

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

07-0310

In Re:	:	
Complaint against	:	Case No. 06-088
John D. Good	:	Findings of Fact,
Attorney Reg. No. 0058514	:	Conclusion of Law and
	:	Recommendation of the
Respondent	:	Board of Commissioner on
	:	Grievances and Discipline of
Ohio State Bar Association	:	the Supreme Court of Ohio
	:	
Relator	:	
	:	

FILED
FEB 15 2007
MARCIA J MENGEL, CLERK
SUPREME COURT OF OHIO

This matter was submitted to the hearing panel as a consent to discipline matter pursuant to Section 11 of the Rules and Regulations Governing Procedure on Complaints and Hearings before the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. The consent to discipline was filed on January 5, 2007, which was prior to and therefore within sixty days of the appointment of the hearing panel.

In the affidavit filed in conjunction with the consent to discipline agreement, both of which are attached to this report, Respondent has admitted the truth of the material facts relevant to the misconduct stipulated to in the agreement.

Specifically, Respondent was admitted to the practice of law in Ohio on May 18, 1992. At issue in this case are actions taken by Respondent in Florida, which resulted in a May 24, 2006 decision of the Supreme Court of Florida finding that Respondent had engaged in the practice of law in Florida without a license. See *The Florida Bar v. John Derek Good*, Case No. SC04-418. In that case, the Supreme Court of Florida fined

Respondent a total of \$6,000.00, representing a monetary penalty of \$1,000.00 for each of the six instances of unlicensed practice of law in Florida.

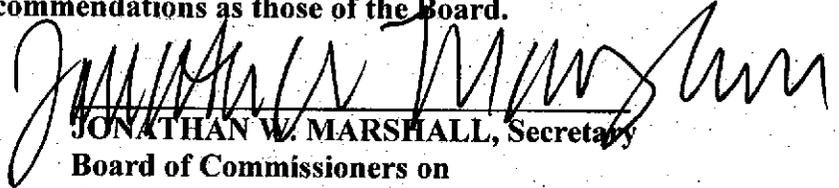
Pursuant to the consent to discipline submitted in the instant case, Respondent specifically admits that his conduct in Florida constituted violations of the following provisions of the Code of Professional Responsibility: DR 1-102(A)(5) – Engaging in conduct that is prejudicial to the administration of justice; and DR 3-101(B) – Practicing law in a jurisdiction where to do so would be in violation of the regulations of the profession in that jurisdiction.

The hearing panel unanimously finds that this consent to discipline conforms to BCGD Proc. Reg. Sec. 11 and further the undersigned members of the panel recommend acceptance of the consent to discipline including the stipulated violations of DR1-102(A)(5) and DR3-101(B), and concur in the agreed sanction of a six month suspension from the practice of law in Ohio.

Board Recommendation

Pursuant to Gov. Bar Rule V (6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on February 9, 2007. The Board voted to accept and adopt the agreement entered into by the Relator and Respondent. The agreement sets forth the misconduct and the sanction of a six month suspension which is the recommendation of the Board. The Board further recommends that the cost of these proceedings be taxed to the Respondent in any disciplinary order entered, so that execution may issue.

**Pursuant to the order of the Board of Commissioners on
Grievances and Discipline of The Supreme Court of Ohio,
I hereby certify the foregoing Findings of Fact, Conclusions
of Law, and Recommendations as those of the Board.**

A handwritten signature in black ink, appearing to read 'Jonathan W. Marshall', is written over a horizontal line.

**JONATHAN W. MARSHALL, Secretary
Board of Commissioners on
Grievances and Discipline of
The Supreme Court of Ohio**

**BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE OF THE SUPREME COURT OF OHIO**

In the Matter of:

JOHN DEREK GOOD,

Respondent;

OHIO STATE BAR ASSOCIATION
LEGAL ETHICS AND PROFESSIONAL
CONDUCT COMMITTEE,

Relator.

