

IN THE
SUPREME COURT OF OHIO

In re:	:	
John R. Lentes	:	
Attorney Registration No. (0029906)	:	
537 ½ Second Avenue	:	
Gallipolis, OH 45631	:	
Respondent	:	CASE NO. 2008-1709
Disciplinary Counsel	:	RELATOR'S ANSWER
250 Civic Center Drive, Suite 325	:	TO RESPONDENT'S OBJECTIONS
Columbus, OH 43215-7411	:	TO THE BOARD OF
Relator	:	COMMISSIONERS' REPORT AND
		RECOMMENDATION

**RELATOR'S ANSWER TO RESPONDENT'S OBJECTIONS
TO THE BOARD OF COMMISSIONERS'
REPORT AND RECOMMENDATION**

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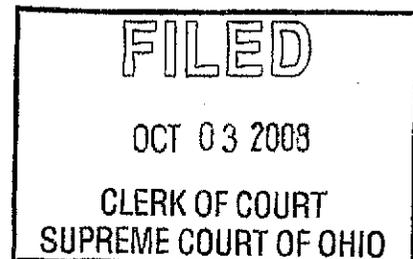


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IN
THE SUPREME COURT OF OHIO

Disciplinary Counsel, Relator	:	
	:	CASE NO. 2008-1709
John Lentes Respondent	:	RELATOR'S ANSWER TO RESPONDENT'S OBJECTIONS TO THE BOARD OF COMMISSIONERS' REPORT AND RECOMMENDATIONS
	:	
	:	

Now comes relator, Disciplinary Counsel, and hereby submits this answer to respondent's objections to the Report and Recommendations filed by the Board of Commissioners on Grievances and Discipline (Board).

STATEMENT OF FACTS

Relator relies upon the factual summary detailed on pages one through nine of the Board report.

RELATOR'S ANSWER TO RESPONDENT'S OBJECTIONS

I.

The procedural rules governing disciplinary actions do not permit a party to supplement the record or present evidence of mitigation for the first time after the Court issues a show cause order following the filing of the report and recommendations of the Board of Commissioners on Grievances and Discipline.

Respondent has filed an objection brief in this matter that marks his first participation in the formal disciplinary proceeding pending against him since February 2008. In this brief, respondent for the first time offers information in mitigation regarding his “professional accomplishments,” “community involvement,” prior service as Meigs County Prosecutor and his current practice. However, respondent’s attempt to offer unchallenged mitigation evidence into the record at this stage of the proceedings is improper.

This Court has previously held that a respondent may not submit evidence in the first instance to the Supreme Court in a disciplinary matter. In *Columbus Bar Assn. v. Sterner*, 77 Ohio St.3d. 164, 1996-Ohio-324, 672 N.E.2d 633, the Court refused to accept Sterner's evidence of mitigation [alleged attention deficit disorder]. Sterner sought to introduce mitigation evidence for the first time in his brief and in oral argument opposing the board's recommendation of disbarment after a default motion had been filed. *Id.* at 167. The Court held that “Rule V has no provision for the introduction of evidence in the brief filed in this court or in the oral argument to

this court. Only in the most exceptional circumstances would we accept additional evidence at that late stage of the proceedings.” Id. at 167-168. The Court explained:

If respondent has any objection here, it must be to the findings and recommendations of the board. The entire record sent to us from the board consists of the pleadings, the default motion, the affidavits, and other material filed in support of the motion, and the findings of fact and recommendations of the board after respondent failed to answer, otherwise plead, or appear before the panel. Matters in excuse and mitigation do not appear in that record, nor do exceptional circumstances exist that would allow such evidence to be introduced for the first time by way of brief or oral argument in response to the order to show cause. Id. at 168.

In *Sterner*, the Court upheld the board's recommendation that the Sterner be disbarred from the practice of law in the state of Ohio.

The Court reached the same conclusion in *Columbus Bar Assn. v. Finneran*, 80 Ohio St.3d. 428, 1997-Ohio-286, 687 N.E.2d 405. In that case, Finneran also attempted to present evidence for the first time in his objections to the board's recommendations after a motion for default had been filed. The Court cited *Sterner*, supra, and refused to accept this evidence.

Respondent had ample opportunity to participate in the disciplinary investigations and provide evidence to the hearing panel. Respondent failed to respond to six letters of inquiry, one request for additional information, a notice of intent to file the disciplinary complaint, the complaint, the amended complaint and the default motion. Instead, respondent did nothing until he received the notice to show cause. To permit respondent to supplement the record at this stage of the proceedings would set a dangerous precedent which would encourage respondents to ignore procedural rules to attempt to introduce evidence at the eleventh hour.

II.

Disbarment is warranted where an attorney commits multiple acts of misconduct, including repeated acts dishonesty and neglect and failure to cooperate in disciplinary investigations.

In this case, The Board report notes that “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 justice system.” Report at 12. It was on this basis that the master commissioner and Board recommended disbarment.

This Court has reached the same conclusion in the past. In *Cuyahoga County Bar Assn. v. Smith*, 115 Ohio St.3d 95, 2007 Ohio-4270, 873 N.E.2d 1224, Smith was permanently disbarred because of his “multiple acts of dishonesty and the harm done to his clients.” Id. at ¶ 48. The Court further held that Smith’s:

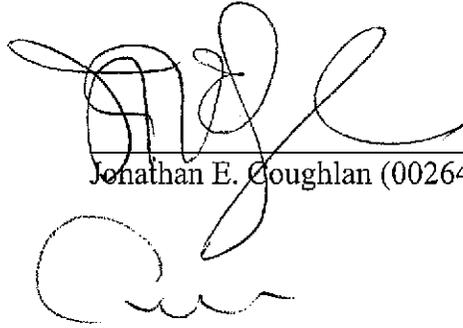
dishonesty in his law practice, his lack of cooperation in the disciplinary process, and his repeated neglect of his clients’ legal matters demonstrate that he is not fit to practice law. Attorneys must comply with the ethical requirements imposed by the Code of Professional Responsibility and the Rules of Professional Conduct. Respondent has demonstrated time and again his unwillingness or inability to do so. Id. at ¶ 49.

Respondent has engaged in repeated neglect and dishonesty involving three separate clients and spanning from 2004 until today. It is for these reasons, relator requests that respondent's objections to the sanction recommendation of the Board be overruled.

CONCLUSION

In consideration of respondent's many years of neglect and dishonesty with three clients, forging a court entry, failure to cooperate, and the aggravating factors present, relator requests that this Court overrule respondent's objections and order that respondent be disbarred.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Relator's Answer to Respondent's Objections was served via U.S. Mail, postage prepaid, upon Respondent John R. Lentz, 537 ½ Second Avenue, Gallipolis, OH 45631 and upon Jonathan W. Marshall, Secretary, Board of Commissioners on Grievances and Discipline, 65 S. Front Street, 5 th Floor, Columbus, Ohio 43215 this 3rd day of October, 2008.



Robert R. Berger
Counsel for Relator