
In the Supreme Court of Ohio

APPEAL FROM THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
CASE NO. 05-040

CLEVELAND BAR ASSOCIATION,

Relator,

v.

HOWARD V. MISHLER,

Respondent.

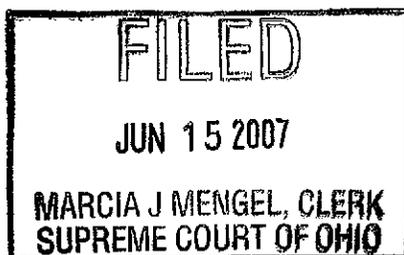
RELATOR CLEVELAND BAR ASSOCIATION'S ADDITIONAL AUTHORITIES (S.Ct.Prac.R. IX, Sec. 8)

LESTER S. POTASH
55 Public Square, Suite 1717
Cleveland, OH 44113
Tel: (216) 771-8400

*Attorney for Respondent
Howard V. Mishler*

ROBERT J. HANNA (0037230)
(COUNSEL OF RECORD)
BENJAMIN C. SASSÉ (0072856)
TUCKER ELLIS & WEST LLP
1150 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1414
Tel: (216) 592-5000
Fax: (216) 592-5009
E-mail: robert.hanna@tuckerellis.com
benjamin.sasse@tuckerellis.com

*Attorneys for Relator
Cleveland Bar Association*



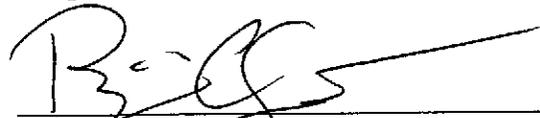
**LIST OF ADDITIONAL AUTHORITIES RELIED
UPON DURING ORAL ARGUMENT (S.Ct.Prac.R. IX, Sec. 8)**

Relator Cleveland Bar Association, by and through counsel and pursuant to S.Ct.Prac.R. IX, Sec. 8, hereby gives notice of the following authorities, not cited in the merit briefs, upon which Relator intends to rely at the oral argument of this matter scheduled for July 10, 2007:

- *Disciplinary Counsel v. Robertson*, 113 Ohio St.3d 360, 2007-Ohio-2075, at ¶ 17 (“A lawyer’s misuse of entrusted funds for any reason undermines the duty of loyalty that a lawyer owes as a fiduciary to the client. The breach is serious and warrants a commensurate sanction regardless of whether the lawyer also intended to deceive or cheat the client in the process.”);

- *Cleveland Bar Assn. v. Douglas*, 113 Ohio St.3d 221, 2007-Ohio-1536 (indefinitely suspending attorney who misled two clients and failed to return unearned fees).

Respectfully submitted,



Robert J. Hanna (0037230)

(COUNSEL OF RECORD)

Benjamin C. Sassé (0072856)

TUCKER ELLIS & WEST LLP

925 Euclid Avenue, Suite 1100

Cleveland, Ohio 44115-1414

Tel: (216) 592-5000

Fax: (216) 592-5009

E-mail: robert.hanna@tuckerellis.com

benjamin.sasse@tuckerellis.com

Attorneys for Relator

Cleveland Bar Association

CERTIFICATE OF SERVICE

A copy of the foregoing **Relator Cleveland Bar Association's Additional Authorities** has been served this 14th day of June, 2007, by U.S. Mail, postage prepaid, upon the following:

Lester S. Potash
55 Public Square, Suite 1717
Cleveland, OH 44113

*Attorney for Respondent Howard V.
Mishler*



Robert J. Hanna (0037230)
(COUNSEL OF RECORD)
Benjamin C. Sassé (0072856)
TUCKER ELLIS & WEST LLP
925 Euclid Avenue, Suite 1100
Cleveland, Ohio 44115-1414
Tel: (216) 592-5000
Fax: (216) 592-5009
E-mail: robert.hanna@tuckerellis.com
benjamin.sasse@tuckerellis.com

*Attorneys for Relator
Cleveland Bar Association*