

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY
January 25, 2001

DISCIPLINARY DOCKET

96-985. Disciplinary Counsel v. Mazer.

This matter is pending before the court upon the filing by respondent of an application for termination of probation on June 14, 2000, and motion to consider termination of probation on December 6, 2000. Upon consideration thereof,

IT IS HEREBY ORDERED that respondent's motion be, and hereby is granted to the extent that relator, Disciplinary Counsel, is ordered to show cause why it will not verify respondent's compliance with the terms of probation.

98-2657. Dayton Bar Assn. v. Baker.

IT IS ORDERED by this court, *sua sponte*, that Jeffery Paul Baker, Attorney Registration No. 0016170, last known address in Vandalia, Ohio, is found in contempt for failure to comply with this court's order of May 31, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before June 30, 2000.

99-157. Cincinnati Bar Assn. v. Bailey.

This cause came on for further consideration upon respondent's motion for relief from judgment on order of September 20, 2000. Upon consideration thereof,

IT IS ORDERED by the court that the motion for relief from judgment be, and hereby is, denied.

Lundberg Stratton, J., would also issue sanctions for frivolous conduct.

99-1897. Cuyahoga Cty. Bar Assn. v. Weirich.

IT IS ORDERED by this court, *sua sponte*, that William C. Weirich, Attorney Registration No. 0038122, last known address in Madison, Ohio, is found in contempt for failure to comply with this court's order of May 31, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before June 30, 2000.

99-2232. Columbus Bar Assn. v. Connors.

IT IS ORDERED by this court, *sua sponte*, that John J. Connors, Jr., Attorney Registration No. 0031717, last known business address in Columbus, Ohio, is found in contempt for failure to comply with this court's order of July 19, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before August 18, 2000.

99-2261. Cuyahoga Cty. Bar Assn. v. Meros.

IT IS ORDERED by this court, *sua sponte*, that Thomas Lynn Meros, Attorney Registration No. 0005345, last known business address in Cleveland, Ohio, is found in contempt for failure to comply with this court's order of July 12, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before August 11, 2000.

99-2265. Lorain Cty. Bar Assn. v. Fernandez.

IT IS ORDERED by this court, *sua sponte*, that Yolanda Fernandez, Attorney Registration No. 0062647, last known business address in Lorain, Ohio, is found in contempt for failure to comply with this court's order of May 24, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before June 23, 2000.

99-2268. Disciplinary Counsel v. Ryan.

IT IS ORDERED by this court, *sua sponte*, that Irving Andrew Ryan, Attorney Registration No. 0033416, last known business address in Berea, Ohio, is found in contempt for failure to comply with this court's order of June 21, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before July 21, 2000.

00-531. In re Resignation of Morton.

IT IS ORDERED by this court, *sua sponte*, that David Allen Morton, Attorney Registration No. 0017538, last known business address in Gahanna, Ohio, is found in contempt for failure to comply with this court's order of August 1, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before August 31, 2000.

00-810. In re Resignation of Polovischak.

IT IS ORDERED by this court, *sua sponte*, that Andrew Polovischak, Jr., Attorney Registration No. 0000107, last known business address in Youngstown, Ohio, is found in contempt for failure to comply with this court's order of August 11, 2000, to wit, failure to surrender his certificate of admission and attorney registration card and failure to file an affidavit of compliance on or before September 11, 2000.

00-868. In re Gambrel.

IT IS ORDERED by this court, *sua sponte*, that Paul Gambrel, Attorney Registration No. 0020716, last known business address in Youngstown, Ohio, is found in contempt for failure to comply with this court's order of May 31, 2000, to wit, failure to file an affidavit of compliance on or before June 30, 2000.

00-1181. In re Resignation of Arnold.

IT IS ORDERED by this court, *sua sponte*, that William R. Arnold, Attorney Registration No. 0037725, last known business address in Chardon, Ohio, is found in contempt for failure to comply with this court's order of August 1, 2000, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before August 31, 2000.

00-1875. In re Resignation of Emrich.

On affidavit of resignation from practice of law of Martin Wolfgang Emrich and report filed under seal by Disciplinary Counsel.

The resignation of Martin Wolfgang Emrich is accepted with designation "disciplinary action pending."

Lundberg Stratton, J., dissents, would not accept the resignation, and would have the disciplinary action proceed.

00-2099. Cincinnati Bar Assn. v. Clapp & Affiliates Fin. Serv., Inc.

On November 17, 2000, movant filed a motion to show cause why respondent should not be held in contempt for failure or refusal, without just cause or just excuse, to obey the commands of the court to appear in response to the subpoena *duces tecum* issued by the Board of Commissioners on the Unauthorized Practice of Law and to produce the documents the production of which was ordered by the subpoena *duces tecum*. Upon consideration thereof,

IT IS ORDERED by this court that the motion be and is hereby granted to the extent that respondent show cause by filing a written response with the Clerk of this court on or before twenty days from the date of this order why respondent should not be punished for contempt.

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.

Douglas and Resnick, JJ., would hold respondent in contempt.

00-2277. In re Mudrick.

On December 19, 2000, 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 certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against Robert S. Mudrick, a.k.a. Robert Stephan Mudrick, 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 Robert S. Mudrick, a.k.a. Robert Stephan Mudrick, Attorney Registration No. 0008330, last known business address in Fairlawn, Ohio, be, and hereby 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 be, and is hereby, referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

IT IS FURTHER ORDERED that Robert S. Mudrick, a.k.a. Robert Stephan Mudrick, 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, effective immediately, he be 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 he 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, 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 ninety 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 ninety days of the notice of such award.

IT IS FURTHER ORDERED that on or before thirty days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of his suspension and his 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 his place;

2. Regardless of any fees or expenses due him, 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 his possession or control;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of his 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 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 Attorney Registration Office.

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.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.