



HAPPENING NOW

May Disciplinary Hearings Announced

Staff Report | April 25, 2016

The Board of Professional Conduct today announced the disciplinary hearings involving attorneys and judges charged with professional misconduct that are scheduled in May. All hearings take place before a three-member panel of the board and are open to the public.

Hearings may be continued for good cause at any time. Contact the board's office at 614.387.9370 to confirm that a hearing will be held as scheduled. Upon request, case documents can be obtained via email.

May 2

Disciplinary Counsel, Relator v. Ronnie Michael Tamburrino, Respondent

Case No. 2015-078

Respondent's address: 6666 Dawsey Road, Rock Creek

Respondent's counsel: Donald Brey, Columbus

Hearing Time/Location: 10 a.m.; Fifth District Court of Appeals, Citizens Building, 110 Central Plaza, Suite 320, Canton

May 6

Disciplinary Counsel, Relator v. Judge Edward Joseph Elum, Respondent

Case No. 2015-069

Respondent's address: Massillon Municipal Court, Two James Duncan Plaza, Massillon

Respondent's counsel: George Jonson and Brian Spiess, Cincinnati

Hearing Time/Location: 10 a.m.; Thomas J. Moyer Ohio Judicial Center, 65 S. Front St., North Hearing Room 106, Columbus

May 6

Disciplinary Counsel, Relator v. Timothy Harman Champion, Respondent

Case No. 2015-071

Respondent's address: 1655 W. Market St., Suite 200, Akron

Respondent's counsel: Donald Malarcik Jr., Akron

Hearing Time/Location: 10 a.m.; Moyer Judicial Center, West Hearing Room 104

May 9

Toledo Bar Association, Relator v. Beauregard Maximillion Harvey, Respondent

Case No. 2015-004

Respondent's address: P.O. Box 832, Sylvania

Respondent's counsel: Tim Dugan, Toledo

Hearing Time/Location: 10 a.m.; Moyer Judicial Center, North Hearing Room 106

May 13

Disciplinary Counsel, Relator v. Thomas Patrick Maney Jr., Respondent

Case No. 2015-074

Respondent's address: 7100 Huntley Road, Suite 202, Columbus

Respondent's counsel: William Mann, Powell

Hearing Time/Location: 10 a.m.; Moyer Judicial Center, North Hearing Room 106

May 16

Disciplinary Counsel, Relator v. Charles Gary Mickens, Respondent

Case No. 2015-051

Respondent's address: 219 Beachwood Drive, Youngstown

Respondent's counsel: None

Hearing Time/Location: 9 a.m.; Moyer Judicial Center, North Hearing Room 106

May 23

Disciplinary Counsel, Relator v. Alan Jack Rapoport, Respondent

Case No. 2015-073

MOST SHARED

Law Presuming Juvenile's Statement in Police Custody Was Voluntary Ruled Unconstitutional

Franklin County Municipal Court Opens Self-Help Center

Court to Decide if Business Tax Can Be Imposed on Out-of-State E-Commerce Companies

May Disciplinary Hearings Announced

Ohio Committee Looks to Reform Bail and Pretrial Services

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Respondent's address: 25700 Science Park Drive, Suite 270, Beachwood
Respondent's counsel: Monica Sansalone, Cleveland
Hearing Time/Location: 10 a.m.; Moyer Judicial Center, North Hearing Room 106

May 24

Reinstatement of Joseph Patrick O'Malley, Petitioner; Disciplinary Counsel, Relator

Case No. 2011-113

Petitioner's address: 3408 Balsam Drive, Westlake
Petitioner's counsel: Larry James, Columbus
Hearing Time/Location: 10 a.m.; Moyer Judicial Center, North Hearing Room 106

May 26 & 27

Disciplinary Counsel, Relator v. Richard Lake Hiatt, Respondent

Case No. 2014-100

Respondent's address: 1219 Grace Ave, Apt. 2, Cincinnati
Respondent's counsel: None
Hearing Time/Location: 10 a.m.; Moyer Judicial Center, North Hearing Room 106

