

The Supreme Court of Ohio

FILED

Case No. 2015-1641

JUN 14 2016

Disciplinary Counsel,
Relator,
v.
John Edward Mahin,
Respondent.

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

ORDER

On January 9, 2015, in *In re: John Edward Mahin*, case No. 2015-0014, respondent, John Edward Mahin, was suspended on an interim basis pursuant to Gov.Bar R. V(18). 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 filed an affidavit of compliance.

The Board of Professional Conduct filed a final report in the office of the clerk of this court pursuant to Gov.Bar R. V(16), in which it accepted the agreement entered into by relator, disciplinary counsel, and respondent, John Edward Mahin. The agreement set forth the misconduct and the agreed, recommended sanction of a two-year suspension from the practice of law, with one year stayed on conditions, and with credit for time served under the interim felony suspension imposed on January 9, 2015. The board recommended that the agreement be accepted. The court issued an order waiving the issuance of a show cause order, and this matter was submitted to the court on the report and record filed by the board.

On consideration thereof, it is ordered and adjudged by this court that case No. 2015-0014 is dismissed, and that pursuant to Gov.Bar R. V(12)(A)(3) and consistent with the opinion rendered herein, respondent, John Edward Mahin, Attorney Registration No. 0011253, last known business address in Cincinnati, Ohio, is suspended from the practice of law for a period of two years with the second year stayed on the conditions that respondent (1) continue psychological counseling, (2) comply with his Ohio Lawyers Assistance Program contract dated June 22, 2012, as extended on February 20, 2015, (3) submit to law-practice-management counseling, including counseling on client trust accounts, as set forth in exhibit 7 of the consent-to-discipline agreement, (4) serve a two-year period of monitored probation upon his reinstatement to the practice of law, and (5) refrain from any further misconduct. It is further ordered that if respondent fails to comply with the conditions of the stay, the stay will be lifted and he will serve the entire two-year suspension. It is further ordered that respondent shall receive credit for time served under the interim felony suspension imposed on January 9, 2015.

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, advise, or prepare legal instruments for others or in any manner perform legal services for others.

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(23)(C). If employed pursuant to Gov.Bar R. V(23), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(23)(A)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$18.56, 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. It is further ordered that respondent may not apply for reinstatement 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, pursuant to Gov.Bar R. X(13), 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(13), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(B) 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 do the following:

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

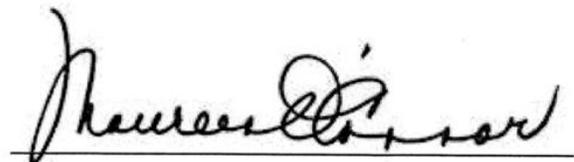
legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;

2. Regardless of any fees or expenses due, 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 respondent's possession or control;
4. Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation 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 disciplinary counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of the 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 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).



Maureen O'Connor
Chief Justice