IN THE SUPREME COURT OF OHIO

Disciplinary Counsel, **Relator,**	**CASE NO. 2008-1991**
John Joseph Chambers, Esq. (0064627) **Respondent.**	**RELATOR'S OBJECTIONS TO THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE'S REPORT AND RECOMMENDATION**

RELATOR'S OBJECTIONS TO THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE'S REPORT AND RECOMMENDATION

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SUPREME COURT OF OHIO

TABLE OF CONTENTS

DESCRIPTION	PAGE
TABLE OF CONTENTS	i.
TABLE OF AUTHORITIES	ii.
FACTS	2
LAW AND ARGUMENT	7
CONCLUSION	11
CERTIFICATE OF SERVICE	12

APPENDIX A
Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio

TABLE OF AUTHORITIES

CASES	PAGE
Cleveland Bar Assn. v. James, 109 Ohio St.3d 310, 2006-Ohio-2424	8
Columbus Bar Assn. v. Elsass, 86 Ohio St.3d 195, 1999-Ohio-93	8
Cuyahoga Cty. Bar Assn. v. Berger, (1992) 64 Ohio St.3d 454, 597 N.E.2d 81	9
Disciplinary Counsel v. Hofelich, 115 Ohio St.3d 14, 2007-Ohio-4269	7
Disciplinary Counsel v. Marshall, 74 Ohio St.3d 615, 1996-Ohio-241	8
Disciplinary Counsel v. Simonelli, 113-Ohio St.3d. 215, *2007 Ohio-1535*	11
Disciplinary Counsel v. Watterson, 114 Ohio St.3d. 159, 2007-Ohio-3615	9

RULES, STATUTES, AND OTHER AUTHORITIES	PAGE(S)
DISCIPLINARY RULES	
Gov. Bar R. V(4)(G)	6, 10
Prof. Cond. R. 8.1(b)	6
Prof. Cond. R. 8.4(a)	6
Prof. Cond. R. 8.4(d)	6
Prof. Cond. R. 8.4(h)	6

IN THE SUPREME COURT OF OHIO

John Joseph Chambers 22649 Lorain Road Fairview Park, OH 44126 Attorney Reg. No. 0064627 **Respondent,**	:	**CASE NO. 2008-1991**
Disciplinary Counsel 250 Civic Center Drive, Suite 325 Columbus, Ohio 43215-7411 **Relator.**	:	**RELATOR'S OBJECTIONS TO THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE'S REPORT AND RECOMMENDATION**

RELATOR'S OBJECTIONS TO THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE'S REPORT AND RECOMMENDATION

INTRODUCTION

Now comes relator, Disciplinary Counsel, and hereby submits an objection to the Report and Recommendation of the Board of Commissioners on Grievances and Discipline (hereinafter "board"). Specifically, relator objects to the board's recommendation that respondent be suspended from the practice of law for a period of one year with six months stayed on conditions. Given the nature and number of violations found by the board in this default case, relator believes an indefinite suspension is the appropriate sanction.

FACTS

Count I - The Wilmore matter

On July 5, 2006, relator sent a letter of inquiry to respondent regarding a grievance filed by Michael David Wilmore. The certified mail return receipt was signed by Donna Babinec on July 7, 2006. Respondent did not reply to the letter of inquiry. (Report p. 1)

On August 3, 2006, relator sent a second letter of inquiry to respondent at his business address listed in attorney registration records. The certified mail return receipt was signed by a Cathy (last name illegible) on August 7, 2006. Respondent did not reply to the second letter of inquiry. (Report pp. 1-2)

On March 1, 2007 a third letter of inquiry was sent to respondent at both his business and home addresses listed in attorney registration records. Both certified mail return receipts were signed. Although the signatures again were illegible, the printed name reflects that both were received by John Chambers on March 12, 2007. Respondent never replied to either of these letters of inquiry. (Report p. 2)

On April 11, 2007 relator served a subpoena on respondent by leaving it with an employee at respondent's business address listed in attorney registration records. The subpoena required respondent to appear at a deposition at relator's office on May 4, 2007, and to bring his complete file regarding the Wilmore matter. (Report p. 2)

On or about May 1, 2007, respondent called relator's office requesting an extension of time by which to respond to the letters of inquiry. Based upon this telephone call, respondent's deposition was cancelled, and he was given until