085 AS
Case No. 06-089

FILED

JAN 05 2007

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

**AGREEMENT FOR DISPOSITION OF DISCIPLINARY PROCEEDING – ADMISSION
OF MISCONDUCT AND CONSENT TO DISCIPLINE**

**OHIO STATE BAR ASSOCIATION, LEGAL ETHICS AND PROFESSIONAL
CONDUCT COMMITTEE, and JOHN DEREK GOOD (“Good”) make this Agreement
For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent
to Discipline (the “Agreement”) effective December 27th, 2006. Ohio State Bar
Association, Legal Ethics and Professional Conduct Committee, a certified
grievance committee (the “Bar”), maintains its principal offices at 1700 Lake Shore
Drive, Columbus, Ohio 43204. John Derek Good resides at 730 Planters Manor
Way, Bradenton, Florida 34212.**

Recitals

1. On December 4, 2006, a Probable Cause Panel of the Board of Commissioners on Grievances and Discipline of The Supreme Court of Ohio (the "Board") issued and entered an order certifying that the Bar had probable cause to file a complaint charging Good with misconduct within the meaning of Gov Bar Rule V, § 6(A)(1).

2. On that same day, the Bar filed with the Board a complaint charging Good with misconduct within the meaning of Gov Bar Rule V, § 6(A)(1).

3. The Bar captioned the proceedings before the Board *In re Complaint Against John Derek Good, Respondent; Ohio State Bar Association, Relator*.

4. The Secretary of the Board assigned the proceedings Case No. 06-089.

5. On December 7, 2006, the Secretary of the Board notified Good that the Bar had filed the complaint, thereby commencing Case No. 06-089.

6. In Case No. 06-089, the Bar charged Good with violating (i) the oath of office Good took when the Supreme Court of Ohio admitted him to the practice of law in the State of Ohio, and (ii) the Code of Professional Responsibility, specifically DR 1-102(A)(4) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and DR 1-102(A)(5) (A lawyer shall not engage in conduct that is prejudicial to the administration of justice); and DR 3-101(B) (A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction).

7. In disposing of Case No. 06-089, Good wishes to proceed under § 11, of the Rules and Regulations for the Board of Commissioners on Grievances and

Discipline of the Supreme Court, and to admit that he committed some of the misconduct with which the Bar has charged him in the complaint and to agree to the sanction he should receive from that misconduct.

8. In disposing of Case No. 06-089, the Bar is willing to proceed under §11, of the Rules and Regulations for the Board of Commissioners on Grievances and Discipline of the Supreme Court, on the terms set out in this Agreement.

CONSENT-TO-DISCIPLINE AGREEMENT

1. **Conditional Admission by Good.** Subject to the Board accepting this Agreement as a consent-to-discipline agreement under § 11, of the Rules and Regulations for the Board of Commissioners on Grievances and Discipline of the Supreme Court, Good admits that:

- a. on May 18, 1992, the Supreme Court of Ohio admitted Good to the practice of law in the State of Ohio;
- b. on May 24, 2006, the Supreme Court of Florida entered a judgment in *The Florida Bar v. John Derek Good*, Docket No. SC04-418 ("Case No. SC04-418"), finding that in violation of The Rules Regulating the Florida Bar, Rule 10, John Derek Good had engaged in the practice of law in Florida without a license to do so;
- c. as part of its judgment in Case No. SC04-418, the Supreme Court of Florida imposed on John Derek Good a monetary penalty in the amount of \$6,000, representing a monetary penalty in the amount of \$1,000 for each incident of unlicensed practice of law; and

d. the acts and conduct, for which the Supreme Court of Florida found Good guilty of engaging in the practice of law in Florida without a license to do so, constitute grounds for a finding that Good violated (i) the oath of office Respondent took when the Supreme Court of Ohio admitted him to the practice of law in the State of Ohio, and (ii) the Code of Professional Responsibility, specifically DR 1-102(A)(5) (A lawyer shall not engage in conduct that is prejudicial to the administration of justice) and DR 3-101(B) (A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction).

