

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 2, 2009

[Cite as *02/02/2009 Case Announcements, 2009-Ohio-381.*]

SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF FEBRUARY 2, 2009

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the February 2, 2009 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

2008-0109. State v. Moore, 120 Ohio St.3d 355, 2008-Ohio-6319.

2008-0190. State v. Bowsher, 120 Ohio St.3d 357, 2008-Ohio-6692.

2008-0228. State v. Murray, 120 Ohio St.3d 355, 2008-Ohio-6320.

2008-0522. State v. Cooke, 120 Ohio St.3d 356, 2008-Ohio-6321.

2008-0627. State v. Nicholas, 120 Ohio St.3d 357, 2008-Ohio-6322.

2008-0767. State v. South, 120 Ohio St.3d 358, 2008-Ohio-6693.

2008-0812. Disciplinary Counsel v. O'Brien, 120 Ohio St.3d 334, 2008-Ohio-6198.

2008-0819. Toledo Bar Assn. v. Hales, 120 Ohio St.3d 340, 2008-Ohio-6201.

2008-1215. Cuyahoga Cty. Bar Assn. v. Glaeser, 120 Ohio St.3d 350, 2008-Ohio-6199.

2008-1474. In re R.G., 120 Ohio St.3d 359, 2008-Ohio-6694.

2008-1812. In re J.H., 120 Ohio St.3d 359, 2008-Ohio-6697.

2008-1842. State ex rel. Myles v. Brunner, 120 Ohio St.3d 328, 2008-Ohio-5097.

RECONSIDERATION OF PRIOR DECISIONS

2008-2425. State v. Welch.

Wood App. No. WD-07-057, 2008-Ohio-6540. Reported at ___ Ohio St.3d ___, 2008-Ohio-337, ___ N.E.2d ___. On motion for reconsideration and on motion for immediate stay of execution of dismissal pending the decision on the motion for reconsideration.

It is ordered by the court that the motions are denied.

DISCIPLINARY CASES

2008-1991. Disciplinary Counsel v. Chambers.

The Board of Commissioners on Grievances and Discipline filed its final report in this court on October 14, 2008, recommending that pursuant to Gov.Bar R. V(6)(B)(3) respondent, John Joseph Chambers, Attorney Registration No. 0064627, last known business address in Fairview Park, Ohio, be suspended from the practice of law for a period of one year with six months stayed on the conditions that respondent (1) successfully complete an approved anger management program, (2) complete six months of monitored probation pursuant to Gov.Bar R. V(9), and (3) pay the costs of these proceedings. Respondent and relator filed objections to said final report, respondent and relator filed answers, and this cause was considered by the court. On consideration thereof,

It is ordered that this matter is remanded to the Board of Commissioners on Grievances and Discipline for further consideration.

It is further ordered and decreed that respondent is placed on monitored probation per Gov.Bar R. V(9) effective as of the date of this order until the court acts upon the further recommendation of the board. Proceedings in this court are stayed until further order of this court. Costs to abide final determination of the case.

It is further ordered that on or before thirty days from the date of this order, relator shall file the name of an attorney who will monitor respondent during the probation. At the end of the probationary period, relator will be required to file a

report with this court indicating whether respondent has complied with the terms of probation including monitoring.

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.

It is further ordered, sua sponte, that services shall be deemed made on respondent by sending this order and all other orders in this case by certified mail to the most recent address respondent has given to the Office of Attorney Services.

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.

2008-2082. Disciplinary Counsel v. Pettigrew.

On Certified Order of the United States Bankruptcy Court, Southern District of Ohio, Eastern Division. Grady L. Pettigrew Jr., Attorney Registration No. 0029175, is suspended from the practice of law for six months, effective September 12, 2008.

2008-2196. Trumbull Cty. Bar Assn. v. Kafantaris.

This cause came on for further consideration upon the filing by respondent, George Nicholas Kafantaris, of a motion for dissolution or modification of respondent's suspension and relator's memo in opposition. Upon consideration thereof,

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

2008-2360. Disciplinary Counsel v. Russo.

On December 11, 2008, the Board of Commissioners on Grievances and Discipline filed a final report in the office of the Clerk of this court pursuant to BCGD Proc. Reg. 11(D), in which it accepted the agreement entered into by the relator, Disciplinary Counsel, and the respondent, Judge Joseph Russo. The agreement set forth the misconduct and the agreed, recommended sanction of a six-month suspension with the entire suspension stayed. The board recommended that the agreement be accepted. The court, sua sponte, issued an order waiving the issuance of a show cause order and this matter was submitted to the court on the report and record filed by the board. On consideration thereof,

It is hereby ordered by the court, sua sponte, that the recommended sanction is rejected. It is further ordered that pursuant to Gov.Bar R. V(8)(D), this cause is

remanded to the Board of Commissioners on Grievances and Discipline for further proceedings, including consideration of a more severe sanction. Proceedings before this court in this case are stayed until further order of this court. Costs to abide final determination of the case.

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.

Pfeifer, J., dissents and would accept the recommendation of the board.

2008-2406. In re Crosgrove.

On December 18, 2008, and pursuant to Gov.Bar R. V(5)(A)(3), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against Darrell M. Crosgrove, 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 Darrell M. Crosgrove, Attorney Registration No. 0061863, last known business address in Toledo, 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 is referred to the Toledo Bar Association for investigation and commencement of disciplinary proceedings.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and 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 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 the respondent pursuant to Gov.Bar R. VIII(7)(F), the 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 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 respondent's possession or control;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties 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 such 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, the Toledo Bar Association, 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, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

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.

2008-2427. In re Newman.

On December 19, 2008, and pursuant to Gov.Bar R. V(5)(A)(3), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against George W. Newman III, 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 George W. Newman III, Attorney Registration No. 0050769, last known business address in Cincinnati, 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 is referred to the Cincinnati Bar Association for investigation and commencement of disciplinary proceedings.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and 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, the 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 the respondent pursuant to Gov.Bar R. VIII(7)(F), the 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 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 respondent's possession or control;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties 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 such 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, the Cincinnati Bar Association, 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, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

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.

2008-2488. In re Resignation of DiPalma.

On affidavit of resignation from the practice of law of William Joseph DiPalma, Attorney Registration No. 0002850, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2008-2489. In re Resignation of Carter.

On affidavit of resignation from the practice of law of Cornell Phillip Carter, Attorney Registration No. 0062986, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

MISCELLANEOUS ORDERS

In re Report of the Commission
On Continuing Legal Education.

Case No. CLE-2006-66016

Pauline Remenyi Aydin
(#0066016),
Respondent.

ORDER

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (“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, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2004-2005 reporting period.

On April 27, 2007, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent, and suspended the respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3) and (5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7), respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, respondent complies with this and all other orders of the court, and this court orders respondent reinstated.

On November 13, 2008, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2) finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies, and is now in full compliance with all requirements of Gov.Bar R. X and recommending that the respondent be reinstated to the practice of law in Ohio. The commission certified that respondent had completed the credit hours of continuing legal education required during the suspension by this court’s order of suspension. Respondent has satisfied all the requirements of this court’s order of suspension. Upon consideration thereof,

It is ordered by the court that the recommendation of the commission is adopted and respondent, Pauline Remenyi Aydin, is hereby reinstated to the practice of law.