

The Supreme Court of Ohio FILED

Case No. 2015-0290 OCT 20 2015

Mahoning County Bar Association,
Relator,
v.
David John Gerchak,
Respondent.

ON CERTIFIED REPORT BY THE CLERK OF COURT
BOARD OF PROFESSIONAL SUPREME COURT OF OHIO
CONDUCT OF THE SUPREME COURT

ORDER

The Board of Professional Conduct filed its final report in this court on February 18, 2015, recommending that, pursuant to Gov.Bar R. V(12)(A)(3), respondent, David John Gerchak, be suspended from the practice of law for a period of two years, with the suspension stayed in its entirety on conditions. No objections to said final report were filed, and this cause was considered by the court.

On consideration thereof, it is ordered and adjudged by this court that pursuant to Gov.Bar R. V(12)(A)(3) and consistent with the opinion rendered herein, respondent, David John Gerchak, Attorney Registration No. 0069060, last known business address in Youngstown, Ohio, is suspended from the practice of law for a period of two years, all stayed on the conditions that respondent (1) submit to a two-year period of probation pursuant to Gov.Bar R. V(21), during which he shall work with a monitoring attorney, (2) annually complete a minimum of three hours of continuing legal education on law-office management, and (3) commit no further misconduct. It is further ordered that if respondent fails to comply with the conditions of the stay, the stay will be lifted, and respondent will serve the entire two-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 \$1,750.87, 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 and the matter may be referred to the Attorney General for collection. It is further ordered that respondent is liable for all collection costs pursuant to R.C. 131.02 if the debt is certified to the Attorney General for collection. Respondent may be held in contempt and suspended until costs and all accrued interest are paid in full.

It is further ordered 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 Lawyers' Fund for Client Protection pursuant to Gov.Bar R. VIII(7)(F). It is further ordered by the court that if after the date of this order the Lawyers' Fund for Client Protection awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Lawyers' Fund for Client Protection 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(21)(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 Mahoning County Bar Association, and disciplinary counsel advised of any change of address where respondent may receive communications.

It is further ordered 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(17)(D)(1) and that publication be made as provided for in Gov.Bar R. V(17)(D)(2).

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

Maureen O'Connor
Chief Justice