

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

2004 ANNUAL REPORT

by
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2004 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 2004 (see *Tables 1-4*) and expenses (see *Table 5*) of ODC is made pursuant to Gov. Bar R. V(3)(B)(3).

At the beginning of 2004, there were 506 grievances pending with ODC. As of December 31, 2004, there were 381 grievances pending and/or under investigation.

A total of 3,235 matters for consideration were received by ODC in 2004. 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, Reciprocals and Resignations. Of that total, 2,128 represented grievances filed against Attorneys and 555 grievances filed against Judges. Two formal complaints alleging judicial misconduct were filed with the Board and two judicial misconduct cases were argued by ODC before the Supreme Court during calendar year 2004.

In 2004, a total of 1,650 grievances were dismissed on intake or after initial investigation, and 1,030 were opened for investigation. Further, 40 formal complaints

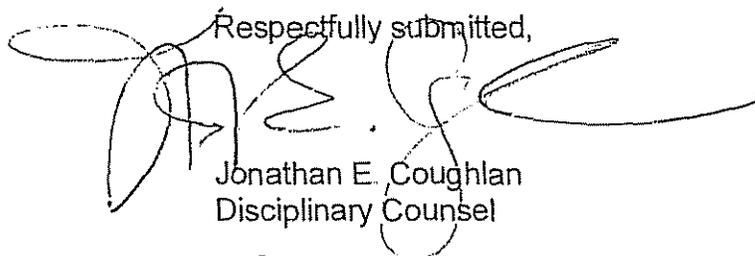
were filed with the Board. In the past five years (2000-2004), 205 formal complaints have been filed with the Board by ODC. Appeals received by ODC in 2004 totaled 346, an increase by 20 over the 2003 figure. As of December 31, 2004, 44 of those appeals were pending.

The number of UPL grievances filed with ODC showed a decrease of 13, from 95 in 2003 down to 82 in 2004. As of December 31, 2004, there were 44 UPL grievances pending in the ODC office. At the close of calendar year 2004, no unauthorized practice of law cases were awaiting a decision from the Supreme Court of Ohio. In other categories, 10 Reciprocal grievances were received in 2004, 9 of which were sanctioned, and 2 Child Support grievances were filed with our office in 2004, one of which was pending at the close of the year.

There were 20 Resignations accepted by this Court during 2004, 16 of which were Resignations Pending Discipline, and 4 were regular Resignations (*see Table 2*). There was a total of 17 resignations in 2003. For a geographic distribution of the grievances filed with ODC in 2004, based on Respondents' Ohio counties, please see Table 4.

ODC conducted 25 hearings before the Board and argued 6 cases before the Supreme Court of Ohio in 2004. As of December 31, 2004, there were 35 cases awaiting hearing dates before the Board and 8 cases awaiting reports from the Board; 4 cases pending oral argument before the Supreme Court; and 8 cases pending decision by the Supreme Court of Ohio (*see Table 3*). In 2004, the Supreme Court of Ohio issued formal sanctions in 57 cases initiated by ODC (*see Tables 1 and 2*).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.E. Coughlan', is written over the typed name below. The signature is fluid and cursive, with a large initial 'J' and 'E'.

Jonathan E. Coughlan
Disciplinary Counsel

TABLE 1

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
<u>Disposition of Grievances Received:</u>				
Dismissed on Intake or after Investigation	3014	3121	2668	2747
Pending at End of Year	603	415	506	381
<u>Caseload Comparison:</u>				
Number of Grievances Received	3013	2933	2669	2683
Number of Appeals Received	361	325	326	346
Number of UPLs Received	98	58	95	82
Number of Formal Complaints Filed	41	33	46	40
<u>Sanctions Issued.</u> (see Table 2 for details)				
Public Reprimands	2	3	2	2
Six-Month Suspensions	2	6	4	5
One-Year Suspensions	1	2	7	2
Eighteen-Month Suspensions	1	1	1	1
Two-Year Suspensions	5	4	0	8
Indefinite Suspensions	5	11	3	5
Disbarments	5	9	3	5
Reciprocal Disciplines	8	6	4	9
Resignations (includes Resignations Pending Discipline)	14	12	17	20

TABLE 2

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

Name of Respondent and Supreme Court Case Number

PUBLIC REPRIMANDS — 2

Steven R. Cuckler 2003-1513
Victor A. Mezacapa 2003-1809

SIX-MONTH SUSPENSIONS — 5

John A. Connor 2004-1761
Sharon L. Goodall 2004-0825
A. Robert Hutchins 2003-1196
Gerhard H. Kaup 2003-1864
C. Michael Moore 2003-1120

ONE-YEAR SUSPENSIONS — 2

Ross S. Cirincione 2003-1867
Vincent Francis Kelleher 2003-1532

EIGHTEEN-MONTH SUSPENSIONS — 1

William Scott Medley 2004-0082

TWO-YEAR SUSPENSIONS — 8

James L. Blaszak 2004-1374
Mark A. Conese 2004-0469
John J. Gideon 2004-1062
David I. Jaffe 2004-0065
James C. King II 2004-0495
Deborah P. O'Neill 2004-0809
Don Haywood Pace 2004-0824
Christopher T. Travis 2003-1533

INDEFINITE SUSPENSIONS — 5

Curtis Griffith Jr. 2004-1015
Heather R. Insley 2004-1412
Edward T. Nagorny 2004-1407
Randall C. Treneff 2004-1375
James C. Young 2003-1865

TABLE 2 (continued)

**SANCTIONS ISSUED BY SUPREME COURT OF OHIO
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL
Name of Respondent and Supreme Court Case Number**

