in accordance with the foregoing shall be deemed effective service.

IT IS FURTHER ORDERED that pursuant to Gov.Bar R. X(6)(H), the Clerk of this court send certified copies of this order to those persons or organizations named in Gov.Bar R. V(8)(D)(1), and that publication be made as required under Gov.Bar R. X(6)(H).

MEDIATION REFERRALS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

2007-0704. State ex rel. Lapp Roofing & Sheet Metal Co., Inc. v. Indus. Comm.

Franklin App. No. 05AP-950, 2007-Ohio-933.