THE SUPREME COURT OF OHIO

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	)	
	)	CASE NO. 06-461
	)	
Cuyahoga County Bar Association	)	**RESPONDENT'S MOTION FOR RELIEF FOR PAYMENT OF COURT COSTS**
	)	
Relator	)	
	)	
v.	)	
	)	
Scott D. Maybaum	)	
Respondent	)	

FILED
MAR 19 2007
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Now comes the Respondent, Scott D. Maybaum, *pro se*, and Moves this Honorable Court for an Order granting him Relief from the Payment of Court Costs associated with the within matter.

On December 27, 2006, the Court issued it's Opinion and Judgment for the within matter, ruling, *inter alia*, that Respondent be indefinitely suspended from the practice of law and that Respondent pay Court Costs associated with the case in the amount of Seven Thousand One Hundred Ninety and 08/100 Dollars ($7,190.08) within ninety days (90 days) from the date of the Court Order. It is from this particular part of the Order that Respondent seeks relief.

In anticipation of the probable result of this matter, Respondent essentially closed his law practice in early 2006; and by approximately September, 2006 all existing cases had been

concluded, and Respondent refused to accept any further matters for employment as an attorney. From February, 2006, Respondent began to look for a new way to make a living, outside of practicing law. Since the time he graduated from Law School in 1976, Respondent's sole source of income had been his solo law practice. In late February, 2006, Respondent accepted a position in automotive sales; he worked in that industry until December 31, 2006.

On January 1, 2007, Respondent took a medical leave of absence from his employment. In December 2006, he had been diagnosed with a cardiac condition known as hypertrophic cardiomyopathy. This condition caused a thickening of the heart muscle in the septum, which resulted in a physical bulge in his left ventricle. The condition was serious enough that surgery was urged as soon as possible. He was scheduled for a surgical myectomy on January 22, 2007 at the Cleveland Clinic. Open heart surgery was performed on January 22, 2007 to repair his heart and, and he is currently fully disabled while recovering. His complete physical disability will continue until early April, 2007, and he will be partially disabled for a period of time thereafter. It will probably be the summer of 2007 before he is physically able to be back to work on a full time basis.

As a direct result of Respondent's surgery, he will be personally responsible for approximately $6,500.00 for out of pocket medical expenses, co-payments and other uninsured medical expenses.

In June, 2006, Respondent filed a Chapter 7 Bankruptcy with the Northern District of Ohio, Case No. 06-12381. The bankruptcy was discharged in September, 2006.

On January 3, 2007, Respondent voluntarily vacated his personal residence of 18 years, and returned possession of the residence to the financial institution that had foreclosed upon it.

The funds misused by the Respondent, and which were *fully repaid* to all medical providers and the Client, were Six Thousand Nine Hundred Seventy Six and 12/100 Dollars ($6,976.12).

Respondent's gross income in 2006 was approximately $40,000.00, all of which was used for the sole support of Respondent and his family.

As a direct result of Respondent's actions, he has lost his profession, he has lost his ability to generate an income from that profession (which had been his sole source of support for over twenty-eight years), he has embarrassed the profession, he has suffered the humiliation of a personal bankruptcy, and he has lost his home. During the course of his professional legal career, he had helped thousands of clients successfully resolve their legal issues. Any professional benefit to his clients or community that may have occurred during his years of practice has been obliterated.

Respondent is nearly 56 years old. When he is permitted to seek re-entry to the legal profession, he will be at least 58 years old, and he will not have practiced law in nearly three years. It will be essentially impossible for him to return to the practice of law. He will be unable to rebuild a practice and will be, for all intents and purposes, un-employable as a practicing attorney.

It is financially impossible for Respondent to pay for the costs associated with this matter. His anticipated income will be significantly less in 2007 than in 2006, due to his surgery and anticipated recovery time. When he is physically able to return to work in the spring of 2007, he will not be at full capacity for a long period of time. His income, which is sales commission only, will be directly affected by his limited physical condition.

Respondent has no retirement funds, he has no assets. The Court Costs assessed against him would equal almost twenty percent of his 2006 gross income; and with taxes and insurance costs considered, over sixty percent of his 2006 gross income would be absorbed. When his current out of pocket medical obligations as a result of his open heart surgery are considered, another fifteen percent of his gross income will be absorbed. Thus, almost Seventy-Five Percent (75%) of his gross income would be obligated for payment of taxes, insurance, medical expenses and these Court Costs. His ability to be a functioning, contributing member of society would be seriously jeopardized. His ability to support his family on less than Twenty-Five percent (25%) of his expected income would be impossible.

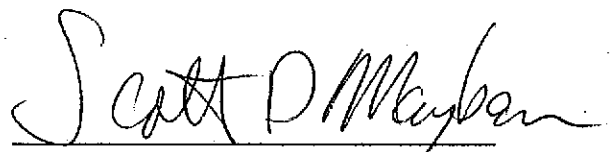
The Court has imposed a substantial, significant, and severe penalty upon Respondent by indefinitely suspending him from the practice of law. The Court has additionally imposed significant restrictions upon him, in the event he does seek to return to the profession. The Court will require medical reports, practice monitoring, and a probationary period in the event Respondent returns to the practice of law. The financial loss associated with his suspension is immeasurable, severe, and significantly punitive. The Court cannot intend to further penalize him by imposing additional prohibitive financial sanctions.

Respondent does not seek relief from payment of Court Costs in an effort to manipulate or escaped responsibility for his actions. He seeks relief because of the simple truth that he is financially unable to pay those costs. He is completely rebuilding his life, personally, financially, emotionally and professionally as a direct result of his actions. Whether or not the Court accepts the sincerity of his remorse, the fact of the matter is that Respondent's behavior has destroyed his life, and he will have to live with the affects of his behavior henceforth. The

fact of the matter is that Respondent is currently physically disabled, his potential income is severely limited, and his ability to pay the Court Costs is non-existent.

Wherefore, Respondent prays for an Order of Court granting him permanent relief from the obligation to pay Seven Thousand One Hundred Ninety and 08/100 Dollars ($7,190.08) in Court Costs associated with the within matter.

Respectfully submitted,



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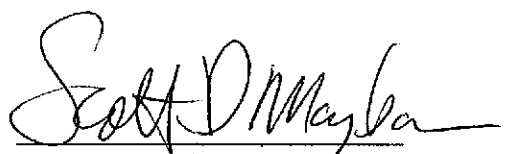
CERTIFICATE OF SERVICE

A true copy of the foregoing was sent by regular U.S. Mail, postage prepaid to all counsel of record, Ellen S. Mandell, 55 Public Square, Suite 1717, Cleveland, Ohio 44113, and Mr. Robert Steely, 8227 Brecksville Rd., Suite 202, Brecksville, Ohio 44141 on this 13 day of March, 2007.



Scott D. Maybaum, *pro se*
Respondent