May 26

Lorain County Bar Association, Relator v. Patrick Charles Mackin, Respondent

Case No. 2015-041

Respondent's address: P.O. Box 77, 33467 Lake Road, Suite 111, Avon Lake
Respondent's counsel: Thomas Mackin, Perrysburg
Hearing Time/Location: 10 a.m.; Moyer Judicial Center, West Hearing Room 104

May 31

Disciplinary Counsel, Relator v. Steven Powell Schnittke, Respondent

Case No. 2015-075

Respondent's address: 114 S. High St., P.O. Box 536, New Lexington
Respondent's counsel: Christopher Weber and Jason Bechler, Columbus
Hearing Time/Location: 10 a.m.; Moyer Judicial Center, North Hearing Room 106

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HAPPENING NOW

48 Victims of Attorney Theft Awarded Nearly \$300,000

By Staff Report | June 16, 2016

The Board of Commissioners of the Lawyers' Fund for Client Protection awarded \$297,671.06 to 48 victims of attorney theft at its quarterly meeting June 10 in Cleveland.

In all, 15 former or suspended Ohio attorneys were found to have misappropriated client funds. Four deceased attorneys also were involved in the claims presented to the board. Here are the award amounts, which attorney was involved in the misappropriation, and the county of origin.

Cuyahoga County

The board determined that former clients of seven attorneys were eligible for reimbursement.

- A former client of suspended attorney Gary R. Axner was reimbursed \$1,350 as a result of Axner's failure to provide the services requested. Axner's license to practice law in Ohio was suspended indefinitely on July 13, 2015.
- A former client of former attorney Kenneth J. Freeman was reimbursed \$1,200 as a result of Freeman's failure to provide the services requested. Freeman was permanently disbarred from the practice of law in Ohio on March 6, 2013.
- Five former clients of former attorney Paul M. Kaufman were reimbursed a total of \$50,990 as a result of Kaufman's failure to account for and/or distribute funds belonging to his clients. Kaufman resigned from the practice of law in Ohio, with discipline pending, on April 1, 2015.
- A former client of former attorney Kevin Purcell was reimbursed \$3,600 as a result of Purcell's failure to provide the services requested. Purcell resigned from the practice of law in Ohio, with discipline pending, on May 28, 2015.
- A former client of deceased attorney James T. Schumacher was reimbursed \$229.06 as a result of Schumacher's failure to complete the services requested before his death on Oct. 10, 2013.
- Two former clients of deceased attorney Stephen O. Walker were reimbursed \$21,000 as a result of Walker's failure to complete the services requested before his death on Sept. 11, 2014.
- Two former clients of former attorney James W. Westfall Jr. were reimbursed a total of \$2,769 as a result of Westfall's failure to provide the services requested. Westfall resigned from the practice of law in Ohio, with discipline pending, on Aug. 30, 2013.

Erie County

- A former client of former attorney Roger S. Stark was reimbursed \$3,000 as a result of Stark's failure to account for funds belonging to his client. Stark resigned from the practice of law in Ohio, with discipline pending, Aug. 17, 2015.

Franklin County

The board awarded reimbursement to former clients of four attorneys.

- Fifteen former clients of suspended attorney Mohammed Noure Alo were reimbursed a total of \$75,905 as a result of Alo's failure to provide the services requested. Alo's license to practice law in Ohio was suspended indefinitely on Aug. 17, 2015.
- Two former clients of suspended attorney Javier H. Armengau were reimbursed a total of \$7,000 as a result of Armengau's failure to provide the services requested. Armengau's license to practice law in Ohio was suspended on Sept. 15, 2014 following his felony conviction.
- Former clients of deceased attorney Ted R. Howard were reimbursed \$420 as a result of Howard's failure to complete the services requested before his death on Feb. 18, 2015.

