

IN THE SUPREME COURT OF OHIO

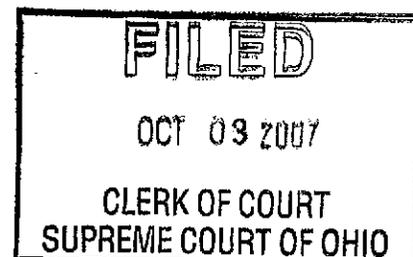
IN RE: MARTIN WAYNE ELSON

CASE NO. 2007-0946

MARTIN WAYNE ELSON'S
RESPONSE TO ORDER TO SHOW
CAUSE

Pursuant to the Affidavit attached hereto and incorporated herein, Martin Wayne Elson states as follows:

1. Respondent was incarcerated in Morgantown, West Virginia at the time the Court's Order of June 26, 2007 was issued.
2. Respondent did not physically receive the Court's Order of June 26, 2007 until August 6, 2007.
3. Respondent had already concluded all matters for all clients prior to his incarceration.
4. Respondent submitted his Affidavit to this Court nine (9) days after receiving it.
5. Respondent has done his best to comply with the Court's Orders and cooperate with the Court's counsel.
6. Because Respondent is in compliance with this Court's Order of June 26, 2007, contempt sanctions should not be imposed, as the purpose of civil contempt sanctions is to compel compliance. E.g., *Danovchek v. Bd. of Trumbull County Comm.*, 36 Ohio St.3d 14, 16 (1988).



For these reasons, Respondent respectfully requests that this Court accept the Affidavit attached hereto as proof of compliance and that no sanctions be imposed as Respondent made a good faith effort to comply within a reasonable time after release from incarceration.



ROGER L. KLEINMAN (0022272)
McDonald Hopkins, LLC
600 Superior Avenue East, #2100
Cleveland, Ohio 44114
PH: 216-348-5400
Fax: (216) 348-5474
E-Mail: sgardner@mcdonaldhopkins.com
Attorneys for Martin Wayne Elson

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MARTIN WAYNE ELSON'S
RESPONSE TO ORDER TO SHOW CAUSE has been sent by regular mail this 2nd day
of October, 2007, to:

Robert R. Berger, Esq.
Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Drive, Ste. 325
Columbus, OH 43215-7411



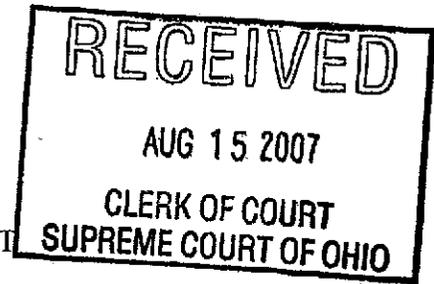
ROGER L. KLEINMAN

IN THE SUPREME COURT OF OHIO

IN RE: MARTIN WAYNE ELSON

CASE NO. 2007-0946

AFFIDAVIT OF RESPONDENT
MARTIN WAYNE ELSON



STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

SS: AFFIDAVIT

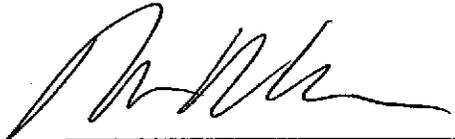
MARTIN WAYNE ELSON, being first duly sworn according to law, hereby deposes and states that:

1. I am the Respondent in the matter captioned *In re: Martin Wayne Elson*, Case No. 2007-0946, Supreme Court of Ohio. .
2. I was incarcerated at the Federal Correctional Institution at Morgantown, West Virginia from June 6, 2007 until August 3, 2007.
3. I did not receive this Court's Order of June 26, 2007 until I returned to my Cleveland address on August 6, 2007.
4. I have reviewed the requirements set forth in this Court's Order of June 26, 2007.
5. Prior to my incarceration on June 6, 2007, I concluded all of my pending matters for all clients. It was not necessary for me to send out additional notices as I had no pending matters at the time of this Court's order of June 26, 2007.

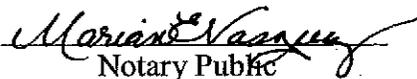
6. I have complied with all terms of this Court's Order of June 26, 2007.

7. My address where I may receive communications is 1300 West 9th Street, Suite 637, Cleveland, OH 44113.

Further Affiant sayeth naught.


MARTIN WAYNE ELSON

SWORN TO BEFORE ME, and subscribed in my presence this 10th day of August, 2007.


Notary Public

Marian E. Vasquez
Notary Public, Cuyahoga County, Ohio
My Commission Expires December 2, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *AFFIDAVIT OF
RESPONDENT MARTIN WAYNE ELSON* has been sent by regular mail this 14th
day of August, 2007, to:

Robert R. Berger, Esq.
Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Drive, Ste. 325
Columbus, OH 43215-7411



ROGER L. KLEINMAN