

**BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO**

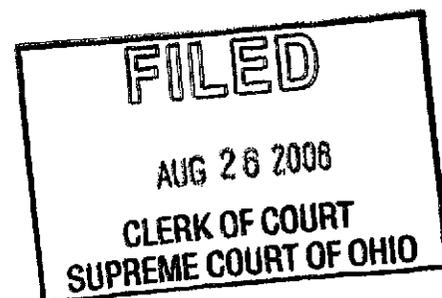
In Re:	:	08-1709
Complaint against	:	Case No. 08-009
John Robert Lentes	:	Findings of Fact,
Attorney Reg. No. 0029906	:	Conclusions of Law and
	:	Recommendation of the
Respondent	:	Board of Commissioners on
	:	Grievances and Discipline of
Disciplinary Counsel	:	the Supreme Court of Ohio
	:	
Relator	:	
	:	

This default judgment matter was referred by the Board Secretary to Master Commissioner Harry White pursuant to Gov. Bar R. V(6)(F)(2) on June 17, 2008. Master Commissioner White then proceeded to prepare a report pursuant to Gov. Bar R. V(6)(J).

PROCEDURAL HISTORY

Relator submitted its Complaint and Certificate to the Board on January 30, 2008, alleging four counts of violating the Ohio Rules of Professional Conduct and/or the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.

On February 8, 2008, a probable cause panel of the Board found that probable cause existed for the filing of a formal complaint and certified the same to the Board. Service of the Certified Complaint upon the Respondent was received through certified mail on February 15, 2008. The Respondent did not answer or otherwise responsively plead to the Complaint.



On April 23, 2008, Relator filed an Amended Complaint and Certificate alleging two additional counts of violating the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio. Service of the Amended Complaint upon the Respondent was perfected on April 25, 2008, by certified mail. Respondent did not answer or otherwise responsively plead to the Amended Complaint.

On June 13, 2008, Relator filed its Motion for Default. In that Motion, Relator set forth its efforts to contact Respondent in advance of filing this Motion for Default which consisted of seven Letters of Inquiry, Relator's Notice of Intent to File a Disciplinary Complaint, a copy of the Complaint and a copy of the Amended Complaint.

FINDINGS OF FACT

Count I – Garretson Grievance

In November, 2004, Greg Garretson retained Respondent to represent him in a claim against a Harley Davidson dealership regarding repairs on a motorcycle. Respondent advised Garretson that a lawsuit would be filed but no attorney fee was necessary as these fees would be recovered through the litigation. Respondent was unsuccessful in resolving the matter through communications with the potential defendant, but he never initiated a legal action. Nevertheless, on several occasions, Respondent falsely advised Garretson that a lawsuit had been filed in Gallia County Court of Common Pleas.

On or about March 13, 2006, Respondent met with Garretson and requested him to accompany Respondent to the courtroom of Gallia County Common Pleas Court Judge D. Dean Evans. Respondent falsely advised Garretson that a hearing on the pending lawsuit was scheduled. At the courthouse, Respondent requested Garretson to wait outside the courtroom of

Judge Evans while Respondent “attended the hearing.” No such hearing was scheduled or conducted and, in fact, Respondent was at the courthouse for other matters.

Shortly thereafter, Respondent falsely advised Garretson that as a result of the hearing, Garretson would need to send an expert to the Harley Davidson dealership to examine the motorcycle. An expert was hired and the report provided to Respondent.

After the court hearing of March, 2006, Respondent continued to mislead Garretson at meetings at Respondent’s office on June 20, 2006, August 30, 2006, and November 8, 2006, leading Garretson to believe that a lawsuit had been filed on his behalf.

On January 3, 2007, Respondent met with Garretson to “prepare for trial.” Respondent falsely advised Garretson that his case was scheduled for trial before Judge Evans on January 8, 2007. On that date, Respondent again accompanied Garretson to the courthouse and was again asked to wait outside while Respondent “attended to the hearing.” In fact, no such hearing was scheduled or conducted and Respondent was at the courthouse for other legal matters.

Respondent emerged from the courtroom and falsely informed Garretson that a representative of Harley Davidson had not appeared for the hearing and, as a result, the court would soon enter a judgment in Garretson’s favor.

On or about March 1, 2007, Garretson visited Respondent’s office and was falsely advised that Respondent had sent a letter to Harley Davidson on behalf of the court ordering that the motorcycle be delivered to Respondent’s office in 30 days.