May 30, 2007 to respond to the letters of inquiry. Relator received no response. (Report p. 2)

On June 20, 2007, relator forwarded a letter to respondent at his business address listed on attorney registration records advising that relator's investigation was completed, and that relator determined that sufficient evidence existed to establish probable cause that respondent committed ethical violations. Relator again received no response. (Report p. 2)

Count II - Stump matter

On September 17, 2007, relator sent a letter of inquiry to respondent at his business address listed in attorney registration records regarding a grievance filed by Thomas G. Stump. The grievance alleged that on December 7, 2006 respondent had been found guilty of misdemeanor assault by the Cleveland Municipal Court arising out of an altercation with Stump because Stump was called to testify in a juvenile court matter involving respondent's children. As a result, respondent was sentenced to one year probation. (Report p. 6)

On May 15, 2007 Stump filed a civil lawsuit for damages against respondent in the Cuyahoga County Court of Common Pleas. (Report p. 6)

The certified mail return receipt for relator's letter of inquiry was signed by Donna M. Babinec on September 20, 2007. Respondent did not reply. (Report p. 2)

On October 12, 2007, a second letter of inquiry was sent to respondent's business and home addresses listed in attorney registration records. The certified mail return receipt for the letter of inquiry sent to respondent's business

address was signed by Lee Anne Chambers on October 20, 2007. The certified mail sent to respondent's home address was returned as "unclaimed". Respondent did not reply to the second letter of inquiry. (Report p. 3)

On December 11, 2007, relator received a letter from Stump requesting that his grievance be withdrawn in order that Stump could pursue his civil remedies against respondent. (Motion for Default, Ex. 17)

On December 28, 2007, relator received a letter from Stump advising that he refused to settle any of his civil claims against respondent. (Report p. 6)

Attached to Stump's December 28, 2007 correspondence was a copy of correspondence dated December 11, 2007 from respondent to Stump's attorney in the civil matter. Respondent advised Stump's attorney that in order to settle the case, Stump must agree that:

> Mr. Stump must immediately dismiss the pending complaint he filed with the Disciplinary Counsel of the Supreme Court of Ohio and agree not to file any additional grievances against me (I have attached a letter of withdrawal for your approval). (Report p. 7)

Respondent also enclosed a proposed settlement/release which stated:

> The plaintiff will immediately send the attached correspondence to Carol A. Costa, Assistant Disciplinary Counsel of the Ohio Supreme Court, and withdraw grievance number A7-1825. In [sic] the Ohio Supreme Court imposes any discipline against Defendant John Chambers due to the allegations set forth in grievance number A7-1825, or considers the allegations set forth in plaintiff's grievance in any way as an aggravating factor in any future disciplinary proceedings against Defendant John Chambers, the plaintiff agrees to be subject to a lawsuit for defamation, and specifically waives the applicable statue of limitations. In lieu of filing a separate suit alleging defamation, however, defendant John Chambers, at his sole option, may compel liquidated damages from the plaintiff in the amount of $15,000. (Report p. 7)

On January 17, 2008, relator received a letter from Stump again requesting to withdraw his grievance as Stump's claim against respondent was "purely civil in nature". (Report p. 7)

On January 18, 2008, Stump's civil lawsuit against respondent was settled and dismissed. (Report p. 7)

On January 29, 2008, relator sent a letter to respondent at his business address listed in attorney registration records. The certified mail return receipt was signed by John J. Chambers on February 2, 2008. This letter advised respondent that relator could investigate any matters which come to its attention, regardless of a grievant's desire to withdraw a grievance. This letter also advised respondent that an attorney cannot require an individual to forgo filing, dismiss, or resolve a grievance outside Rule V of the Supreme Court Rules for the Government of the Bar of Ohio. (Report p. 3; Motion for Default, Ex. 13)

Relator requested respondent's comments to the foregoing letter by February 12, 2008, but respondent did not reply. (Motion for Default, Ex. 13)

Disciplinary Procedure

On November 27, 2007, relator filed a formal complaint against respondent based on the Wilmore matter, which was certified by the board on December 10, 2007 (Motion for Default, Ex. 1). An amended complaint was then filed on April 2, 2008 including allegations arising from the Stump matter (Motion for Default, Ex. 2) Although service was made on both the original and amended complaints, respondent failed to file an answer to either pleading. (Motion for Default, Ex. 2, 3)

Relator filed a motion for default against respondent on September 9, 2008, and recommended a sanction of an indefinite suspension. The board found clear and convincing evidence of all violations alleged by relator and four aggravating factors[1].

