

IN THE SUPREME COURT OF OHIO

TRUMBULL COUNTY BAR ASSOCIATION

Relator

CASE NO. 2008-2097

-vs-

GEORGE NICHOLAS KAFANTARIS

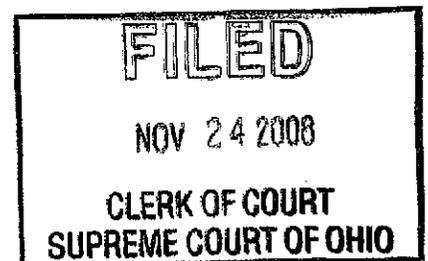
Respondent

**RELATOR'S MEMORANDUM CONTRA RESPONDENT'S
MOTION TO SUPPLEMENT THE RECORD**

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PROCEDURAL POSTURE

On April 10, 2008 and May 27, 2008 a hearing panel of the Board of Commissioners on Grievances and Discipline conducted an evidentiary hearing on Relator's complaint seeking Respondent's permanent disbarment from the practice of law. On November 4, 2008 the Board of Commissioners filed its recommendation with this Court that Respondent be permanently disbarred based upon his numerous and serious acts of disciplinary misconduct.

On November 14, 2008 Respondent filed a Motion to Supplement the Record from the hearing before the Panel by offering new/additional evidence in an apparent attempt to minimize Respondent's misconduct and/or mitigate the penalty to be imposed.

ARGUMENT CONTRA SUPPLEMENTATION

Respondent's Motion to Supplement the Record transmitted to this Court by the Board of Commissioners in support of the Board's recommendation that Respondent should be permanently disbarred should be denied for the following reasons:

1. There is no authority under Gov Bar R V (8) for Respondent's Motion to Supplement the Record from The Board of Commissioners; but even if there was such authority:
2. None of the evidence/exhibits Respondent proffers relate to the explanation or mitigation of his conduct, but only demonstrate post hearing efforts by Respondent to avoid the consequences of his misconduct without giving Relator the opportunity to cross examine Respondent upon same or offer rebuttal evidence.
3. None of the proffered evidence/exhibits were provided to Relator in advance of the Panel hearing as required by the Trial Order entered by the Board Hearing Panel;
4. While respondent may have entered into a contract with The Ohio Lawyers Assistance Program, it was done only after Relator had presented all of its evidence against

Respondent and after Respondent testified on cross examination that his theft of client money and his lying to this Court in an affidavit were not the result of mental illness, substance abuse, or addiction, and that he clearly knew what he was doing, at the time that he was doing it, was wrong;

5. The fact that Respondent is now covered by liability insurance because he is working out of the law office of his sister, Attorney Irene Makridis, is irrelevant to his conduct giving rise to the charges brought against him by the Relator. Relator did not charge Respondent with failing to maintain liability insurance or failure to notify clients in writing of such. In fact the Respondent has apparently never carried malpractice liability insurance and has never notified his clients of such and heretofore has not otherwise complied with DR-1-104 or Prof. Cond. Rule 1.4 requiring insurance or giving clients written notice that Respondent does not carry such insurance. The fact that Respondent now claims to be covered by such insurance is much like closing the barn door after the animals have escaped although liability insurance would not have provided protection to any of Respondent's clients from who he stole money nor would it have prevented him from giving this Court a false affidavit as part of his efforts to gain reinstatement to practice law after his first disciplinary suspension in 2003. More importantly, Respondent has admitted in his Motion to Supplement the Record that he continued to practice law in violation of Prof. Cond. Rule 1.4 until at least October 1, 2008 (the effective date shown on the declarations page of the Ohio Bar Liability Insurance Company Policy Respondent has attached to his motion as Exhibit E).

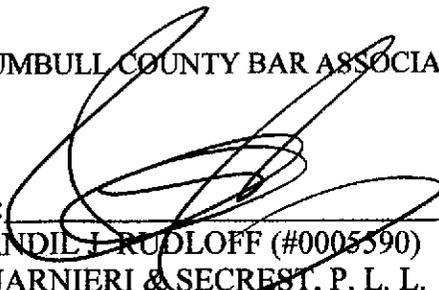
6. Respondent's claims that he has an OLAP Contract and is covered by liability insurance have not deterred Respondent from engaging in ongoing acts of misconduct as detailed in Relator's separate Motion for Interim Remedial Suspension filed with this Court November

12, 2008 under case number 2008-2196. In that Motion Relator has set forth three specific instances of Respondent's misconduct, separate and distinct from the conduct constituting the basis for the Board of Commissioners recommendation that Respondent be permanently disbarred. In two of the instances Respondent openly defied the admonitions of Judges during criminal trials resulting in Respondent being found in contempt twice and sentenced to twenty days in jail by the Honorable Ashley C. Pike during the Andrew Irwin trial in Columbiana County and Respondent being found in contempt by Honorable Timothy E. Franken in the George Berendt trial, fined \$250.00, being removed as Berendt's counsel for being professionally incompetent and causing a mistrial.

CONCLUSION

For the reasons heretofore stated Relator requests that Respondent's Motion to Supplement the Record be denied.

TRUMBULL COUNTY BAR ASSOCIATION

By: 

RANDIL J. RUDLOFF (#0005590)

GUARNIERI & SECREST, P. L. L.

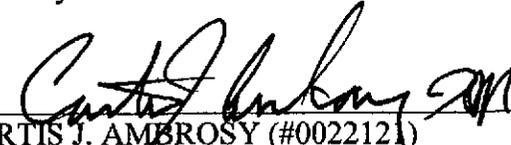
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CERTIFICATE OF SERVICE

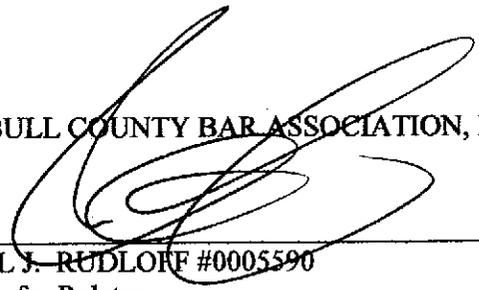
A copy of the foregoing Memorandum Contra Motion to Supplement the Record was served, this 21st day of November, 2008, upon:

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By



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