

# The Supreme Court of Ohio

DEC 12 2012

CLERK OF COURT  
SUPREME COURT OF OHIO

Case Nos. 2008-1708 & 2012-0238

Cleveland Metropolitan Bar Association,  
Relator,

v.

Dennis J. Polke,  
Respondent.

ON CERTIFIED REPORT BY THE  
BOARD OF COMMISSIONERS ON  
GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT

## ORDER

On January 22, 2009, in *Cleveland Metropolitan Bar Association v. Dennis J. Polke*, case No. 2008-1708, respondent, Dennis J. Polke, was suspended on an interim basis pursuant to Gov.Bar R. V(7). Pursuant to this court's order, respondent was required to file with the clerk of this court an affidavit showing compliance with the order, showing proof of service of all notices required by the order, and setting forth the address where respondent would receive communications. Respondent did not file an affidavit of compliance. Respondent was also ordered to pay costs in this matter, and he did not pay.

The Board of Commissioners on Grievances and Discipline filed its final report in this court on February 15, 2012, recommending that pursuant to Rule V(7)(F) of the Supreme Court Rules for the Government of the Bar of Ohio, respondent's mental illness suspension imposed in case No. 2008-1708 be terminated and that pursuant to Gov.Bar R. V(6)(B)(3) respondent be suspended from the practice of law for a period of one year with the entire suspension stayed on conditions. Respondent filed no objections to said final report, and this cause was considered by the court.

On consideration thereof, it is ordered and adjudged by this court, consistent with the opinion rendered herein, that respondent's suspension imposed in case No. 2008-1708 pursuant to Gov.Bar R. V(7) is terminated, and that pursuant to Gov.Bar R. V(6)(B)(3) respondent, Dennis J. Polke, Attorney Registration Number 0030896, last known business address in Euclid, Ohio, is suspended from the practice of law for a period of one year with the entire suspension stayed on the conditions that respondent (1) rectify any existing Continuing Legal Education deficiency and maintain compliance with all Gov.Bar R. X requirements, including those ordered by the court on January 22, 2009, in case No. 2008-1708, (2) reimburse the Clients' Security Fund for all awards made to the clients affected by his misconduct herein or obtain a determination of dischargeability from the appropriate bankruptcy court, (3) enter into an Ohio Lawyers Assistance Program ("OLAP") contract for a duration to be determined by OLAP and comply with all treatment recommendations, (4) serve a one-year period of monitored probation in accordance with Gov.Bar R. V(9), (5) pay the costs associated with his mental health suspension as ordered by this court on January 22, 2009, in the amount of \$8,912.55, which includes accrued interest through the date of this order, or obtain a determination of discharge-ability from the appropriate bankruptcy court, and (6) commit no further misconduct. It is further ordered that if respondent fails to comply with the conditions of the stay, the stay will be revoked, and respondent will serve the full one-year suspension.

It is further ordered that on or before 30 days from the date of this order, relator shall file the name of an attorney who will monitor respondent during the probation. It is further ordered that at the end of the probationary period, relator shall file a report with this court indicating whether respondent has complied with the terms of probation including monitoring.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$2,971.55, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order. If respondent fails to pay the costs on or before 90 days from the date of this order, he will be held in contempt, the stay of his suspension will be revoked, and he will serve the entire one-year suspension.

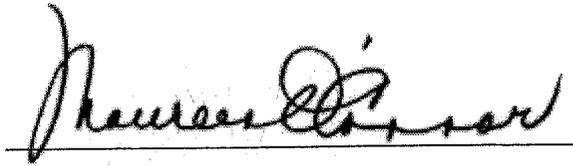
It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after 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 at the end of the probationary period respondent may apply for termination of probation. It is further ordered that respondent's probation will not be terminated until (1) respondent files an application for termination of probation in accordance with Gov.Bar R. V(9)(D); (2) relator files a report with the clerk of the Supreme Court indicating that respondent has complied with the terms and conditions of probation during the probationary period; (3) respondent complies with this order and all other orders issued by this court; (4) respondent complies with the Rules for the Government of the Bar of Ohio; and (5) this court issues an order terminating respondent's probation.

It is further ordered that respondent shall keep the clerk, the Cleveland Metropolitan Bar Association, and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

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, to respondent's last known address.

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.

A handwritten signature in black ink, appearing to read "Maureen O'Connor", written over a horizontal line.

Maureen O'Connor  
Chief Justice