The board found that respondent violated Gov. Bar R. V(4)(G) due to his failure to cooperate in the investigations of both the Wilmore and Stump matters. Clear and convincing evidence was also found that respondent's conduct with regard to Stump violated Prof. Cond. R. 8.4(a) (No lawyer shall violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another); Prof. Cond. R. 8.4(d) (No lawyer shall engage in conduct that is prejudicial to the administration of justice); and Prof. Cond. R. 8.4(h) (No lawyer shall engage in any other conduct that adversely reflects on the lawyer's fitness to practice law. (Report p. 8)

The only mitigating factor found by the board was that respondent had no prior disciplinary record. However, four aggravating factors were found: multiple offenses, lack of cooperation, refusal to acknowledge the wrongful nature of the conduct, and vulnerability of and resulting harm to victims. (Report p. 9)

The board recommended a one year suspension with six months stayed on the condition that respondent complete an anger management program, complete six months of monitored probation, and pay the cost of these proceedings. (Report pp. 9-10)

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[1] The board also found that respondent violated Prof. Cond. R. 8.1(b) with respect to the Wilmore and Stump matters. Relator did not allege violations of this rule in the amended complaint.

LAW AND ARGUMENT

Proposition of Law

AN INDEFINITE SUSPENSION IS WARRANTED WHERE AN ATTORNEY INTENTIONALLY DISREGARDS THE DISCIPLINARY PROCESS AND ATTEMPTS TO INTIMIDATE A PARTY INTO WITHDRAWING A DISCIPLINARY GRIEVANCE.

Relator recommends that respondent be indefinitely suspended from the practice of law in the state of Ohio. Respondent is either unable or unwilling to comply with the rules governing attorney conduct, and his disdain for the disciplinary system is glaringly apparent. He is currently not fit to practice.

Not only did respondent fail to cooperate in two separate disciplinary investigations, he attempted to coerce Thomas Stump to dismiss the grievance he filed. Respondent was obviously aware of both grievances under investigation since he called relator in the Wilmore case requesting an extension to respond- which he never did. Respondent also explicitly wrote the case number and relator's counsel's name in the proposed settlement agreement in the civil suit filed against respondent by Stump. Nevertheless, respondent did not bother to respond to any inquiries by relator, nor did he even answer the complaint or amended complaint.

In *Disciplinary Counsel v. Hofelich*, 115 Ohio St.3d 14, 2007-Ohio-4269, The Ohio Supreme Court discussed the respondent's failure to cooperate in a disciplinary investigation which resulted in a six-month suspension.

> Yet, because respondent ignored relator's repeated inquiries for more than a year, we are unwilling to stay the suspension. Respondent's actions led relator's staff and the panel members to devote many hours to an investigation that could and should have been resolved much more quickly and at much less cost. His pugnacious refusal to respond to relator's inquiries about a client's grievance calls into doubt respondent's fitness to serve other clients or potential clients. Id. at ¶ 16

In *Cleveland Bar Assn. v. James,* 109 Ohio St.3d 310, 2006-Ohio-2424, the respondent was suspended for one year due to his failure to cooperate and failure to comply with attorney registration requirements. The Ohio Supreme Court stated:

> Attorneys must timely respond to a disciplinary inquiry, whether the inquiry relates to the lawyer's own conduct or that of a colleague. Compliance with this obligation is critical to the effectiveness of the legal profession's effort to monitor itself. Id. at ¶ 8

The Ohio Supreme Court has also imposed a far more stringent sanction against a respondent who fails to cooperate in disciplinary proceedings. In *Disciplinary Counsel v. Marshall*, 74 Ohio St.3d 615, 1996-Ohio-241, the respondent was disbarred for failing to cooperate in a disciplinary investigation and for having a prior history of discipline. Although respondent in this case has no prior disciplinary history, his complete lack of cooperation, coupled with his blatant attempt to intimidate Stump in resolving a civil lawsuit cannot be tolerated.

In *Columbus Bar Assn. v. Elsass*, 86 Ohio St.3d 195, 1999-Ohio-93, the court found that the respondent engaged in conduct prejudicial to the

administration of justice due to his filing a lawsuit against a former client after she had filed a grievance against him with the Office of Disciplinary Counsel. Respondent alleged that the former client had defamed and slandered him by filing the grievance, and he sought compensatory and punitive damages, plus costs and attorney's fees. The Ohio Supreme Court indefinitely suspended the respondent.