After the expiration of 30 days, Garretson contacted Respondent and was falsely advised that the motorcycle would be delivered to Respondent’s office on April 18, 2007. On that date, Respondent called Garretson to inform him that the motorcycle would not be delivered due to a dispute on “value.” Garretson then advised Respondent that the return of the motorcycle was not

necessary and that he would settle for a payment of the value of the motorcycle. Respondent advised Garretson that he would speak to Judge Evans and arrange for a check to be forwarded to Garretson within a week.

During the same period of time Respondent presented Garretson with a fraudulent Judgment Entry on which Respondent had forged Judge Evans' signature resolving the lawsuit in Garretson's favor.

On or about May 3, 2007, Garretson contacted the Gallia Court of Common Pleas to check on the status of his case and was advised that no information regarding such a case appeared in its records or on its calendar. Upon producing a copy of the fraudulent Judgment Entry, Judge Evans filed a grievance against the Respondent.

Count II – Failure to Cooperate in the Investigation of the Garretson Grievance

With respect to the Garretson grievance, on May 24, 2007, Relator sent a Letter of Inquiry to Respondent regarding the allegations in Garretson grievance by certified mail, return receipt requested, at Respondent's law office address. The certified mail return receipt was signed by Respondent's secretary. Respondent did not reply.

On June 12, 2007, Relator sent a second Letter of Inquiry to the same address which was again receipted by Respondent's secretary. Again, Respondent failed to reply.

On June 29, 2007, Relator sent a subpoena duces tecum to Respondent by certified mail at the same address requiring an appearance at Relator's office on August 7, 2007. Again, Respondent's secretary signed the certified mail return receipt.

On the morning of August 7, 2007, Respondent faxed a letter to Relator stating that he was unable to appear for the deposition because he was in trial and could not obtain a continuance. Respondent further claimed that he had not initially received the subpoena from his

secretary and requested 10 days to obtain counsel. Relator agreed by letter of August 7 to a continuance through August 17 for Respondent to obtain counsel and reschedule a deposition.

On August 17, Respondent sent Relator a fax requesting a rescheduling of the deposition to September, 2007, advising that he would forward a full written response to the grievance inquiry. Respondent never complied with this representation.

On September 20, 2007, Relator took Respondent's deposition.

Count III – Searles Grievance

In September, 2005, Jerry and Wanda Searles retained Respondent to file an action in the Meigs County Probate Court for the adoption of their teenage grandson, paying Respondent a \$500.00 retainer and \$250.00 for court costs. In November, 2005, Respondent's secretary advised the Searles that Respondent had filed the adoption petition.

In January, 2006, Wanda Searles began calling Respondent's office to obtain an update on the status of their case. Numerous messages were left with Respondent's secretary between January and May, 2006, but Respondent failed to reply to any of these messages.

In May, 2006, the Searles made an unannounced in-person visit to Respondent's office. Respondent was not in his office at the time and the Searles decided to await his return. After several hours, Respondent appeared and falsely advised the Searles that a hearing was scheduled on their adoption petition at the Meigs County Probate Court on May 19, 2006.

The Searles appeared for the Probate Court hearing on that date but Respondent failed to appear. Court personnel advised the Searles that no hearing was scheduled on that date.

Thereafter, Wanda Searles left messages with Respondent requesting a return of her retainer so that she could hire another attorney. Respondent did not reply and did not provide any refund of his retainer.

In November, 2006, the Searles received a letter from the Meigs County Probate Court advising of a hearing on the adoption petition on December 6, 2006. Shortly thereafter, the Court notified the Searles that the hearing was cancelled due to the fact that Respondent had failed to properly serve the biological parents of their grandson with notice of the proceeding.

In February, 2007, the Searles filed a grievance against Respondent.

In August, 2007, the Searles received a letter from the Meigs County Probate Court advising that a hearing was scheduled for August 27, 2007, on their adoption petition. Both the Searles and Respondent attended this hearing. However, Meigs County Probate Court Judge L. Scott Powell declined to proceed because Respondent had still failed to obtain service upon the biological parents of the grandson. Respondent falsely advised the Searles of the outcome of the hearing and they left the hearing believing that the adoption proceeding was on track and nearly completed.

Around the same time, Respondent's secretary advised the Searles that Respondent wished to refund the funds they had paid, except for the advanced court costs. Shortly thereafter, the Searles received an unsigned check from Respondent for \$500.00 in the mail. This was returned to Respondent's office where the Respondent's secretary signed his name to the check.

This check was later dishonored by Respondent's bank resulting in \$203.00 in bank charges being assessed against the Searles. The Searles also received a check for \$116.08 for Respondent for the remaining unspent court costs. This check was also dishonored by Respondent's bank and resulted in an additional \$32.00 in bank charges being assessed against the Searles.

