

**OFFICE OF DISCIPLINARY COUNSEL
OF THE
SUPREME COURT OF OHIO**

2006 ANNUAL REPORT

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2006 ANNUAL REPORT

OFFICE OF DISCIPLINARY COUNSEL OF THE SUPREME COURT OF OHIO

The position of Disciplinary Counsel and the Office of Disciplinary Counsel ("ODC") are established by The Supreme Court of Ohio pursuant to Gov. Bar R. V(3)(B). Under that rule, Disciplinary Counsel is authorized to investigate allegations and initiate complaints concerning misconduct and/or mental illness of judges or attorneys under the *Code of Professional Responsibility*, the *Code of Judicial Conduct*, and rules governing the Unauthorized Practice of Law, pursuant to The Ohio Supreme Court Rules for the Government of the Bar and the Government of the Judiciary.

This report to The Supreme Court of Ohio and the Board of Commissioners on Grievances and Discipline ("Board") concerning the activities for calendar year 2006 (*Tables 1-5*) and FY2006 expenses (*Table 6*) of ODC is made pursuant to the requirements of Gov. Bar R. V(3)(B)(3).

At the beginning of 2006, there were 515 grievances pending with ODC. As of December 31, 2006, there were 678 grievances pending and/or under investigation.

A total of 3,402 matters for consideration were received by ODC in 2006. That includes all relevant categories such as grievances filed against both Attorneys and Judges, Appeals from Certified Grievance Committees,

Bar cases, Board cases, Unauthorized Practice of Law cases, UPL Board cases, Child Support, Reciprocal and Resignations. A geographic distribution by Ohio county of the matters filed with ODC in 2006, based on the location of the Respondents' principal offices is provided. (Table 5). Of that total, 2,371 represented grievances filed against Attorneys and 566 grievances filed against Judges. Two formal complaints alleging judicial misconduct were filed with the Board and no judicial misconduct cases were argued by ODC before the Supreme Court during calendar year 2006.

In 2006, a total of 1,670 grievances were dismissed on intake or after initial investigation, and 1,247 were opened for investigation. For a detailed presentation of those grievances which were received in 2006 and opened for investigation, please refer to Table 2. The data identifies the primary alleged violation. Table 2 also includes data from the prior three calendar years to assist in tracking trends in the state. Further, 42 formal complaints were filed with the Board. In the past five years (2002-2006), 200 formal complaints have been filed with the Board by ODC. Appeals received by ODC in 2006 totaled 331, a decrease of 28 from the 2005 figure. As of December 31, 2006, 43 of those appeals were pending.

The number of UPL grievances filed with ODC showed a decrease of 20 from 86 in 2005 down to 66 in 2006. As of December 31, 2006, there were 32 UPL grievances pending in the ODC office. During 2006, one UPL

Board case was decided by the Court and by the close of calendar year 2006, no Unauthorized Practice of Law cases were awaiting a decision from The Supreme Court of Ohio. In other categories, five Reciprocal grievances were received by our office in 2006, and eight were sanctioned by the Court. Two Child Support grievances were filed with our office in 2006, one of which was pending at the close of the year.

There were 14 Resignations accepted by this Court during 2006, 13 of which were Resignations Pending Discipline and one was a regular Resignation (*Table 3*). There were ten resignations in 2005.

In 2006, ODC conducted 17 hearings before the Board of which two were judicial cases, and argued ten cases before the Supreme Court of Ohio of which none were judicial nor UPL. As of December 31, 2006, there were 28 cases awaiting hearing dates before the Board; 11 cases awaiting reports from the Board; two cases pending oral argument before The Supreme Court; and nine cases pending decision by The Supreme Court of Ohio (*Table 4*). In 2006, The Supreme Court of Ohio issued formal sanctions in 60 cases initiated by ODC, including two for judicial misconduct. (*Tables 1 & 3*).

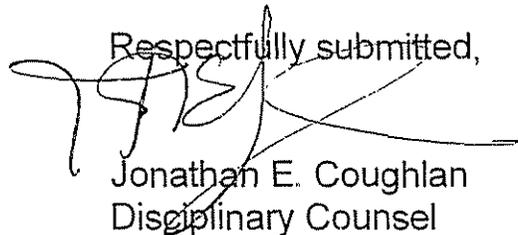
Respectfully submitted,

Jonathan E. Coughlan
Disciplinary Counsel

TABLE 1

	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
<u>Disposition of Grievances Received:</u>					
Dismissed on Intake or after Investigation	3121	2668	2747	2603	2698
Pending at End of Year	415	506	381	515	678
<u>Caseload Comparison:</u>					
Number of Grievances Received	2933	2669	2683	2720	2937
Number of Appeals Received	325	326	346	359	331
Number of UPLs Received	58	95	82	86	66
Number of Formal Complaints Filed	33	46	40	39	42
<u>Sanctions Issued:</u> <i>(see Table 3 for details)</i>					
Public Reprimands	3	2	2	1	5
Six-Month Suspensions	6	4	5	2	4
One-Year Suspensions	2	7	2	2	4
Eighteen-Month Suspensions	1	1	1	2	0
Two-Year Suspensions	4	0	8	5	8
Indefinite Suspensions	11	3	5	3	7
Interim Remedial Suspensions ¹	--	--	--	1	0
Mental Health Suspensions ²	--	--	--	--	1
Disbarments	9	3	5	5	9
Reciprocal Disciplines	6	4	9	9	8
Resignations (includes Resignations Pending Discipline)	12	17	20	10	14