In *Cuyahoga County Bar Association v. Berger*, (1992) 64 Ohio St.3d 454, 597 N.E.2d 81, the respondent was suspended from the practice of law for one year in part due to his attempt to "suppress the bar association's investigation." In *Berger*, two attorneys, in settling a matter, had their client enter into an agreement that in the event of inquiries by any bar association, the response would be limited to "the matters have been resolved." Id. ¶456

Respondent's conduct here is far more egregious than in *Berger*. Not only did respondent insist Stump withdraw his grievance, he sought an agreement whereby he could recover liquidated damages in the amount of $15,000 from Stump or file a suit for defamation if any of Stump's allegations were considered by relator.

The Ohio Supreme Court also indefinitely suspended an attorney in *Disciplinary Counsel v. Watterson*, 114 Ohio St.3d. 159, 2007-Ohio-3615. In that case, the respondent committed misconduct through mishandling two bankruptcy matters, but also send a client a threatening letter after she filed a grievance against him. He also failed to respond to inquiries from the bar association. The court noted:

> Respondent has not established any justification for failing to cooperate in the disciplinary process. There is no credible evidence that he could not have obtained a fair evaluation of the Gunn and Grant grievances against him from the Stark County Bar Association's Certified Grievance Committee.
>
> . . .
>
> Respondent's misconduct, including his intentional disregard of and open contempt for the disciplinary process, demonstrates his present unfitness to practice law. To protect clients and the public, to ensure the orderly administration of justice, and to maintain the integrity of the legal profession, we agree with the board that an indefinite suspension is warranted. Id. at ¶27-30

Although it refers to disputes between an attorney and a client, Opinion 96-9 of the Board of Commissioners on Grievances and Discipline is otherwise directly on point:

> Under Gov. Bar R. V(4)(G), an attorney has a duty to cooperate with the disciplinary process. A client should not be asked by an attorney to forgo filing a disciplinary grievance or to dismiss or resolve a disciplinary grievance outside Rule V. By requiring a client to prospectively agree to arbitrary disputes regarding professional misconduct, an attorney is attempting to circumvent the disciplinary process rather than cooperate with the process.
>
> Such agreements also exceed the scope of an attorney's authority, for the authority to regulate and discipline the legal profession lies within the sole authority of the Supreme Court of Ohio. See Ohio Const. Art. IV § 2(B)(1)(g). Further, an attorney is responsible for his or her own conduct, and should not attempt to escape responsibility for misconduct through a contract with a client. Attempting to thwart the disciplinary process undermines the regulation of the legal profession.

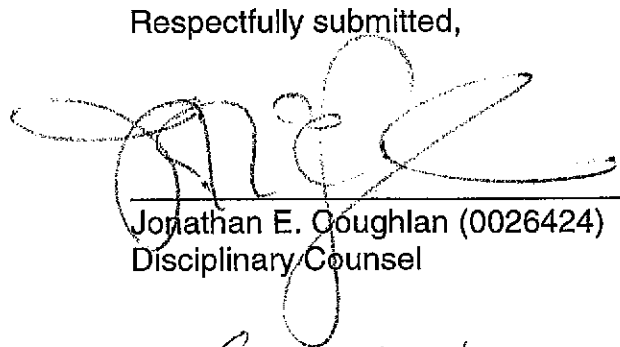
The foregoing advisory opinion clearly applies to the case at bar. Respondent ignored requests from relator for information regarding two grievances, promised he would respond to one but never did, and usurped the

authority of the Supreme Court in a blatant attempt to avoid any responsibility for his conduct and to intimidate an individual into resolving a civil lawsuit.

CONCLUSION

The Ohio Supreme Court has often held that neglect of a client's legal matters undermines public confidence in the legal profession. See e.g. *Disciplinary Counsel v. Simonelli*, 113-Ohio St.3d. 215, 2007-Ohio-1535. The same rationale applies here. Respondent's conduct can only be characterized as violative to public confidence, injurious to the public's perception of the legal profession, and places into question his ability to represent clients given that he has no respect or appreciation for the disciplinary system or the Supreme Court which is empowered to oversee it. Accordingly, an indefinite suspension from the practice of law is the appropriate sanction in this case.