MOST SHARED

Board of Professional Conduct Releases Two Advisory Opinions

Governor Fills Summit County Common Pleas Court Vacancy

Court Resolves How Federal Debt Collection and State Consumer Sales Laws Impact Debt-Buyers and Collection Lawyers

Tax Commissioner Must Refund Nearly \$360,000 Income-Tax Penalty

Lima Attorney Receives One-Year Suspension

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- Former clients of suspended attorney Joseph D. Reed were reimbursed \$1,000 as a result of Reed's failure to provide the services requested. Reed's license to practice law in Ohio was suspended on March 8.

Hamilton County

- A former client of former attorney Harold K. Garrison was reimbursed \$1,500 as a result of Garrison's failure to provide the services requested. Garrison resigned from the practice of law in Ohio, with discipline pending, March 24, 2014.

Huron County

- Five former clients of suspended attorney Charles R. Smith III were reimbursed a total of \$5,413 as a result of Smith's failure to provide the services requested. Smith's license to practice law in Ohio was suspended indefinitely on March 10.

Mahoning County

- Two former clients of suspended attorney Frank N. Fagnano were reimbursed a total of \$854 as a result of Fagnano's failure to provide the services requested. Fagnano's license to practice of law in Ohio was suspended indefinitely on Feb. 3.

Montgomery County

- Two former clients of deceased attorney James R. Greene III were reimbursed a total of \$12,500 as a result of Greene's failure to complete the services requested before his death on May 28, 2014.

Morrow County

- Former clients of former attorney William M. Adams were reimbursed \$1,930 as a result of Adams' failure to provide the services requested. Adams resigned from the practice of law in Ohio, with discipline pending, on April 18, 2014.

Preble County

- Three former clients of suspended attorney James W. Thomas Jr. were reimbursed a total of \$106,186 as a result of Thomas' failure to account for client funds. Thomas' license to practice law in Ohio was suspended indefinitely on April 20.

Trumbull County

- A former client of suspended attorney Robert L. Johnson was reimbursed \$825 as a result of Johnson's failure to provide the services requested. An Interim Default Suspension from the practice of law in Ohio was entered against Johnson on March 4, 2014

The Lawyers' Fund for Client Protection, formerly known as the Clients' Security Fund, was created in 1985 by the Supreme Court of Ohio to reimburse victims of attorney theft, embezzlement or misappropriation. The fund is not taxpayer funded, but is financed by registration fees paid by every Ohio attorney. Ohio has more than 44,000 attorneys engaged in the active practice of law. Less than 1 percent of those attorneys is involved in claims reimbursed by the fund.

Law clients who believe they have sustained financial losses resulting from attorney theft, embezzlement or misappropriation should contact the fund by calling 614.387.9390 or 1.800.231.1680.

2 in 10 attorneys have drinking problems

A new study conducted by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs reveals substantial and widespread levels of problem drinking and other behavioral health problems in the U.S. legal profession.

The study reports that 21 percent of licensed, employed attorneys qualify as problem drinkers, 28 percent struggle with some level of depression and 19 percent demonstrate symptoms of anxiety.

The study found that younger attorneys in the first 10 years of practice exhibit the highest incidence of these problems.

The findings of the national study, the most comprehensive ever, represent a reversal of previous research that indicated rates of problem drinking increased as individuals spent more time in the legal profession. When focusing solely on the volume and frequency of alcohol consumed, more than 1 in 3 practicing attorneys are problem drinkers, the study found.

Attorneys compared to other professionals, including doctors, experience alcohol use disorders at a far higher rate than other professional populations. Mental health distress is also more significant. The study found that the most common barriers for attorneys to seek help were fear of others finding out and general concerns about confidentiality.

The collaborative research project marks the first nationwide attempt to capture such data about legal professionals. Approximately 15,000 attorneys from 19 states and across all regions of the country participated in the study.

If you or a colleague you know needs help, contact the Ohio Lawyers Assistance Program (OLAP) at (800) 348-4343.