2. **Conditional Agreement as to Sanction for Misconduct.** Subject to the Board accepting this Agreement as a consent-to-discipline agreement under § 11, of the Rules and Regulations for the Board of Commissioners on Grievances and Discipline of the Supreme Court:

a. Good admits that an appropriate sanction for Good's misconduct, a judgment of six incidents of unlicensed practice-of-law in Florida, is a suspension from the practice of law for a term of six months; and

b. The Bar and Good agree that as a sanction for the misconduct Good admits, Good should suffer a suspension from the practice of law for a term of six months.

3. **Affidavit of John Derek Good.** The Bar and Good attach to this Agreement an affidavit Good executes to effect this Agreement. In the affidavit,

Good:

a. admits:

- i. on May 18, 1992, the Supreme Court of Ohio admitted Good to the practice of law in the State of Ohio;
- ii. on May 24, 2006, the Supreme Court of Florida entered a judgment in *The Florida Bar v. John Derek Good*, Docket No. SC04-418 ("Case No. SC04-418"), finding that in violation of Florida law, John Derek Good had engaged in the practice of law in Florida without a license to do so;
- iii. as part of its judgment in Case No. SC04-418, the Supreme Court of Florida imposed on John Derek Good a monetary penalty in the amount of \$6,000, representing a monetary penalty in the amount of \$1,000 for each incident of unlicensed practice of law; and
- iv. the acts and conduct, for which the Supreme Court of Florida found Good guilty of engaging in the practice of law in Florida without a license to do so, constitute grounds for a finding that Good violated (1) the oath of office Respondent took when the Supreme Court of Ohio admitted him to the practice of law in the State of Ohio, and (2) the Code of Professional Responsibility, specifically DR 1-102(A)(5) (A lawyer shall not engage in conduct that is prejudicial to the administration of justice) and DR 3-101(B) (A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction);

b. admits that these facts constitute grounds for the Supreme Court of Ohio to impose discipline on him;

c. acknowledges that this Agreement sets forth all charges of misconduct currently pending before the Board;

d. acknowledges that as discipline for his misconduct, Good agrees to a suspension from the practice of law for a term of six months;

e. acknowledges that Good (i) freely and voluntarily admits the facts serving as the basis for the Bar's discipline complaint against him, (ii) no one coerced Good, and no used force or any threat to compel Good, to make the admissions, or to consent to the sanction, set out in this Agreement, (iii) Good makes the admissions, and consents to the sanction, set out in this Agreement fully aware of the implications of doing so on his ability to practice law in Ohio;

f. Good's admissions and agreement are freely and voluntarily given, without coercion or duress, and Good is fully aware of the implications of the admissions and agreements on his ability to practice law in Ohio; and

g. acknowledges Good's understanding that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct Good admits.

The Bar and Good identify the affidavit as "Exhibit A."

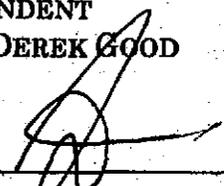
4. **Aggravating Factors.** Good was found guilty on summary judgment by The Supreme Court of Florida of having engaged in unlicensed practice of law in Florida on six occasions.

5. **Mitigating Factors.** The Supreme Court of Ohio has never disciplined Good. Neither dishonesty nor selfishness, motivated Good to engage in the alleged conduct constituting "misconduct." Good had previously been charged (and

acquitted at jury trial) with the crime of "Fraud – Misrepresentation of Self As Qualified to Practice Law" (FS Sec. 454.23) for the same acts for which he was later found guilty by The Florida Supreme Court. The Supreme Court of Florida has fined Good \$6,000 for the conduct constituting "misconduct" and Good has paid that fine. Good has cooperated in these disciplinary proceedings.