Respectfully submitted,



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Disciplinary Counsel

Carol A. Costa (0046556)
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Columbus, Ohio 43215-7411
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Relator's Objections to the Board of Commissioners on Grievances and Discipline's Report and Recommendations has been served upon the Board of Commissioners on Grievances and Discipline, c/o Jonathan W. Marshall, Secretary, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431, and respondent, John Chambers, 22649 Lorain Road, Fairview Park, Ohio, 44126, via regular U.S. mail, postage prepaid, this 4th day of November, 2008.

Carol A. Costa (0046556)

RECEIVED

OCT 1 6 2008

DISCIPLINARY COUNSEL
SUPREME COURT OF OHIO

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

In Re:	:	
Complaint against	:	**Case No. 07-098**
John Joseph Chambers **Attorney Reg. No. 0064627**	:	**Findings of Fact,** **Conclusions of Law and**
Respondent	:	**Recommendation of the** **Board of Commissioners on**
Disciplinary Counsel	:	**Grievances and Discipline of** **the Supreme Court of Ohio**
Relator	:	
	:	

This matter was referred to Master Commissioner Judge W. Scott Gwin on September 10, 2008 by the Secretary of the Board pursuant to Gov. Bar Rule V(6)(F)(2) for ruling on the Relator's motion for default judgment. Master Commissioner Gwin then proceeded to prepare a report pursuant to Gov. Bar Rule V (6)(J).

PROCEDURAL HISTORY

Respondent John Joseph Chambers, of Fairview Park, Ohio, Attorney Registration No. 0064627, was admitted to the practice of law in Ohio in 1995.

On July 5, 2006, Relator sent a letter of inquiry to Respondent regarding a grievance filed by Michael David Wilmore. Donna M. Babinec signed the certified mail return receipt on July 7, 2006. Respondent did not reply to this letter of inquiry.

On August 3, 2006, Relator sent a second letter of inquiry to respondent at his business address listed in attorney registration records. A "Cathy (last name unclear)" signed the certified mail return receipt on August 7, 2006. Respondent did not reply to

Appendix A

this second letter of inquiry.

On March 1, 2007, a third letter of inquiry was sent to Respondent at both his business and home addresses listed in the attorney registration records. Both certified mail return receipts were signed. Although the signatures are illegible, the printed name reflects that John Chambers received both on March 12, 2007. Respondent never replied to either of these letters of inquiry.

On April 11, 2007, Relator served a subpoena upon Respondent by leaving it with an employee at Respondent's business address listed in attorney registration records. The subpoena required respondent to appear at a deposition at Relator's office on May 4, 2007, and to bring his complete file regarding the Wilmore matter.

On or about May 1, 2007, respondent called Relator's office, requesting an extension of time by which to respond to the letters of inquiry. Based upon this telephone call, Respondent's deposition was cancelled, and he was given until May 30th to respond to the letters of inquiry. Relator received no response.

On June 20, 2007, Relator forwarded a letter to Respondent at his business address listed in the attorney registration records, advising that Relator's investigation was completed, and that Relator determined that sufficient evidence existed to establish probable cause that Respondent committed ethical violations. Relator again received no response.

On September 17, 2007, Relator sent a letter of inquiry to respondent at his business address listed in the attorney registration records regarding a grievance filed by Thomas G. Stump. Donna M. Babinec signed the certified mail return receipt on September 20, 2007. Respondent did not reply to this letter of inquiry.

On October 12, 2007, a second letter of inquiry was sent to respondent's business and home addresses listed in the attorney registration records. Lee Anne Chambers signed the certified mail return receipt for the letter of inquiry sent to respondent business address on October 20, 2007. The certified mail sent to Respondent home address was returned as "unclaimed." Respondent did not reply to the second letter of inquiry.

A notice of intent and a copy of a proposed disciplinary complaint were forwarded to Respondent on November 15, 2007, and Respondent was advised that a response should be received no later than November 27, 2007. Respondent did not respond to the notice of intent.

On January 29, 2008, Relator sent a letter to Respondent at his business address listed in attorney registration records. This letter again requested a response to allegations relating to the Stump grievance. Respondent signed the certified mail return receipt on February 2, 2008. Respondent did not reply.

Respondent failed to file an answer or otherwise plead to both the original and amended complaints filed by Relator.

On September 9, 2008, Relator moved for a default judgment against the Respondent.

