

IN
THE SUPREME COURT OF OHIO

TRUMBULL COUNTY BAR ASSOCIATION) Case No. 2008-2097
)
Relator)
)
vs.)
)
GEORGE NICHOLAS KAFANTARIS)
)
Respondent)

RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE
OBJECTIONS TO THE BOARD'S FINDINGS AND RECOMMENDATIONS

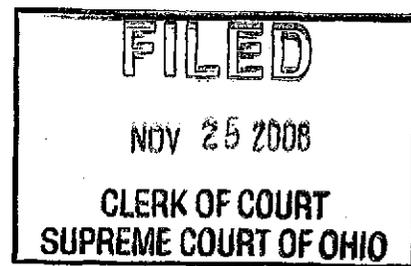
RANDIL J. RUDLOFF (#0005590)
GUARNIERI & SECREST P.L.L.
151 E. Market Street
P.O. Box 4270
Warren, OH 44483
Phone: (330) 393-1584
Fax: (330) 395-3831
Bar Counsel and Attorney for Relator

GEORGE N. KAFANTARIS
(#0009748)
183 W. Market Street
Warren, Ohio 44481
Phone: (330) 394-1587
Respondent

and

CURTIS J. AMBROSY
(#0022121)
AMBROSY & FREDERICKA
Suite 200 – 144 North Park Avenue
Warren, OH 44481
Phone: (330) 393-6400
Co-counsel for Relator

MARK G. KAFANTARIS
(#0080392)
625 City Park Avenue
Columbus, Ohio 43206
Phone: (614) 223-1444
Fax: (614) 221-3713
Attorney for Respondent



**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE
OBJECTIONS TO THE BOARD'S FINDINGS AND RECOMMENDATIONS**

Respondent, George Nicholas Kafantaris, Attorney Registration No. 0009748, hereby moves the Court, pursuant to S.Ct.Prac.R. XIV (3)(B)(2)(b), for an extension of time to file his objections to the Board's findings and recommendations.

As grounds for his motion for extension of time, Respondent states that his earlier motion to supplement the record with the contract with the Ohio Lawyers Assistance Program (OLAP) has yet to be ruled upon. Involvement with OLAP is significant mitigating evidence in disciplinary cases, as can be noted from the Court's recent decision in *Columbus Bar Assn. v. Ellis*, Slip Opinion No. 2008-Ohio-5278. Ohio Supreme Court Case No. 2008-0843.

Moreover, the undersigned has just received requested correspondence from Megan Robertson (Exhibit "A"), wherein she outlines Respondent's participation with OLAP. Respondent has also asked the Court to supplement the record with evidence of coverage for errors and omissions. This coverage is significant because it shows that Respondent's work is now insured and the public is protected.

The second grounds for Respondent's request for extension of time to file his objections to the Board's recommendation is that he has just received the transcript of proceedings from the hearing before the panel. This transcript consists of over six hundred pages for a two day hearing. Indeed, along with the hearing exhibits, the record in this case is over a thousand pages, which Respondent needs to comb through in order to make intelligent objections to the Board's recommendation.

The third reason for requesting an extension is that the Respondent was preoccupied until yesterday with the memorandum in opposition to Relator's Motion for Interim Remedial Suspension under Gov. Bar R. V (5a). Relator filed this motion

just six days after the Court issued its Order to Show Cause. Respondent's memorandum required a thorough review of the transcript of proceedings in *State of Ohio v. George Berendt*, Mahoning County Case No. 2008-CR-631, which Relator had made the subject of its motion for interim suspension.

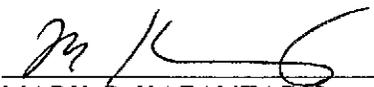
WHEREFORE, in the interest of justice, Respondent prays that he be granted the extension of time to file his objections to the Board's recommendation. The undersigned has requested a stipulation for the extension, pursuant to S.Ct.Prac.R. XIV (3)(B)(2)(a), which Relator has denied. Please see attached Exhibit "B" and response thereto attached as Exhibit "C".

Respectfully submitted,


MARK KAFANTARIS #0080392
625 City Park Avenue
Columbus, Ohio 43206
Tel: 614-223-1444
Fax: 614-221-3713
Attorney for Respondent

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Extension of Time was served on Jonathan Marshall, The Ohio Judicial Center, 65 S. Front Street, 5th Flr., Columbus, Ohio 43215, Secretary of the Board of Commissioners on Grievances and Discipline; and Randil J. Rudloff, Guarnieri & Secrest, LLP, 151 E. Market Street, P.O. Box 4270, Warren, Ohio 44482, and Curtis J. Ambrosy, Ambrosy & Fredericka, Suite 200, 144 North Park Avenue, Warren, Ohio 44483, both Counsel for Relator, by hand delivery to a responsible person in their respective offices, this 25th day of November, 2008.


MARK G. KAFANTARIS

OHIO LAWYERS ASSISTANCE PROGRAM, INC.

