

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 16, 2006

[Cite as *05/16/2006 Case Announcements, 2006-Ohio-2403.*]

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## MOTION AND PROCEDURAL RULINGS

### **2006-0173. State v. Parks.**

Carroll App. No. 04CA803, 2005-Ohio-6926. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On February 8, 2006, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

### **2006-0174. State v. Parks.**

Columbiana App. No. 04 CO 19, 2005-Ohio-6926. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On February 8, 2006, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to

consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

**2006-0290. Jokic v. State Auto. Mut. Ins. Co.**

Lake App. No. 2004-L-135, 2005-Ohio-7044. This cause is pending before the court as a discretionary appeal and claimed appeal of right. On February 10, 2006, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within fourteen days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

**MISCELLANEOUS ORDERS**

The Supreme Court of Ohio has issued orders imposing sanctions upon 36 attorneys and judges for noncompliance with the provisions of Gov.Bar R. X and Gov.Jud. R. IV. The text of the entry imposing the sanction is reproduced below. This is followed by a list of the attorneys and judges who were sanctioned. The list includes 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

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

CLE-2005-[Registration number]

ORDER  
[Filed May 16, 2006]

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 2003-2004 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 2003-2004 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 2003-2004 reporting period. On December 13, 2005, 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 2003-2004 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 Attorney Registration Section 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

| <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> |               |
| Mary Brigid McManamo        | 0021729               |                  | DE           |                 | DE           | \$750.00      |
| Catherine Ella Rappoport    | 0028019               |                  | FL           |                 | FL           | \$750.00      |
| Joaquin Bernard Siler       | 0028759               |                  | DC           |                 | DC           | \$490.00      |
| Ronald Sol Mlotek           | 0033904               |                  | DC           |                 | DC           | \$750.00      |
| Andrew Lee Talton, Jr.      | 0037828               |                  | CA           |                 | CA           | \$750.00      |
| Michael Douglas Triplett    | 0040172               |                  | KY           |                 | KY           | \$750.00      |
| John William Payton, Jr.    | 0043102               |                  |              |                 |              | \$150.00      |
| Voorhees Scott Macom        | 0060023               |                  | NJ           |                 | NJ           | \$750.00      |
| Scott Thomas Piering        | 0064544               |                  | IL           |                 | IL           | \$750.00      |
| Donna Sue Rose              | 0067517               |                  | KY           |                 | KY           | \$750.00      |
| Donald Joseph Trybus        | 0074487               |                  | MI           |                 | MI           | \$750.00      |
| Ronald Eugene Stocker       | 0031941               | Stark            | OH           | Crawford        | OH           | \$750.00      |
| John Patrick Rice, Jr.      | 0031245               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| John Liston Saylor          | 0025452               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| Reginald Harrison Morton    | 0027935               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| Thomas Clark Squires        | 0068789               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| Gregory Scott Patterson     | 0069939               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| Brian Terrell Robinson      | 0062487               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| William Howard Stein        | 0003436               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$600.00      |
| William Gerald Meckler      | 0003663               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| Melody Dawn Overton         | 0039519               | Fairfield        | OH           |                 |              | \$750.00      |
| Mary Ellen Morgan           | 0042047               | Franklin         | OH           | Franklin        | OH           | \$750.00      |
| Robert John Pioli           | 0029569               | Franklin         | OH           |                 |              | \$570.00      |
| Ronald Eugene Prater        | 0051448               | Franklin         | OH           | Franklin        | OH           | \$750.00      |
| Carole Diane McCallister    | 0067119               | Franklin         | OH           | Franklin        | OH           | \$750.00      |
| Timothy Wayne Scott         | 0070919               | Franklin         | OH           |                 |              | \$750.00      |
| Kevin James McGlinch        | 0071870               | Franklin         | OH           |                 |              | \$750.00      |
| Volney Edward McFarlin, III | 0073113               | Hamilton         | OH           | Hamilton        | OH           | \$750.00      |
| George David Van Epps       | 0038273               | Hamilton         | OH           | Hamilton        | OH           | \$750.00      |
| Robert Sinclair             | 0061907               | Lake             | OH           | Lake            | OH           | \$750.00      |

|                           |         |          |    |        |    |          |
|---------------------------|---------|----------|----|--------|----|----------|
| Sherri Ann Chavez         | 0064164 | Lorain   | OH |        |    | \$750.00 |
| Cynthia Arndt Trivette    | 0067195 | Richland | OH |        |    | \$750.00 |
| John Carroll Slovinsky    | 0021720 | Stark    | OH |        |    | \$750.00 |
| John Lee Satterfield, III | 0030891 | Summit   | OH | Summit | OH | \$750.00 |
| David Edward Troller      | 0013296 | Hamilton | OH | Warren | OH | \$400.00 |
| Thomas Henry Vogtsberger  | 0023305 | Wood     | OH | Wood   | OH | \$750.00 |

The Supreme Court of Ohio has issued orders imposing sanctions upon 11 attorneys and judges for noncompliance with the provisions of Gov.Bar R. X and Gov.Jud. R. IV. The text of the entry imposing the sanction is reproduced below. This is followed by a list of the attorneys and judges who were sanctioned. The list includes 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-2005-[Registration number]

[Attorney name]  
(#[Registration number]),  
Respondent.