After contacting Respondent's office regarding these dishonored checks, the Searles received an unsigned money order from Respondent's office in the mail. Upon contacting

Respondent's office regarding the unsigned money order, Respondent's secretary directed the Searles to sign Respondent's name to the money order. Later, the Searles received a money order for a refund of \$116.08 for the unspent court costs, but have never been reimbursed by Respondent for the bank charges caused by Respondent's two dishonored checks.

Count IV – Failure to Cooperate Regarding the Searles Grievance

On April 4, 2007, Relator sent Respondent a Letter of Inquiry regarding the allegations in the Searles grievance by certified mail to Respondent's law office address. Respondent declined to accept delivery of this letter and it was returned to Relator unclaimed.

On April 23, 2007, Relator spoke to Respondent about the Letter of Inquiry and sent a copy to Respondent by facsimile. Respondent received the facsimile but failed to respond.

On May 22, 2007, Relator sent a second Letter of Inquiry to Respondent regarding the allegations of the Searles by certified mail return receipt requested at Respondent's law office address. Delivery of second Letter of Inquiry was receipted by Respondent's secretary. Respondent failed to reply.

The subject of the Searles grievance was part of the subpoena duces tecum submitted by Relator to Respondent on June 29, 2007, as noted in Count II above. Thereafter, Respondent's conduct with respect to the investigation of the Searles grievance by Relator is consistent with that set forth in Count II above.

At the deposition of September 20, 2007, Respondent agreed to provide Relator with a file-stamped copy of the adoption as well as an explanation for any delay between the time of hiring and filing of the petition. Respondent failed to provide this information as promised, notwithstanding a letter from Relator of October 8, 2007, renewing Relator's request for this information.

Count V – Marcum Grievance

In October, 2006, Ida Marcum retained Respondent to file a civil action against Pat Lawson regarding a real estate dispute in which Marcum wished to obtain a court order allowing access to her property by crossing the property of Lawson as an adjoining landowner. Respondent received a \$500.00 fee as a retainer.

Shortly thereafter, Respondent falsely advised Marcum that he had filed the lawsuit in the Gallia County Court of Common Pleas. In fact, Respondent had filed no such lawsuit.

In September or October, 2007, Marcum accompanied Respondent to the courtroom of Judge Evans for a “hearing” which Respondent had falsely advised was scheduled on that date.

Again, at the courthouse, Respondent requested Marcum to wait outside the courtroom while Respondent “attended the hearing.” Shortly thereafter, Respondent reappeared and falsely advised Marcum that the hearing had been delayed because Lawson had terminated his current legal counsel and needed more time to obtain new counsel. In fact, Respondent was at the courthouse for other legal matters.

In January, 2008, Marcum again accompanied Respondent to the courtroom of Judge Evans for another “hearing” on her pending lawsuit. Again, Respondent had falsely advised Marcum of a hearing scheduled for that date.

Again, Respondent was asked to wait the courtroom of Judge Evans while Respondent “attended the hearing.” Upon reappearing, Respondent falsely advised Marcum that Judge Evans agreed to allow Marcum to access her property by crossing the property of Lawson. In fact, Respondent was at the courthouse for other legal matters.

On February 7, 2008, Marcum again accompanied Respondent to Judge Evans courtroom for another “hearing.” Marcum was falsely advised by Respondent that on this date the court

would determine whether or not Lawson would be required to tear down a garage that was partially located on Marcum's property. Respondent failed to appear for this "hearing" and after Marcum arrived, she discovered that the court was closed due to a funeral. Before leaving the courthouse, Marcum spoke with a court employee who advised her that no such case had been filed and no hearing was scheduled on that date. Upon inquiring of Respondent, she was falsely advised by Respondent that the hearing did not take place because Lawson had filed an appeal.

Count VI – Failure to Cooperate in the Investigation of the Marcum Grievance

On February 22, 2008, Relator personally served Respondent at his law office with a Letter of Inquiry regarding the Marcum grievance. Respondent failed to reply to this letter. On March 12, 2008, Relator sent a second Letter of Inquiry regarding the allegations in the Marcum grievance by certified mail, return receipt requested at Respondent's law office address. Delivery of the second Letter of Inquiry was received by Respondent's secretary, but Respondent failed to reply to this letter.

CONCLUSIONS OF LAW

With respect to the substantive grievances in Counts I (Garretson), II (Searles), and III (Marcum), Respondent's conduct after January 31, 2007, violates the Rules of Professional Conduct as follows:

- | | |
|-------------|---|
| Rule 1.1 | A lawyer shall provide competent representation to a client. |
| Rule 1.3 | A lawyer shall act with reasonable diligence and promptness. |
| Rule 8.4(c) | Conduct involving dishonesty, fraud, deceit or misrepresentation. |
| Rule 8.4(d) | Conduct prejudicial to the administration of justice. |

Rule 8.4(h) Conduct that adversely reflects on the lawyer's fitness to practice law.