Prima facie documentary evidence in support of the allegations made regarding the misconduct of Respondent is set forth in the following:

1. Formal Complaint filed December 10, 2007

2. Amended Complaint filed April 2, 2008

3. Letter from the Secretary for the Board of Commissioners on Grievances and Discipline dated January 28, 2008

4. Letter from the Secretary for the Board of Commissioners on Grievances and Discipline dated June 3, 2008

5. Letter of Inquiry of July 5, 2006 with certified mail return receipt

6. Letter of Inquiry dated August 3, 2006 with certified mail return receipt

7. Letters of Inquiry dated March 1, 2007 with certified mail return receipts

8. Subpoena served upon respondent on April 11, 2007

9. Affidavit of Attorney Carol A. Costa, Esq.

10. Relator's letter to Respondent of June 20, 2007

11. Letter of Inquiry dated September 17, 2007 with certified mail return receipts

12. Letters of Inquiry dated October 12, 2007 with certified mail return receipt

13. Letter dated January 29, 2008 with certified mail return receipt

14. Notice of Intent

15. Grievance of Michael David Wilmore

16. Grievance of Thomas G. Stump

17. Letter to Relator from Stump of December 11, 2007

18. Letter to Relator from Stump of December 28, 2007

19. Letter to Relator from Stump of January 17, 2008

20. Docket, *Thomas Stump v. John J. Chambers, et al.*, Case No. CV-07-624477, Cuyahoga County Court of Common Pleas

FINDINGS OF FACT

COUNT ONE – MICHAEL D. WILMORE

On or about June 6, 2006, Grievant, Michael D. Wilmore, filed a Complaint with the Relator. Mr. Wilmore, who was incarcerated at the time, provided a letter dated

August 16, 2005 from the Respondent to Mr. Wilmore. In that letter, Respondent informed Mr. Wilmore that he had not received the agreed upon retainer to represent Mr. Wilmore in an attempt to gain an early release from prison.

In his grievance, Mr. Wilmore stated that a James and Barbara Smith paid the retainer in September 2005. Mr. Wilmore alleged that Respondent took no action on his behalf.

As previously noted, on July 5, 2006, Relator sent a letter of inquiry to Respondent regarding the grievance filed by Mr. Wilmore. Donna M. Babinec signed the certified mail return receipt on July 7, 2006. Respondent did not reply to the letter of inquiry.

On August 3, 2006, Relator sent a second letter of inquiry to Respondent at his business address listed in the attorney registration records. A "Cathy (last name unclear)" signed the certified mail return receipt on August 7, 2006. Respondent did not reply to the second letter of inquiry.

On March 1, 2007, a third letter of inquiry was sent to respondent at both his business and home addresses listed in attorney registration records. Both certified mail return receipts were signed. Although the signatures are illegible, the printed name reflects that John Chambers received both on March 12, 2007. Respondent never replied to either of these letters of inquiry.

On April 11, 2007, Relator served a subpoena upon Respondent by leaving it with an employee at respondent's business address listed in the attorney registration records. The subpoena required Respondent to appear at a deposition at Relator's office on May 4, 2007, and to bring his complete file regarding the Wilmore matter.

On or about May 1, 2007, Respondent called Relator's office, requesting an extension of time by which to respond to the letters of inquiry. Based upon this telephone call, Respondent's deposition was cancelled, and he was given until May 30th to respond to the letters of inquiry.

Relator received no response.

COUNT TWO – THOMAS G. STUMP

On December 7, 2006, the Cleveland Municipal Court found Respondent guilty of misdemeanor assault, arising out of an altercation with Thomas G. Stump. Respondent was sentenced to one year of probation.

On May 15, 2007, Stump filed a civil lawsuit against Respondent in the Cuyahoga County Court of Common Pleas.

On or about July 10, 2007, Relator received a grievance against Respondent from Mr. Stump.

The grievance alleged Respondent assaulted Stump because of Stump being called to testify in a juvenile court matter involving Respondent's children.

On December 11, 2007, Relator received a letter from Stump requesting that his grievance be withdrawn in order that Stump could pursue civil remedies against Respondent.

On December 28, 2007, Relator received a letter from Stump advising that Stump refused to settle any of his claims with Respondent.

