

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

**07-0311**

<b>In Re:</b>	:	
<b>Complaint against</b>	:	<b>Case No. 06-036</b>
<b>C. William Goodlet</b>	:	<b>Findings of Fact,</b>
<b>Attorney Reg. No. 0029035</b>	:	<b>Conclusions of Law and</b>
	:	<b>Recommendation of the</b>
<b>Respondent</b>	:	<b>Board of Commissioners on</b>
	:	<b>Grievances and Discipline of</b>
<b>Akron Bar Association</b>	:	<b>the Supreme Court of Ohio</b>
	:	
<b>Relator</b>	:	
	:	

This matter was referred to Bernard K. Bauer, a Master Commissioner of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, by the Secretary for disposition pursuant to Gov. Bar R. V(6)(F)(2). Master Commissioner Bauer the proceeded to prepare this report pursuant to Gov. Bar R.V(6)(J).

PROCEDURAL BACKGROUND

This action was commenced with the filing of a complaint against the Respondent by the Relator on April 7, 2006. While there is evidence in the record which reflects that the original complaint was mailed to "C. William Goodlet, 7 West Bowery Street, Suite 907, Akron, OH 44308," by certified mail, on April 10, 2006, there is no evidence that this mailing was received by the Respondent. However, since there appears to have been certified mail delivery of subsequent complaints to the Respondent's place of business, I conclude that due process has been fulfilled.

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

On June 1, 2006, an Amended Complaint was filed by the Relator against the Respondent. On June 9, 2006, service of the Amended Complaint was completed by certified mail delivery to "C. William Goodlet, Seven West Bowery Street, Suite 907, Akron, OH 44308." The certified mail delivery appears to have been endorsed by "Donna Slack."

On August 21, 2006, a Second Amended Complaint was filed by the Relator against the Respondent. On August 28, 2006, service of the Second Amended Complaint was completed by certified mail delivery to "C. William Goodlet, Seven West Bowery Street, Suite 907, Akron, OH 44308." The certified mail delivery, again, appears to have been endorsed by "Donna Slack."

On October 2, 2006, the Secretary directed the Relator to file a motion for default against the Respondent.

On November 27, 2006, the Relator filed its motion for default.

The multi-count Second Amended Complaint alleges misconduct of the Respondent in his handling of three client matters and the failure to assist the Relator in the investigation of those matters.

The record reflects that there are affidavits of two of the three clients and an affidavit of the Grievance Director of the Relator regarding the attempts to secure the assistance of the Respondent in all three matters investigated.

The materials offered in support of the motion in regard to these allegations are clearly sufficient to establish the findings and conclusions regarding those matters. *See Dayton Bar Association v. Sebree* (2004), 104 Ohio St.3d 448, 2004-Ohio-6560; *Northwestern Bar Association v. Lauber* (2004), 104 Ohio St.3d 121, 2004-Ohio-6237.

As to the grievance filed by Kelly Douglas, the Relator has offered an affidavit of a member of the Relator's Certified Committee. This affidavit details the affiant's review of the Sub-Committee report of the Relator regarding the Respondent, since Ms. Douglas could not be reached at either the telephone number or the address supplied by her. The materials appended to this affidavit are the Sub-Committee report prepared by another member of the Sub-committee, which contains the summary of his interview with Ms. Douglas; a copy of her letter of complaint, which was not verified; and copies of various pleadings and orders which were filed in Ms. Douglas' divorce case. The Relator did not offer the sworn affidavit of the member of the Sub-Committee who actually interviewed Ms. Douglas and did not detail the attempts made to locate her when the telephone number and address supplied by her were determined to no longer be valid.

Based upon this state of the record, the substantive allegations of the Second Amended Complaint made by Ms. Douglas against the Respondent regarding his representation of her cannot be properly evaluated on default under the requirements of *Dayton Bar Association v. Sebree, supra*; however, other matters alleged in the Douglas matter which are supported by the pleadings and orders appended to the Sub-Committee report have been considered.

Under the applicable guidelines, this case is ripe for disposition.

#### FINDINGS OF FACT

Based upon the materials offered in support of the motion for default, I make the following findings upon clear and convincing evidence:

1. The Respondent, C. William Goodlet, was admitted to the practice of law in the State of Ohio on November 7, 1975, and is subject to the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.

[THE DOUGLAS MATTER]

2. On July 2, 2003, the Respondent filed a divorce action on behalf of Kelly M. Douglas ("Douglas") in the Summit County Common Pleas Court Domestic Relations Division bearing Case No. 2003-07-2509.