Additionally, with respect to Count III (Searles) Respondent's conduct prior to February 1, 2007, violated the Code of Professional Responsibility as follows:

- DR 1-102(A)(4) Conduct involving dishonesty, fraud, deceit or misrepresentation.
- DR 1-102(A)(5) Conduct prejudicial to the administration of justice.
- DR 1-102(A)(6) Conduct that adversely reflects on the lawyer's fitness to practice law.
- DR 6-101(A)(3) Neglect of an entrusted legal matter.
- DR 7-101(A)(2) Intentionally fail to carryout a contract of employment.
- DR 7-101(A)(3) Intentionally prejudice or damage a client in the course of professional representation.

With respect to the Respondent's failure to cooperate in the disciplinary investigation of the Garretson, Searles and Marcum grievances as set forth in Courts II, IV and VI, in each instance, his conduct violated Gov. Bar R. V(4)(G) by failing to cooperate with the Relator's investigation and that such conduct also violated Rule of Professional Conduct 8.4(h) in that it adversely reflected upon his fitness to practice law.

RECOMMENDED SANCTION OF RELATOR

Relator recommends that based upon the repeated instances of dishonesty and neglect combined with the failure to cooperate in the disciplinary investigation is grounds for indefinite suspension and Relator recommends the same.

RECOMMENDED SANCTION OF MASTER COMMISSIONER

The following Aggravating Factors as set forth in Section 10 of the Rules and Regulations of this Board as guidelines for imposing lawyer sanctions exist:

- Respondent acted with a dishonest motive.
- The grievances establish a pattern of misconduct.
- The grievances constitute multiple offenses against multiple parties.
- Respondent failed to cooperate in the disciplinary process.
- Respondent refused to acknowledge the wrongful nature of his conduct, except for the Garretson grievance.
- Respondent's conduct resulted in harm to victims who were otherwise vulnerable.
- The Respondent failed to make full and complete restitution to the victims of his misconduct.

Under the same guidelines, the following Mitigating Factors exist:

- Relator was admitted to practice on November 4, 1985, and has no prior disciplinary record other than a failure to reinstate his registration as of December 6, 2007.
- Respondent eventually made a partial restitution for damage to the Searles.

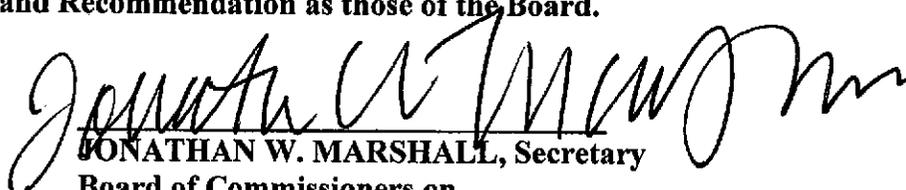
Since the Respondent did not respond to the proceedings against him, there is no evidence in the record of his character or reputation, either professionally or personally, within the legal profession or the community in which he practices. However, at his deposition of September 20, 2007, Respondent was asked to explain his misconduct. Respondent stated that he had been going through a difficult divorce in which he was representing himself. He stated that he has since obtained legal counsel for his divorce. However, as Relator points out, Respondent's misconduct continued past this period of self-representation and his deposition of September, 2007, as evidenced in Respondent's misconduct set forth in the Marcum grievance and his lack of cooperation with the investigation of the same.

While a sanction of indefinite suspension for misrepresenting to clients the status of legal matters entrusted to an attorney is consistent with recommendations of this Board and those imposed by the Supreme Court of Ohio, this Respondent has taken such conduct to a further level by creating an elaborate ruse to mislead his clients and thereafter creating a false document in the form of a court order, forging the name of a judge upon that order. That additional conduct exhibits an ultimate disregard for the profession and the justice system. Taking this fact into consideration along with the aggravating factors noted above, even after tempering the same with the mitigating factors, it is the recommendation of the Master Commissioner that the Respondent be permanently disbarred.

RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on August 15, 2008. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Master Commissioner and recommends that the Respondent, John Robert Lentes, be permanently disbarred from the practice of law in the State of Ohio. The Board further recommends that the cost of these proceedings be taxed to the Respondent in any disciplinary order entered, so that execution may issue.

Pursuant to the order of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Recommendation as those of the Board.


JONATHAN W. MARSHALL, Secretary
Board of Commissioners on
Grievances and Discipline of
the Supreme Court of Ohio