

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,

Petitioner,

vs.

Michael Watson

Respondent.

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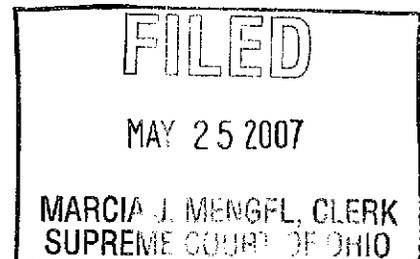
CASE NO. 2005-0398

**PETITIONER'S RESPONSE TO RESPONDENT'S MOTION FOR STAY,
MOTION TO DISMISS AND DEMAND FOR FINDINGS OF FACT AND
CONCLUSIONS OF LAW FILED ON MAY 24, 2007**

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Counsel for Petitioner



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On May 24, 2007, respondent filed Respondent’s Motion for Stay of Proceedings, Respondent’s Motion to Dismiss the Order of the Supreme Court of Ohio Issued May 10, 2007 as Respondent is Indigent and Has Not Been Appointed Counsel as Demanded and Respondent’s Demand for Findings of Fact and Conclusions of Law. Petitioner files this response to reply to respondent’s three pleadings.

Respondent was disbarred by this Court on December 7, 2005. On April 3, 2006 petitioner filed a motion for an order to appear and show cause that alleged respondent was practicing law despite his disbarment. The Court ordered respondent to file a response to the show cause motion, and when respondent failed to do so, a show cause hearing was held on August 8, 2006. After the hearing, this Court remanded the matter to the Board of

Commissioners on Grievances and Discipline to allow a master commissioner to preside over a hearing and make factual findings for the Court. A hearing was held on February 23, 2007 and the master commissioner's report was filed with the Court on April 19, 2007. On May 10, 2007 this Court issued a decision that held respondent in contempt for practicing law after disbarment, sentenced respondent to 90 days in jail with jail time suspended on condition that he commits no further contempt and fined respondent \$10,000 with \$9,500 suspended on condition.

In respondent's three pleadings, respondent requests "an order staying all the proceedings" in this case, demands an "oral argument and review" before this Court and findings of fact and conclusions of law, and makes a motion to dismiss this Court's May 10, 2007 order "as respondent is indigent and has not been appointed counsel as demanded." For the forgoing reasons, respondent's requests should be denied and his pleadings stricken.

First, respondent requests a stay of all proceedings. As the contempt matter was concluded by this Court's order on May 10, 2007, there are no proceedings to be stayed. As such, respondent's motion should be denied. Second, respondent requests an "oral argument and review." During the pending contempt proceeding, respondent filed three pleadings in August 2006, appeared and argued at a lengthy show cause hearing before this Court and presented his case during a hearing before a master commissioner. Therefore, respondent has already received both an oral argument and a hearing before a master commissioner. As such, no further argument or review is necessary.

Third, respondent requests findings of fact and conclusions of law. Without conceding that respondent is entitled to any such request or that respondent's request is timely, petitioner notes that the master commissioner issued a nine-page report with findings of fact and the Court's May 10, 2007 order additionally made both findings of fact and conclusions of law.

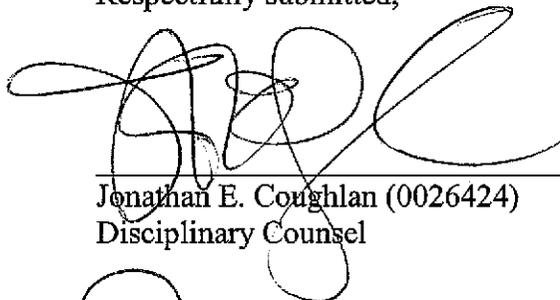
Fourth, respondent belatedly claims that he is indigent and suggests that he previously demanded, but was denied court appointed counsel. These assertions are false and misleading. The record shows that respondent filed three pleadings in August 2006 prior to the show cause hearing. None of these pleadings made claims of indigency, requested court appointed counsel or suggested that respondent was unable to represent himself pro se. Respondent then appeared at the August 8, 2006 show cause hearing pro se and did not raise the issue of indigency or request court appointed counsel. Respondent also appeared for the February 23, 2007 hearing before a master commissioner pro se. At this hearing respondent was advised of his various rights, including the possibility of a right to assigned counsel. Nonetheless, respondent opted to proceed pro se. As such, respondent voluntarily waived any possible right to counsel in this matter and is simply raising this issue now for a third chance to re-litigate this Court's finding of contempt.

Finally, petitioner notes that the proper method for a party to contest a decision on the merits by this Court is through the filing of a motion for reconsideration. As S. Ct. Prac R. XI §2 requires that a motion for reconsideration be filed within 10 days after the Court's judgment entry, respondent's May 24, 2007 request for this court to reconsider its May 10, 2007 judgment is not in compliance with the rules and therefore untimely.

CONCLUSION

For the foregoing reasons, petitioner requests that respondent's motions and requests be denied and his pleadings stricken.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing Petitioner's Response to Respondent's Three Pleadings Filed on May 24, 2007 has been served upon Michael Troy Watson, 717 East 126th Street, Front, Cleveland, OH 44108, via regular U.S. mail, postage prepaid, this 25th day of May 2007.



Robert R. Berger
Counsel of Record