3. An uncontested divorce hearing took place on October 7, 2003, before Judge John Quinn.

4. After the October 7, 2003 hearing, the Court entered an Order on November 4, 2003, indicating the Respondent had not yet filed a Final Entry and had 10 days to file the entry, otherwise the case would be set for hearing on December 5, 2003, at which time both Respondent and Douglas were required to appear.

5. No entry was ever filed by the Respondent on behalf of Douglas and neither the Respondent nor Douglas appeared on December 5, 2003, for the hearing.

6. On December 9, 2003, the Domestic Relations Court dismissed Douglas' divorce action, without prejudice.

7. Upon the filing of the grievance by Kelly Douglas, the Relator initiated an initial investigation of the Respondent and certified mail delivery was completed at his place of business on July 21, 2005.

8. Upon additional inquiry by the Certified Grievance Committee of the Relator, the Respondent again failed to respond to letters regarding the investigation sent to him by certified mail.

[THE WILLIAMS MATTER]

9. On July 5, 2005, Frank Williams ("Williams") hired Respondent to file a divorce and paid the Respondent \$250.00 as an initial retainer.

10. Williams met again with Respondent on July 22, 2005.
11. On September 6, 2005, Williams paid Respondent an additional \$250.00 retainer.
12. Since Williams' meeting with Respondent on July 22, 2005, the Respondent did not respond to numerous phone calls or letters.
13. On February 15, 2006, Williams advised the Respondent by letter that he was discharged.
14. On February 22, 2006, Williams engaged another attorney (Rosen) to file his divorce.
15. On February 21, 2006, without Williams' knowledge or consent, Respondent filed a divorce action on behalf of Williams after he had been discharged.
16. On March 15, 2006, Rosen filed a substitution of counsel on behalf of Williams in the divorce.
17. The Respondent never responded to numerous phone calls or letters sent to him from Williams making inquiries about his file or the \$500.00 he had paid to Respondent.
18. In response to this grievance, the Respondent failed to assist in the investigation based on a written request for information and a meeting that was sent by the Relator to him by certified mail.

[THE WATERS MATTER]

19. John Waters (Waters) hired the Respondent in about 1995 to clear a "hold" on his North Carolina driver's permit arising out of an incident that occurred while he was in the military. This "hold" apparently kept Waters from obtaining an Ohio driver's license.
20. The Respondent appeared to have successfully cleared up the North Carolina "hold" at that time.

21. Waters moved to Florida from Akron and resided in Florida for a number of years, obtaining a Florida driver's license.

22. Waters returned to Akron and sought to obtain an Ohio driver's license, but the old North Carolina hold remained of record and kept him from obtaining an Ohio license.

23. Again, Waters engaged the Respondent to clear up the problem, paying him \$500.00 toward any fees, just before Thanksgiving in 2005.

24. No action was ever taken by the Respondent on behalf of Waters on this new problem and he never responded to any calls or messages which Waters made inquiring about the status of his case.

25. The Respondent has not accounted to Waters for any of the funds Waters deposited with him.

26. In response to this grievance, the Respondent failed to assist in the investigation as a result of a written request for information and a meeting that was sent by the Relator to the Respondent by certified mail.

#### CONCLUSIONS OF LAW

As it relates to the Douglas matter, the Relator has alleged that the Respondent has violated DR 6-101(A)(3), DR 7-101(A)(3), DR 1-102(A)(5) and Gov. Bar Rule V(4)(G).

As to the Douglas matter, based upon clear and convincing evidence, I conclude that the Respondent by his actions violated DR 6-101(A)(3) (a lawyer shall not neglect a legal matter entrusted to him), DR 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice) and Gov. Bar Rule V(4)(G) (no attorney shall neglect or refuse to assist or testify in an investigation or hearing).

However, based upon the evidence submitted, I cannot conclude that the Respondent violated DR 7-101(A)(3) (a lawyer shall not intentionally prejudice or damage his client during the course of the professional relationship) and recommend that such allegation of misconduct be dismissed.

As it relates to the Williams matter, the Relator has alleged that the Respondent has violated DR 6-101(A)(3), DR 7-101(A)(2), DR 7-101(A)(3), DR 1-102(A)(5) and Gov. Bar Rule V(4)(G).

As to the Williams matter, based upon clear and convincing evidence, I conclude that the Respondent by his actions violated DR 6-101(A)(3) (a lawyer shall not neglect a legal matter entrusted to him), DR 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice) and Gov. Bar Rule V(4)(G) (no attorney shall neglect or refuse to assist or testify in an investigation or hearing).