Dated: 12/27/2006

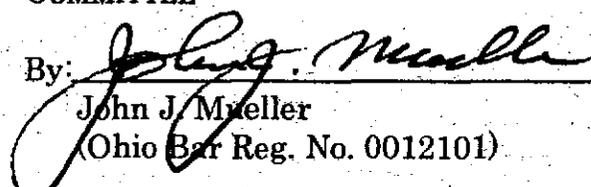
RESPONDENT
JOHN DEREK GOOD



John Derek Good
(Ohio Bar Reg. No. 0058514)

Dated: December 28, 2006

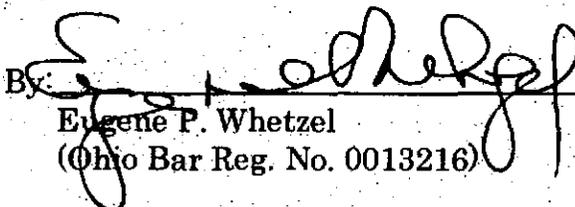
RELATOR
OHIO STATE BAR ASSOCIATION, LEGAL
ETHICS AND PROFESSIONAL CONDUCT
COMMITTEE

By: 

John J. Mueller
(Ohio Bar Reg. No. 0012101)

Trial Counsel for Relator, Ohio
State Bar Association, Legal Ethics
& Professional Conduct Committee,
a Certified Grievance Committee

Dated: January 5, 2007

By: 

Eugene P. Whetzel
(Ohio Bar Reg. No. 0013216)

Co-counsel for Relator, Ohio State
Bar Association, Legal Ethics &
Professional Conduct Committee, a
Certified Grievance Committee

**BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE OF THE SUPREME COURT OF OHIO**

In the Matter of: :
:
JOHN DEREK GOOD, :
: **Respondent:** :
:
OHIO STATE BAR ASSOCIATION :
LEGAL ETHICS AND PROFESSIONAL :
CONDUCT COMMITTEE, :
:
Relator. :

Case No. 06-089

FILED

JAN 05 2007

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

AFFIDAVIT OF JOHN DEREK GOOD

STATE OF FLORIDA

ss.

COUNTY OF SARASOTA

After swearing according to law, John Derek Good, testifies that:

1. The Supreme Court of Ohio admitted me to the practice of law in the State of Ohio on May 18, 1992.

2. The Supreme Court of Ohio, Attorney Services Division, Attorney Registration Section, has assigned me Attorney Registration No. 0058514.

3. I am the John Derek Good named as respondent in a proceeding before the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio (the "Board") that the Ohio State Bar Association, Legal Ethics and Professional Conduct Committee, a certified grievance committee (the "Bar"), has captioned *In re Complaint Against John Derek Good, Respondent; Ohio State Bar Association, Relator*, and that the Secretary of the Board assigned Case No. 06-089.

4. I make this affidavit as part of, and to carry into effect, an agreement I made on December 27th, 2006, with the Bar. The Bar and I made the agreement under § 11, of the Rules and Regulations for the Board of Commissioners on Grievances and Discipline of the Supreme Court, to dispose of Case No. 06-089. The Bar and I entitled the agreement "Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline."

5. On May 24, 2006, the Supreme Court of Florida entered a judgment against me in *The Florida Bar v. John Derek Good*, Docket No. SC04-418 ("Case No. SC04-418"), finding that in violation of the Rules Regulating the Florida Bar, I had engaged in the practice of law in Florida without a license to do so.

6. As part of its judgment in Case No. SC04-418, the Supreme Court of Florida imposed on me a monetary penalty in the amount of \$6,000, representing a monetary penalty in the amount of \$1,000 for each incident of unlicensed practice of-law. I have paid that fine.

7. I understand, and I acknowledge, that the acts and conduct for which the Supreme Court of Florida found me guilty of engaging in the practice of law in Florida without a license to do so constitute grounds for a finding that I violated the oath of office I took when the Supreme Court of Ohio admitted me to the practice of law in the State of Ohio.

8. I understand, and I acknowledge, that the acts and conduct, for which the Supreme Court of Florida found me guilty of engaging in the practice of law in Florida without a license to do so, also constitute sufficient grounds for a finding that I violated the Code of Professional Responsibility, specifically DR 1-102(A)(5) (A lawyer shall not engage in conduct that is prejudicial to the administration of justice) and DR 3-101(B) (A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction).