¹ 2005 is the first year we included Interim Remedial Suspensions in the ODC Annual Report

² 2006 is the first year we are including Mental Health Suspensions in the ODC Annual Report

TABLE 2

GRIEVANCES RECEIVED AND OPENED FOR INVESTIGATION

Alleged Primary Violation	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Neglect/Failure to protect interests of the client	331	326	343	351
Failure to account or turn over file	66	57	57	43
Improper withdrawal (refusal to withdraw)	18	9	9	13
Excessive fees	54	70	60	90
Personal misconduct	89	115	115	92
Misrepresentation/false statement/concealment	47	19	39	54
Criminal conviction	2	6	12	5
Failure to file income tax returns	0	1	2	0
Commingling of funds	7	1	2	2
Conversion	27	29	18	25
Embezzlement	0	4	3	2
Failure to maintain funds in trust ¹	47	72	110	243
Breach of client confidence	14	14	9	6
Conflict of lawyer's interest	17	22	23	40
Conflict of client's interest	54	50	52	43
Communication with adverse party represented by counsel	9	6	14	8
Trial misconduct	84	92	70	65
Failure to register	2	12	2	8
Practicing while under suspension	7	5	8	16
Assisting in the Unauthorized Practice of Law	12	6	9	7
Advertising/Solicitation	22	27	34	18
Judicial misconduct	92	78	89	104
Mental illness	1	5	2	3
Substance abuse	4	2	8	4
Other	9	5	8	7
TOTAL	1015	1033	1098	1249

¹ IOLTA overdrafts: R.C. § 4705.10(A)(4) requires the depository banks to notify this office of overdrafts. The amendment went into effect 10/21/2005

TABLE 3

**SANCTIONS ISSUED IN 2006 BY THE SUPREME COURT OF OHIO
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL**

Name of Respondent and Supreme Court Case Number

PUBLIC REPRIMANDS — 5

Richard Van Agopian 2006-0779
David Lee Engler 2006-0392
Frank David Jacobs 2005-2395
Jeffery Lynn Runyan (Judge) 2005-1183
Robert Alphonso Taft II 2006-1561

SIX MONTH SUSPENSIONS — 4

Howard Joel Freedman 2006-0067
John James Rooney 2006-0809
Jerry Chad Stollings 2006-1146
Terry Lynn Stranke 2006-0731

ONE YEAR SUSPENSIONS — 4

Paul Gregory Croushore 2005-1545
Charles Eric Curry 2006-1178
Thomas Lee Geer 2006-1177
George Bernard Quatman 2005-1531

EIGHTEEN MONTH SUSPENSIONS — 0

< none >

TWO YEAR SUSPENSIONS — 8

Jerry Edwin Ault 2006-0441
Kevin Arthur Bowman 2006-0444
Larry Wendall Keller 2006-0437
Jennifer A. Krieger (f k.a. Hughes) 2005-1156
Thomas Joel Manning 2006-0738
Lawrence John Novak 2006-0080
William Kerr Shaw, Jr. 2006-0066
Mary Lou Wolf 2006-0737

INDEFINITE SUSPENSIONS — 7

Christopher Thomas Carlson 2006-1187
Eileen Brubeck Hiltbrand 2006-0774
David Harold Landon 2005-1196
John Albert Lord 2006-0463
Daniel Edward McKenna 2005-1546
Lawrence John Novak 2006-1622
David Michael Wise 2005-1182

INTERIM REMEDIAL SUSPENSIONS — 0

<none>

TABLE 3 (continued)

