

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

June 15, 2009

[Cite as *06/15/2009 Case Announcements*, 2009-Ohio-2780.]

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### **SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF JUNE 15, 2009**

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the June 15, 2009 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

**2008-0584 and 2008-0630. Medcorp, Inc. v. Ohio Dept. of Job & Family Servs., 121 Ohio St.3d 622, 2009-Ohio-2058.**

**2008-0678. State v. Macalla, 121 Ohio St.3d 606, 2009-Ohio-1904.**

**2008-1630. State v. Chiominto, 121 Ohio St.3d 606, 2009-Ohio-1905.**

**2008-2068. Medina Cty. Bar Assn. v. Lewis, 121 Ohio St.3d 596, 2009-Ohio-1765.**

**2008-2331. Bogan v. Hall, 121 Ohio St.3d 608, 2009-Ohio-1930.**

**2008-2405. Disciplinary Counsel v. Wineman, 121 Ohio St.3d 614, 2009-Ohio-2005.**

**2008-2407. Cleveland Bar Assn. v. Slavin, 121 Ohio St.3d 618, 2009-Ohio-2015.**

**2008-2469. Cleveland Metro. Bar Assn. v. Parrish, 121 Ohio St.3d 610, 2009-Ohio-1969.**

**2009-0132. State v. Petty, 121 Ohio St.3d 607, 2009-Ohio-1906.**

**2009-0226. Martin v. Woods, 121 Ohio St.3d 609, 2009-Ohio-1928.**

**2009-0614. State ex rel. Morgan v. Strickland, 121 Ohio St.3d 600, 2009-Ohio-1901.**

### **DISCIPLINARY CASES**

**2008-0007. Columbus Bar Assn. v. Peden.**

On May 15, 2008, this court issued an order suspending respondent, John Joseph Peden, Attorney Registration No. 0021233, last known business address in Columbus, Ohio, from the practice of law for a period of six months with the entire six months stayed and ordering respondent to be placed on monitored probation for a period of one year, with conditions. It was further ordered that if respondent violated the conditions, the stay would be lifted, and respondent would serve the entire six-month suspension. Respondent was ordered to pay board costs in the amount of \$888.40. These costs and all accrued interest remain unpaid.

On November 17, 2008, respondent was ordered to show cause why he should not be found in contempt for failure to comply with the court's order of suspension. Respondent has not paid the board costs in the case. Upon consideration thereof,

It is ordered that respondent is found in contempt for failure to comply with the court's May 15, 2008 order. It is further ordered that respondent is suspended until board costs and accrued interest are paid in full. All other terms of the May 15, 2008 order remain in effect.

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 instruments 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 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, sua sponte, by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent 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 respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

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 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 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 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 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 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 respondent 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 Columbus 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 Attorney Services 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.

**2008-0816. Cincinnati Bar Assn. v. Heisler.**

It is ordered by this court, sua sponte, that Dwight Daniel Heisler, Attorney Registration No. 0029005, last known business address in Bowling Green, Ohio, is found in contempt for failure to comply with this court's order of October 14, 2008, to wit: failure to file an affidavit of compliance on or before November 13, 2008.