9. I understand, and I acknowledge, that the acts and conduct for which The Supreme Court of Florida found me guilty of having engaged in the unlicensed practice of law in the State of Florida, serve as grounds for the Supreme Court of Ohio to impose discipline on me.

10. The charges of misconduct set out in Case No. 06-089, represent the only charges of misconduct against me that pend before the Board.

11. I acknowledge that in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline and as discipline for my misconduct, I have agreed to a suspension from the practice of law in the State of Ohio for a term of six months.

12. I freely and voluntarily admit the facts serving as the basis for the Bar's discipline complaint against me that I set out in this affidavit and in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline.

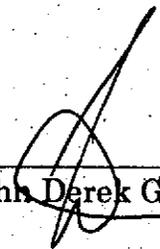
13. No one coerced me, and no used force or any threat of any kind or nature to compel me, to make the admissions I make in this affidavit and I made in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline.

14. No one coerced me, and no used force or any threat of any kind to compel me, to consent to the sanction to which I have consented in this affidavit and in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline.

15. I make the admissions I make in this affidavit and I made in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline fully aware of the implications of doing so on my ability to practice law in Ohio.

16. I have consented in this affidavit to the sanction set out in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline, and I consented to the sanction set out in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline, fully aware that in doing so, I would adversely affect my ability to practice law in Ohio.

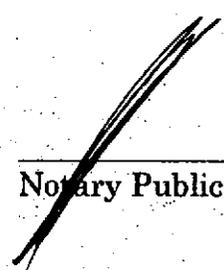
17. I acknowledge I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanction the Supreme Court of Ohio could impose greater or lesser discipline than the discipline to which I have consented in the Agreement For Disposition of Disciplinary Proceeding – Admission of Misconduct and Consent to Discipline.



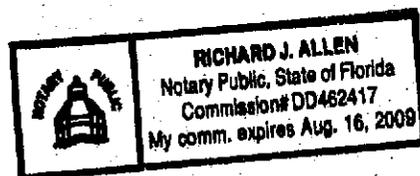
John Derek Good

Sworn to and subscribed before me, a notary public in and for the State of Florida.

Dated: 12.27.06



Notary Public



RECEIVED

BEFORE THE BOARD OF COMMISSIONERS

OCT 13 2006

ON GRIEVANCES AND DISCIPLINE

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

OF

THE SUPREME COURT OF OHIO

FILED

DEC 25 2006

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

John Derek Good (0058514)

(Name of Attorney)

P.O. Box 3

Bradenton, FL 34206

(Address)

RESPONDENT

Ohio State Bar Association

(Name of Bar Association or Disciplinary Counsel)

Legal Ethics and Professional Conduct Committee

(A Certified Grievance Committee)

1700 Lake Shore Drive

PO Box 16562

(Address)

Columbus, Ohio 43216-6562

RELATOR

No. 00-088-11

**COMPLAINT
AND
CERTIFICATE**

**(Rule V of the Supreme Court
Rules for the Government of
the Bar of Ohio.)**

Now comes the Relator and alleges that John Derek Good,

an Attorney at Law, duly admitted to the practice of law in this State of Ohio is guilty of the following misconduct:

1. On May 18, 1992, the Supreme Court of Ohio admitted Respondent, John Derek Good, to the practice of law in the State of Ohio. Because Respondent is a member of the Bar of Ohio and because the Supreme Court of Ohio bestowed on Respondent the privilege of practicing law in the State of Ohio, the Code of Professional Responsibility, as adopted by, and as amended from time to time by, the Ohio Supreme Court, and the Supreme Court Rules for the Government of the Bar of Ohio both apply to Respondent and to his conduct.

2. Respondent's last known address is Bradenton, Florida.

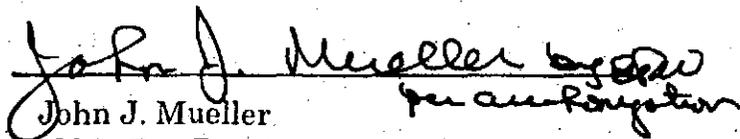
3. On May 24, 2006, the Supreme Court of Florida entered a judgment in *The Florida Bar v. John Derek Good*, Docket No. SC04-418, finding that (a) John Derek Good had engaged in the practice of law without a license to do so and (2) John Derek Good violated of Florida law by engaging in the practice of law without a license to do so.