**SANCTIONS ISSUED IN 2006 BY THE SUPREME COURT OF OHIO
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL**

Name of Respondent and Supreme Court Case Number

MENTAL HEATH SUSPENSIONS — 1

Joseph Simon Carpino 2005-0748

DISBARMENTS — 9

Arthur Ray Frazier 2006-0124

Curtis Griffith 2006-1183

Pippa Lynn Henderson 2005-1948

Melissa Anne Houser 2006-0430

David Ross Jones 2006-1562

Arthur Frederick Millonig, Jr. 2005-1543

Aaron LaBracc Phillips 2005-1213

Edward Francis Sturgeon 2006-1209

David Lee White 2005-2440

RECIPROCAL DISCIPLINES — 8

Dane Arlen Bonecutter 2006-0433

Paul Robert Giba 2005-2250

Curtis James Hamilton III 2006-0247

David Michael Levin 2006-0735

Thomas C. McDaniel 2006-0110

John Theodore Ryan 2006-1715

John Louis Walkden 2006-0375

Michael James Wicks 2006-0432

RESIGNATIONS — 1

Mark Thomas Gibbons 2005-2015

RESIGNATIONS PENDING DISCIPLINE — 13

Stephen Christopher Carroll 2006-1445

William Mowry Connelly 2006-0572

Burgess Leon Doan 2005-2442

James Michael Lemieux 2006-1098

John Dallas Lockhart 2006-0428

Marvin Robert Plasco 2006-0827

Dallas Paul Powers (Judge) 2006-0693

John Michael Ruggiero 2006-1116

Cynthia Ann Sasse' 2006-0828

Howard Thomas Sterling 2006-1036

Kenneth Michael Taylor 2006-0485

David Claude Weick 2005-2266

Michael Lee Zaremsky 2005-2109

TABLE 4

**STATUS OF FORMAL MATTERS PENDING
AS OF DECEMBER 31, 2006**

Reinstatements	<u>1</u>
<u>Before the Probable Cause Panel</u>	
Awaiting Certification to Board	<u>0</u>
Appeal of Panel Dismissal to Full board	<u>1</u>
<u>Before the Board of Commissioners on Grievances and Discipline</u>	
Awaiting Hearing	<u>28</u>
Awaiting Board Report	<u>11</u>
<u>Before The Supreme Court of Ohio</u>	
Awaiting Oral Argument	<u>2</u>
Awaiting Supreme Court Decision	<u>9</u>
TOTAL PENDING	<u>52</u>

TABLE 5

ALL MATTERS RECEIVED BY ODC FROM OHIO COUNTIES IN THE YEAR 2006

Based on County of Respondent's Principal Ohio office location

Adams _____	7	Hamilton _____	203	Noble _____	1
Allen _____	27	Hancock _____	13	Ottawa _____	11
Ashland _____	7	Hardin _____	4	Paulding _____	4
Ashtabula _____	21	Harrison _____	6	Perry _____	11
Athens _____	21	Henry _____	2	Pickaway _____	5
Auglaize _____	8	Highland _____	22	Pike _____	6
Belmont _____	18	Hocking _____	11	Portage _____	30
Brown _____	5	Holmes _____	4	Preble _____	6
Butler _____	49	Huron _____	16	Putnam _____	3
Carroll _____	3	Jackson _____	18	Richland _____	26
Champaign _____	14	Jefferson _____	8	Ross _____	11
Clark _____	24	Knox _____	23	Sandusky _____	8
Clermont _____	27	Lake _____	42	Scioto _____	46
Clinton _____	14	Lawrence _____	19	Seneca _____	12
Columbiana _____	20	Licking _____	45	Shelby _____	8
Coshocton _____	5	Logan _____	8	Stark _____	79
Crawford _____	17	Lorain _____	74	Summit _____	173
Cuyahoga _____	673	Lucas _____	137	Trumbull _____	43
Darke _____	3	Madison _____	17	Tuscarawas _____	13
Defiance _____	13	Mahoning _____	87	Union _____	11
Delaware _____	14	Marion _____	19	Van Wert _____	4
Erie _____	29	Medina _____	45	Vinton _____	4
Fairfield _____	36	Meigs _____	3	Warren _____	33
Fayette _____	4	Mercer _____	2	Washington _____	12
Franklin _____	512	Miami _____	17	Wayne _____	14
Fulton _____	8	Monroe _____	3	Williams _____	4
Gallia _____	10	Montgomery _____	177	Wood _____	20
Geauga _____	13	Morgan _____	3	Wyandot _____	2
Greene _____	23	Morrow _____	7		
Guernsey _____	9	Muskingum _____	25	TOTAL _____	3,294

TABLE 6

**FISCAL YEAR 2006
REPORT OF OPERATIONAL EXPENSES
OF THE OFFICE OF DISCIPLINARY COUNSEL
OF THE SUPREME COURT OF OHIO**

I	Salaries	\$ 1,183,761.24
II	Fringe Benefits	\$ 344,313.81
III	Purchased Personal Services	\$ 53,499.92
IV	Education, Tuition and Training	\$ 792.00
V	Supplies and Materials	\$ 36,753.65
VI	Automobile and Parking	\$ 3,391.66
VII	Travel and Conferences (In-State & Out-of-State)	\$ 41,900.72
VIII	Postal and Shipping Expenses	\$ 17,417.77
IX	Communication Expenses	\$ 12,843.42
X	Maintenance and Repair Services	\$ 15,454.10
XI	Building, Utilities and Facilities	\$ 237,662.12
XII	Insurances, Licenses and Permits	\$ 850.98
XIII	Dues and Memberships	\$ 3,476.75
XIV	Books and Subscriptions	\$ 25,341.11
XV	Investigation and Discovery	\$ 42,889.11
XVI	Equipment	\$ 23,162.39
	ODC Operational Expenses for Fiscal Year 2006	<u>\$ 2,043,510.75</u>

Jonathan E. Coughlan, Disciplinary Counsel