DISBARMENTS — 5

William Sam Bein 2004-1012
Jacqueline L. Tullos Johnson 2004-0432
Shirley May Jones 2004-1013
Peter M. Muhlbach 2003-1844
Lisa B. Avirov Stempler 2004-0414

RECIPROCAL DISCIPLINES — 9

Charles C. Corbin 2004-1441
David N. Fisher 2004-0549
Jack T. Flom 2004-0590
Jerry Arthur Jewett 2004-0926
John W. Kearns 2004-0019
Gary Robert Matthews 2004-1576
Jerry L. Maynard 2004-1666
John Louis Walkden 2004-1241
Harrison B. Wilson 2004-1295

RESIGNATIONS — 4

Craig S. Albert 2003-1724
James Easa 2003-2130
Stephen C. Kessen 2003-2199
Jean Bess Lifter 2004-0434

RESIGNATIONS PENDING DISCIPLINE — 16

Gary Franklin Billiter 2004-1447
Michael T. Carney 2003-2140
Mary Elizabeth Cittadino 2004-0790
Mark S. Colucci 2004-1590
Jonathon P. Evans 2003-2005
Howard M. Hackman 2004-0050
Jerome R. Hamilton 2004-1838
Edward Luther Harp 2004-1111
Otha M. Jackson 2003-2221
Eddie W. McCroom 2004-0219
Diane Y. Politi 2004-1717
Ronald Elsworth Reichard 2004-1190
David B. Roth 2004-1788
David S. Sims 2004-1786
Kathleen W. Striggow 2004-0668
Billie L. Warren 2003-1678

TABLE 3

**STATUS OF FORMAL MATTERS PENDING
AS OF DECEMBER 31, 2004**

Reinstatements 0

Before the Probable Cause Panel

Awaiting Certification to Board 0

Appeal of Panel Dismissal to Full board 0

**Before the Board of Commissioners
on Grievances and Discipline**

Awaiting Hearing 35

Awaiting Board Report 8

Before the Supreme Court of Ohio

Awaiting Oral Argument 4

Awaiting Supreme Court Decision 8

TOTAL PENDING 55

TABLE 4

ALL MATTERS RECEIVED BY ODC FROM OHIO COUNTIES IN THE YEAR 2004

Based on County of Respondent's Principal Ohio office location

Adams _____	2	Hamilton _____	203	Noble _____	1
Allen _____	17	Hancock _____	9	Ottawa _____	10
Ashland _____	5	Hardin _____	10	Paulding _____	3
Ashtabula _____	42	Harrison _____	6	Perry _____	8
Athens _____	12	Henry _____	4	Pickaway _____	9
Auglaize _____	5	Highland _____	6	Pike _____	1
Belmont _____	12	Hocking _____	19	Portage _____	26
Brown _____	19	Holmes _____	3	Preble _____	9
Butler _____	48	Huron _____	4	Putnam _____	3
Carroll _____	4	Jackson _____	17	Richland _____	19
Champaign _____	8	Jefferson _____	28	Ross _____	20
Clark _____	27	Knox _____	10	Sandusky _____	14
Clermont _____	39	Lake _____	37	Scioto _____	34
Clinton _____	16	Lawrence _____	17	Seneca _____	13
Columbiana _____	25	Licking _____	30	Shelby _____	3
Coshocton _____	6	Logan _____	10	Stark _____	90
Crawford _____	5	Lorain _____	32	Summit _____	170
Cuyahoga _____	567	Lucas _____	95	Trumbull _____	79
Darke _____	2	Madison _____	9	Tuscarawas _____	17
Defiance _____	7	Mahoning _____	117	Union _____	6
Delaware _____	17	Marion _____	20	Van Wert _____	5
Erie _____	26	Medina _____	18	Vinton _____	5
Fairfield _____	43	Meigs _____	5	Warren _____	22
Fayette _____	2	Mercer _____	13	Washington _____	17
Franklin _____	492	Miami _____	11	Wayne _____	14
Fulton _____	0	Monroe _____	2	Williams _____	6
Gallia _____	4	Montgomery _____	169	Wood _____	17
Geauga _____	12	Morgan _____	2	Wyandot _____	1
Greene _____	22	Morrow _____	13	Other _____	1
Guernsey _____	10	Muskingum _____	32	TOTAL _____	3,070

TABLE 5
FISCAL YEAR 2004
REPORT OF OPERATIONAL EXPENSES
OF THE OFFICE OF DISCIPLINARY COUNSEL
OF THE SUPREME COURT OF OHIO

I	Salaries	\$ 1,123,387.51
II	Fringe Benefits	\$ 307,655.46
III	Purchased Personal Services	\$ 64,155.89
IV	Education, Tuition and Training	\$ 3,556.00
V	Supplies and Materials	\$ 36,016.65
VI	Automobile and Equipment	\$ 39,443.27
VII	Travel and Conferences	\$ 33,637.56
VIII	Postal and Shipping Expenses	\$ 13,470.91
IX	Communication Expenses	\$ 16,434.00
X	Maintenance and Repair Services	\$ 17,860.52
XI	Building, Utilities and Facilities	\$ 196,480.88
XII	Insurances, Licenses and Permits	\$ 756.06
XIII	Books, Subscriptions and Membership Dues	\$ 29,216.59
XIV	Investigation and Discovery	<u>\$ 56,896.71</u>
	ODC - Operational Expenses for Fiscal Year 2004	<u>\$ 1,938,968.01</u>

Jonathan E. Coughlan, Disciplinary Counsel