4. As part of its judgment, the Supreme Court of Florida fined John Derek Good \$6,000, representing a monetary penalty in the amount of \$1,000 for each incident of unlicensed practice-of-law.

5. In committing the acts, and in engaging in the conduct, for which the Supreme Court of Florida found John Derek Good (a) had engaged in the practice of law in Florida without a license to do so and (b) had violated Florida law, John Derek Good violated (i) the oath of office Respondent took when the Supreme Court of Ohio admitted him to the practice of law in the State of Ohio, and (ii) the Code of Professional Responsibility, specifically DR 1-102(A)(4) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); DR 1-102(A)(5) (A lawyer shall not engage in conduct that is prejudicial to the administration of justice); and DR 3-101(B) (A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction).

Wherefore, pursuant to Rule V of the Rules for the Government of the Bar of Ohio, Relator alleges that Respondent has committed, or has engaged in, misconduct within the meaning of § 6(A)(1), Gov. Bar R. V; therefore, Relator requests that the Supreme Court of Ohio discipline Respondent pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

Respectfully submitted,



John J. Mueller

(Ohio Bar Reg. No. 0012101)

John J. Mueller, LLC

Attorney & Counselor at Law

The Provident Building, Suite 800

632 Vine Street

Cincinnati, Ohio 45202-2441

Telephone: (513) 621-3636

Telecopier: (513) 621-2550

Trial Counsel for Relator, Ohio State Bar
Association, Legal Ethics & Professional Conduct
Committee, a Certified Grievance Committee



Eugene P. Whetzel

(Ohio Bar Reg. No. 0013216)

General Counsel

Ohio State Bar Association

1700 Lake Shore Drive

P.O. Box 16562

Columbus, Ohio 43216-6562

Telephone: (614) 487-2050

Telecopier: (614) 485-3191

Co-counsel for Relator, Ohio State Bar
Association, Legal Ethics & Professional Conduct
Committee, a Certified Grievance Committee

CERTIFICATE

The undersigned Chairman of the Certified Grievance Committee

(President, Secretary, Chairman of the Grievance Committee or Disciplinary Counsel)

of the Ohio State Bar Association

hereby certifies that John J. Mueller, Esq. and Eugene P. Whetzel, Esq.

_____ are _____ duly authorized to
(is or are)
represent Relator in the premises and have _____ accepted the responsibility of
(has or have)
prosecuting the complaint to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated October 13, 19 2006

Richard A. Baker

Richard A. Baker, Esq., Chairman, Certified Grievance Committee
(Title)

(Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.)

Section (11)

(11) The Complaint; Where Filed; By Whom Signed. A complaint shall mean a formal written complaint alleging misconduct or mental illness of one who shall be designated as the Respondent. Six (6) copies of all such complaints shall be filed in the office of the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall not be accepted for filing unless signed by one or more members of the Bar of Ohio in good standing, who shall be counsel for the Relator, and supported by a certificate in writing signed by the President, Secretary or Chairman of the Certified Grievance Committee, which Certified Grievance Committee shall be deemed the Relator, certifying that said counsel are duly authorized to represent said Relator in the premises and have accepted the responsibility of prosecuting the complaint to conclusion. It shall constitute the authorization of such counsel to represent said Relator in the premises as fully and completely as if designated and appointed by order of the Supreme Court of Ohio with all the privileges and immunities of an officer of such Court. The complaint may also, but need not, be signed by the person aggrieved.

Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

Upon the filing of a complaint with the Secretary of the Board, Relator shall forward a copy thereof to Disciplinary Counsel, to the Certified Grievance Committee of the Ohio State Bar Association, to the local bar association and to any Certified Grievance Committee serving the county or counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.