In correspondence dated December 11, 2007 from Respondent to Stump's attorney in the civil matter, Respondent advised Stump's attorney that in order to settle the matter:

"Mr. Stump must immediately dismiss the pending complaint he filed with the Disciplinary Counsel of the Supreme Court of Ohio and agree not to file any additional grievances against me (I have attached a letter of withdrawal for your approval)."

Respondent enclosed a proposed settlement/release that stated:

"The plaintiff will immediately send the attached correspondence to Carol A. Costa, Assistant Disciplinary Counsel of the Ohio Supreme Court, and withdraw grievance number A7-1825. In [sic] the Ohio Supreme Court imposes any discipline against Defendant John Chambers due to the allegations set forth in grievance number A7-1825, or considers the allegations set forth in plaintiff's grievance in any way as an aggravating factor in any future disciplinary proceedings against Defendant John Chambers, the plaintiff agrees to be subject to a lawsuit for defamation, and specifically waives the applicable statute of limitations. In lieu of filing a separate suit alleging defamation, however, defendant John Chambers, at his sole option, may compel liquidated damages from the plaintiff in the amount of $15,000."

On January 17, 2008, Relator received a letter from Stump again requesting to withdraw his grievance, as Stump's claim against Respondent was "purely civil in nature."

On January 18, 2008, Stump's civil lawsuit against Respondent was settled and dismissed.

CONCLUSIONS OF LAW

Respondent's conduct with regard to the Michael D. Wilmore matter violated the following provisions of the Ohio Rules of Professional Conduct.

Letters of Inquiry sent in July and August 2006:

Gov. Bar R. V (4)(G) [Duty to Cooperate in a Disciplinary Investigation].

Letter and subpoenas issued in March, April, May and June 2007:

Prof. Cond. Rule 8.1(b): "In connection with a bar admissions application or in connection with a disciplinary matter, a lawyer shall not do any of the following:

"(b) in response to a demand for information from an admissions or disciplinary authority, fail to disclose a material fact or knowingly fail to respond, except that this rule does not require disclosure of information otherwise protected by Rule 1.6."

Gov. Bar R.V (4)(G) [Duty to Cooperate in a Disciplinary Investigation].

Respondent's conduct with regard to the Thomas G. Stump matter violated the following provisions of the Rules of Professional Conduct:

Prof. Cond. Rule 8.1(b): "In connection with a bar admissions application or in connection with a disciplinary matter, a lawyer shall not do any of the following:

"(b) in response to a demand for information from an admissions or disciplinary authority, fail to disclose a material fact or knowingly fail to respond, except that this rule does not require disclosure of information otherwise protected by Rule 1.6."

Prof. Cond. Rule 8.4(a) (No lawyer shall violate or attempt to violate the Ohio Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another);

Prof. Cond. Rule 8.4(d) (No lawyer shall engage in conduct that is prejudicial to the administration of justice);

Prof. Cond. Rule 8.4(h) (No lawyer shall engage in any other conduct that adversely reflects on the lawyer's fitness to practice law);

Gov. Bar R. V (4)(G) [Duty to Cooperate in a Disciplinary Investigation].

MITIGATING FACTORS

Respondent has no prior disciplinary record.

AGGRAVATING FACTORS

At least four of the nine aggravating factors set forth in Section 10 (B) (1) the Rules and Regulations Governing the Procedure on Complaints and Hearings before the Board of Commissioners on Grievance and Discipline, are present here:

(d) Multiple Offenses;

(e) Lack of Cooperation in the Disciplinary Process;

(g) Refusal to acknowledge the Wrongful Nature of Conduct;

(h) Vulnerability of and Resulting Harm to Victims;

RECOMMENDED SANCTION OF RELATOR

Relator recommends the sanction of indefinite suspension.

RECOMMENDATION OF MASTER COMMISSIONER

In light of the multiple offenses involving an actual prejudice to the client and to the administration of justice and because of the Respondent's failure to cooperate in the disciplinary investigation, the Master Commissioner recommends that Respondent be suspended from the practice of law for a period of one year with six (6) months stayed on the condition that Respondent (1) successfully complete an approved anger management program, and (2) complete six months of monitored probation pursuant to Gov.Bar R. V(9), and (3) pays the costs of these proceedings.

BOARD 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 October 3, 2008.

The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Master Commissioner and recommends that the Respondent, John Joseph Chambers, be suspended from the practice of law in the State of Ohio for a period of one year with six months stayed upon the conditions contained in the Master Commissioner's Report. 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