

IN THE SUPREME COURT OF OHIO

CINCINNATI BAR ASSOCIATION, :
 Relator :
 v. :
 REGINA A. COLLINS, :
 Respondent. :

Case No. 2008-1153

RELATOR'S ANSWER BRIEF

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RESPONDENT WAS EXAMINED BY A PSYCHIATRIST, WHO FOUND, WITH REASONABLE MEDICAL CERTAINTY, THAT SHE IS CURRENTLY SUFFERING FROM A MENTAL ILLNESS AS DEFINED IN THE OHIO REVISED CODE. RESPONDENT HAS FAILED TO CONTROVERT THIS FINDING. THE BOARD’S RECOMMENDATION THAT RESPONDENT SHOULD BE PLACED ON A MENTAL ILLNESS SUSPENSION SHOULD BE AFFIRMED.	
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STATEMENT OF FACTS

Relator accepts the facts as presented by the Board of Commissioners on Grievances and Discipline in their Findings of Facts, Conclusion of Law and Recommendation of the Board.

See Appendix.

ARGUMENT

PROPOSITION OF LAW

Respondent was examined by a psychiatrist, who found, with reasonable medical certainty, that she is currently suffering from a mental illness as defined in the Ohio revised code. Respondent has failed to controvert this finding. The board's recommendation that respondent should be placed on a mental illness suspension should be affirmed.

On June 27, 2008, this Court ordered Respondent Regina A. Collins to show cause why the Recommendation of the Board of Commissioners on Grievances and Discipline, *inter alia*, that Respondent be placed on a mental illness suspension, should not be confirmed by the Court. Thereafter, this Court extended Respondent's time for filing Objections to the Board's Findings of Fact and Recommendation, together with a Brief in support thereof, until July 28, 2008.

On July 28, 2008 Respondent filed an Answer Showing Cause [*sic*] consisting of the following documents:

1. Letter of Michael Thomas, M.D. dated July 17, 2008;
2. Affidavit of Regina A. Collins, Esq. dated July 26, 2008
3. Purported Affidavit of Keith B. Hunter, Attorney at Law dated July 26, 2008
4. Respondent's Objection to the Psychiatric Interview Examination Report, dated April 18, 2008.
5. Psychiatric Interview Examination Report by Douglas Beech, M.D. filed January 7, 2008

Respondent's Answer Showing Cause [*sic*] is not well taken for a multitude of reasons. First, none of the above-listed documents filed by Respondent comply with the mandates of the Order to Show Cause. Respondent did not file Objections and a supporting Brief that specifically addressed the Board's June 13, 2008 Findings of Fact and Recommendation. For example, Document No. 4 above, entitled "Respondent's Objection to the Psychiatric Interview Examination Report," was a pleading that Respondent filed with the Board on April 18, 2008, nearly two months prior to the Board's issuing its Findings of Fact and Recommendation herein.

Even if this Court accepts Document No. 4 as a pleading sufficient to constitute Objections to the Board's Findings of Fact and Recommendation, such Objections have no merit. Most of her objections, in fact, are not amenable to rational analysis. Document No. 4 is simply a confused, garbled, and rambling attack of the report of psychiatrist Dr. Douglas Beech's examinations of Respondent and his medical opinion that Respondent suffers from a mental illness, specifically Bipolar I disorder with manic episodes.

While Respondent challenges Dr. Beech's findings and medical opinion, she has not presented any competent, medical evidence to dispute his diagnosis that she has a mental illness. For example, Document No. 1 listed above is a letter dated July 17, 2008 from Dr. Michael Thomas, a gynecologist, who last treated Respondent in November 2006 for uterine fibroids. At the outset, Dr. Thomas' letter should not be considered by this Court because it was not part of the record before the Board. More importantly, however, Dr. Thomas is not a psychiatrist, and in fact, expressed no opinion about Respondent's mental status. Nor did he dispute Dr. Beech's diagnosis that Respondent was mentally ill. Accordingly, Dr. Thomas' letter should be disregarded.

Respondent also filed her own Affidavit dated July 26, 2008, again a document which this Court should not consider since it was not part of the record before the Board. In her Affidavit, Respondent states that she has not taken any prescription medication since August 2007.

Whether Respondent was taking prescription medication at the time of her examinations with Dr. Beech on June 22, 2007 and August 13, 2007 is irrelevant. Respondent has not presented any competent, medical evidence from a psychiatrist or other medical expert to suggest that any medication she may have been taking at the time of her examinations with Dr. Beech, or even prior thereto, caused her symptoms of Bipolar I disorder with manic episodes.

Finally, Respondent has filed the purported Affidavit of attorney Keith B. Hunter to support her contention that she is “psychologically and emotionally stable and has not displayed any signs of psychological or professional dysfunction.” (See Document No. 3 above) Such purported Affidavit, however, should be disregarded and stricken from the record. First, the purported Affidavit is not signed or notarized. Thus, the document is not a sworn statement under oath, and consequently, is inadmissible as evidence in this matter. Second, the purported Affidavit was not part of the record before the Board, and accordingly, should not be considered by this Court. Finally, and most obvious, Mr. Hunter is not a physician or psychiatrist, and is not, therefore, competent to provide an opinion or medical diagnosis as to whether Respondent is mentally ill.

In its Findings of Fact, the Board found that Respondent’s conduct throughout the entire grievance process, beginning with the filing of her Answer to the original Complaint and continuing through her behavior at the May 7, 2007 disciplinary hearing, was erratic, confused, and displayed an alarming disorganization of thought, often bordering on the grandiose. Dr. Beech, in his two examinations of Respondent, observed the same type of behavior leading him to diagnose Respondent with Bipolar I disorder with manic episodes. Dr. Beech further opined that Respondent’s mental illness played a significant role in Respondent’s impaired judgment in her dealings with clients and would continue to affect her ability to consistently practice law in a safe and responsible manner. (See Dr. Beech’s report filed with the Board and attached as an Exhibit to the Board’s Findings of Fact and Recommendation) This Court needs only a cursory review of the documents that Respondent has filed herein to confirm that both the Board’s and Dr. Beech’s findings are correct.

CONCLUSION

The expedited procedure for suspending a mentally ill attorney's license exists for the protection of the public. *Cincinnati Bar Assn. v. Komarek* (1998), 84 Ohio St. 3d 90, 702 N.E. 2d 62. Because of her mental illness that prevents Respondent from practicing law in a safe and responsible manner, this Court should enter the Board's Recommendation and immediately place Respondent on a mental illness suspension.

Respectfully submitted,

CINCINNATI BAR ASSOCIATION

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer Brief was mailed by first class U.S. mail, postage prepaid, to Respondent, Regina A. Collins, 119 East Court Street, Cincinnati, Ohio 45202 and 11533 Newgate Lane, 45240, on this 11th day of August, 2008.



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APPENDIX

Attachment not scanned