However, based upon the evidence submitted, I cannot conclude that the Respondent violated DR 7-101(A)(2) (a lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services) or DR 7-101(A)(3) (a lawyer shall not intentionally prejudice or damage his client during the course of the professional relationship) and recommend that such allegations of misconduct be dismissed.

As to the Waters matter, the Relator has alleged that the Respondent has violated DR 6-101(A)(3), DR 7-101(A)(2) and Gov. Bar Rule V(4)(G).

As to the Waters matter, based upon clear and convincing evidence, I conclude that the Respondent by his actions violated DR 6-101(A)(3) (a lawyer shall not neglect a legal matter entrusted to him) and Gov. Bar Rule V(4)(G) (no attorney shall neglect or refuse to assist or testify in an investigation or hearing).

However, based upon the evidence submitted, I cannot conclude that the Respondent violated DR 7-101(A)(2) (a lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services) and recommend that such allegation of misconduct be dismissed.

#### AGGRAVATION AND MITIGATION

##### Section 10. Guidelines for Imposing Lawyer Sanctions

(A) Each disciplinary case involves unique facts and circumstances. In striving for fair disciplinary standards, consideration will be given to specific professional misconduct and to the existence of aggravating or mitigating factors.

[Adopted by the Supreme Court of Ohio, effective June 1, 2000, amended effective February 1, 2003.]

Matters to be considered in aggravation of discipline are (a) prior disciplinary offenses; (b) dishonest or selfish motive; (c) a pattern of misconduct; (d) multiple offenses; (e) lack of cooperation in the disciplinary process; (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (g) refusal to acknowledge wrongful nature of conduct; (h) vulnerability of and resulting harm to victims of the misconduct; and (i) failure to make restitution.

There are prior disciplinary offenses.

In 1982, the Respondent was suspended for a term of one year due to his withdrawal of the total sum of \$8,400.00 for his personal use from an estate, without justification, on twenty-one separate occasions. *Akron Bar Assn. v. Goodlet* (1982), 70 Ohio St.2d 140.

The Respondent was suspended for one year, with the entire suspension stayed, in 2003, for filing two personal injury actions on behalf of a client, dismissing them and failing to re-file

them in a timely manner, along with failure to cooperate with the investigation of those matters.

*Akron Bar Assn. v. Goodlet* (2003), 99 Ohio St.3d 355, 2003-Ohio-3935.

There is a pattern of misconduct.

There is a lack of cooperation in the disciplinary process.

The Respondent has not acknowledged the wrongful nature of his misconduct.

The Respondent has failed to make restitution to Williams or Waters for fees received.

Though not exhaustive, matters which may be considered in mitigation include (a) absence of a prior disciplinary record; (b) absence of a dishonest or selfish motive; (c) timely good faith effort to make restitution or to rectify consequences of misconduct; (d) full and free disclosure to the Board or cooperative attitude toward proceedings; (e) character or reputation; (f) imposition of other penalties or sanctions; (g) chemical dependency or mental disability; and (h) other interim rehabilitation.

The only potential matter that should be mentioned regarding mitigation, though, through lack of a record, it can not be considered, is evidence which was offered in the Respondent's 2003 disciplinary case regarding his mental condition.

The Court in Goodlet observed at page 356:

In mitigation, the panel considered the testimony of respondent and Dr. Keogh, which established that since 1999, respondent had suffered severe, untreated depression. According to Dr. Keogh, various factors, including the breakup of a long-standing romantic relationship, respondent's loss of employment as an assistant county prosecutor, and a foreclosure on his home, served to trigger respondent's severe "major depressive disorder." After losing another job in February 2003, respondent finally sought treatment with Dr. Keogh in March 2003. Dr. Keogh concluded that respondent's severe depression is very treatable, with a considerable chance of a successful recovery provided that respondent complies with treatment recommendations.

#### RECOMMENDED SANCTION

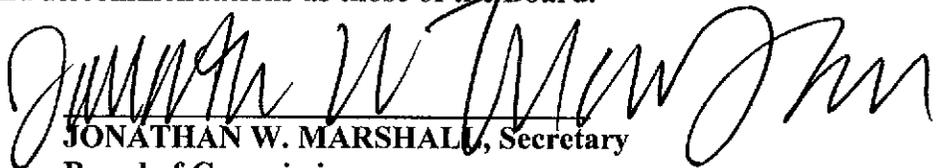
The Relator has recommended an indefinite suspension as the appropriate sanction for the Respondent.

Based upon the foregoing, I recommend an indefinite suspension.

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 adopted the Findings of Fact, Conclusions of Law and Recommendation of the Master Commissioner and recommends that the Respondent, C. William Goodlet, be suspended from the practice of law in the State of Ohio indefinitely. 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.**



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