ORDER  
[Filed May 16, 2006]

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 application continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2003-2004 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 2003-2004 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 13, 2005, 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 2003-2004 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 Attorney Registration Section 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 Henry Willis        | 0022835               |                  | MI           |                 | MI           | \$750.00      |
| Jeffrey Alan Perlmutter    | 0043115               | Cuyahoga         | OH           | Franklin        | OH           | \$150.00      |
| Robert John Moderalli      | 0066755               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| Kathryn Puckett            | 0034166               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$540.00      |
| Carolyn D. Peterson        | 0054081               | Franklin         | OH           | Franklin        | OH           | \$300.00      |
| Robert Earl Roberts        | 0069048               |                  | IN           |                 | IN           | \$750.00      |
| Martin Laurence Stone      | 0034511               |                  | CA           |                 | CA           | \$750.00      |
| Linda Kay Williams-Fleming | 0058532               | Cuyahoga         | OH           |                 |              | \$750.00      |
| Michael Anthony Ross       | 0071545               | Cuyahoga         | OH           | Cuyahoga        | OH           | \$750.00      |
| Mark Steven Wellman        | 0038015               |                  | DC           |                 | DC           | \$750.00      |
| Robert Frank Whitmer       | 0061517               | Summit           | OH           | Summit          | OH           | \$750.00      |

In re Report of the Commission  
on Continuing Legal Education

CLE-2005-70367

Susan A. Manardo,  
(#0070367)  
Respondent.

**O R D E R**

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, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2003-2004 reporting period.

Respondent has been granted corporate status under Gov.Bar R.VI. Gov.Bar R.VI(4) provides that an attorney who is admitted to the practice of law in another state but not in Ohio and who is employed full-time by a nongovernmental Ohio employer may register for corporate status by filing a Certificate of Registration and paying the registration fee required under the rule. An attorney who is granted corporate status may perform legal services in Ohio solely for a nongovernmental employer, as long as the attorney is a full-time employee of that employer. The legal education requirements of Gov.Bar R. X apply to attorneys registered under Gov.Bar R. VI for corporate status.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$750.00 for noncompliance with Gov.Bar R. X in the 2003-2004 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 2003-2004 reporting period. On December 13, 2005, 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 the corporate status granted to respondent pursuant to Gov.Bar R. VI(4)(A) is immediately revoked.

IT IS FURTHER ORDERED that respondent immediately cease and desist from the practice of law in Ohio in any form, and respondent is hereby forbidden to provide legal services as an employee of a nongovernmental Ohio employer.

IT IS FURTHER ORDERED that respondent is divested of each, any and all of the rights, privileges and prerogatives customarily accorded to an attorney registered in good standing for corporate status.

IT IS FURTHER ORDERED that respondent's name be stricken from the roll of registered attorneys maintained by this court.

IT IS FURTHER ORDERED that, within 30 days of the date of this order, respondent shall:

1. Notify respondent's employer of the revocation of respondent's registration in corporate status and consequent disqualification to provide legal services for the employer after the effective date of this order;

2. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order and setting forth the address where the affiant may receive communications.

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 \$750.00.

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 2003-2004 reporting period. See CLE Reg. 503.4.

In re Report of the Commission  
on Continuing Legal Education

Arthur Frederick Millonig, Jr.,

CLE-2005-06552

ORDER

(#0006552)  
Respondent.

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 2003-2004 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the total amount of \$720.00 for noncompliance in the 2003-2004 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 2003-2004 reporting period. On December 13, 2005, 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.

It appearing to the court that respondent, Arthur Frederick Millonig, Jr., was permanently disbarred from the practice of law on February 15, 2006,

IT IS ORDERED by the court 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 \$720.00

In re Report of the Commission  
on Continuing Legal Education

Barbara Ellen Peck,  
(#0075807)  
Respondent.

CLE-2005-75807

O R D E R

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 2003-2004 reporting period.

The commission's report recommended imposition of a sanction against the respondent in the amount of \$150.00 for noncompliance in the 2003-2004 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 2003-2004 reporting period. On December 13, 2005, 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, Barbara Ellen Peck, is immediately suspended from the practice of law pursuant Gov.Bar R. X(5)(B) 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 2003-2004 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 address registered with the Attorney Registration Section 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).

#### **ADMINISTRATIVE ACTIONS**

1. Robert Gray Palmer was appointed to the Commission on the Rules of Superintendence for Ohio Courts.