

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

March 8, 2013

[Cite as *03/08/2013 Case Announcements*, 2013-Ohio-798.]

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## MOTION AND PROCEDURAL RULINGS

### **2012-1874. In re Judicial Campaign Complaint Against Stormer.**

On written request of complainant, Alison McCarty, it is ordered that the time for filing an answer brief to respondent's objections and brief in support is hereby extended to March 18, 2013.

## DISCIPLINARY CASES

### **2004-1799 and 2007-1919. Toledo Bar Assn. v. Lowden.**

This cause came on for further consideration upon relator's filing on February 1, 2013, of a motion for medical-record review and psychiatric evaluation. On February 6, 2013, respondent filed a response to relator's motion.

Upon consideration thereof, it is ordered by this court that the motion is granted. Respondent is ordered to produce to relator, within two weeks of the date of this order, a complete copy of respondent's mental-health records from 2003 to the present to be reviewed by a psychiatrist approved by this court. Respondent is further ordered to submit to an evaluation by the court-approved psychiatrist for the purpose of determining whether respondent is fit to return to the active practice of law. Respondent is ordered to pay the costs of the record review and the evaluation.

O'Neill, J., dissents.

### **2009-2330. Toledo Bar Assn. v. Farah.**

On May 20, 2010, this court suspended respondent, Asad Sadallah Farah, for a period of one year and stayed the entire suspension on conditions, including

probation. On December 19, 2012, a panel of the Board of Commissioners on Grievances and Discipline filed a certified report recommending that respondent's probation be revoked and that the previously stayed one-year suspension be imposed. On January 9, 2013, the court ordered respondent to show cause why the recommendation of the panel of the board should not be imposed. No objections were filed, and this cause was considered by the court.

On consideration thereof, it is ordered and adjudged by this court that the probation of respondent is revoked, the previously imposed stay of the one-year suspension is lifted, and respondent, Asad Sadallah Farah, Attorney Registration No. 0066174, last known business address in Temperance, Michigan, shall serve the entire one-year suspension, which shall begin to run as of the date of this order. It is further ordered that all other terms of the court's May 20, 2010 order shall remain in effect.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and that he 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 instruments 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 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 be taxed the costs of these proceedings in the amount of \$21, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10 percent per annum shall accrue as of 90 days from the date of this order and the matter may be referred to the attorney general for collection. It is further ordered that respondent may not apply for reinstatement until costs and all accrued interest are paid in full.

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 against respondent 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 that award.

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 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 on or before 30 days from the date of this order, respondent shall do the following:

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 which are unearned or not paid, and account for any trust money or property in the possession or control of respondent;

4. Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation of respondent's 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;

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 respondent 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, disciplinary counsel, and the Toledo Bar Association advised of any change of address where respondent may receive communications.

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.