Scott R. Mote, Esq.
Executive Director

Stephanie S. Krzmarich, MSW, LISW, CCDC-I
Clinical Director

Megan R. Robertson, MSW, LSW
Clinical Associate

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Columbus, Ohio 43204-4991
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Tel. 614-586-0681
Fax 614-586-0688
www.ohiolap.org

EXHIBIT A

November 25, 2008

Via Fax only (614-221-3713)

Mark Kafantaris, Esq.
625 City Park Avenue
Columbus, OH 43206

CONFIDENTIAL. THIS INFORMATION HAS BEEN DISCLOSED TO YOU FROM CONFIDENTIAL RECORDS. ANY FURTHER DISCLOSURE OF IT WITHOUT THE SPECIFIC WRITTEN CONSENT OF THE PERSON TO WHOM IT PERTAINS, OR AS OTHERWISE PERMITTED BY LAW, IS PROHIBITED.

Re: George N. Kafantaris

Dear Mr. Kafantaris,

The Ohio Lawyers Assistance Program, inc. (OLAP) was first contacted by George Kafantaris on April 23, 2008. George contacted OLAP as a result of his pending disciplinary matters. I met with him on April 30, 2008 to discuss his current issues and make recommendations for support at that time.

Prior to contacting OLAP for support, George had begun treatment at Psycare in Youngstown. He had undergone a psychiatric evaluation and had begun counseling, and he had been started on Lexapro and Concerta. He reported that he had been diagnosed with Depression and ADHD.

George entered into a monitoring contract with OLAP on April 30, 2008. OLAP's recommendations were for him to continue his counseling, medication management, call OLAP three times a week, and to have his treating professionals provide OLAP with written reports regarding his diagnosis, treatment plan, prognosis and compliance. He has been in compliance with his OLAP contract. He calls the office regularly, provides updates regarding his counseling and openly verbalizes his concerns regarding his pending disciplinary matters and how stressful this situation is for him.

If you have any further questions regarding this matter, please feel free to contact me at (800) 348-4343.

Sincerely,

Megan R. Robertson, MSW, LSW
Clinical Associate

Trumbull County Bar Assoc v Kafantaris

EXHIBIT B

From: Randil J Rudloff <rudloffrj@netdotcom.com>
To: Mark G Kafantaris
Cc: Curtis J Ambrosy <af44481@aol.com>
Subject: Trumbull County Bar Assoc v Kafantaris
Date: Nov 25, 2008 9:46 AM

Mark:

Have discussed with Curt your request for an extension to file objections to the Board of Commissioners Recommendation of permanent disbarment. In reading SCT R XIV, sec 3 (b) it does not appear that Objections to a Board of Commissioners Recommendation is among the pleadings for which the Supreme Court will grant an extension of time.

Further, as you are aware from the Motion for Interim Remedial Suspension, the Trumbull County Bar Association believes that your Father has continued, undeterred, despite all of the pending disciplinary issues, to violate the Ohio Rules of Professional Conduct and that his continued practice of law poses a threat of serious harm to the public--in particular the George Berendt case is only the most recent example.

Accordingly, we believe that it would be inconsistent with our Motion for Interim Remedial Suspension to agree to any extension of time as the Bar wants this matter determined as quickly as possible and without any further delays. We must decline your request to stipulate to any extension.

I trust that if you choose to file a request for extension with the Court that you will attach a copy of this e-mail so that the Court is aware of the Relator's position as to same. (See ORPC 3.3).

Randil J. Rudloff, Esq.
Guarnieri & Secrest, P.L.L.
151 East Market Street
P.O. Box 4270
Warren, Ohio 44482
Phone: 330-393-1584
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KAFANTARIS LAW OFFICES

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November 25, 2008

EXHIBIT C

Randil J. Rudloff, Esq.
Guarnieri & Secrest P.L.L.
151 E. Market Street
P.O. Box 4270
Warren, OH 44483

Re: *Trumbull County Bar Association vs. George Nicholas Kafantaris*
Supreme Court of Ohio Case Nos. 2008-2097 & 2008-2196
Board of Commissioners Case No. 2007-038

Dear Randi:

I am sorry that you would not agree with the extension, which is clearly warranted in this case, in light of your motion for interim suspension alone.

Please note that I consider that motion improvidently made because the criminal case against Respondent is still pending (the case you cite involved a lawyer that was already convicted); the Columbiana contempt case is on appeal; and the transcript of the Berendt case does not support either the Judge's declaration of a mistrial for incompetent counsel or a finding that Respondent interfered with the administration of justice. Nor is there any support for his declaration that Respondent lied to him in describing the interview of the child as being unduly influenced. With all due respect to his view of the DVD, Respondent and the defendant's family had a different view and the theme of undue influence by the CSB worker was set out by Respondent at the onset of the trial, even during voir dire.

The Judge in the Berendt case clearly erred in finding the DVD hearsay and requiring authentication from the defendant on the conflicting medical records that show that no trauma was found on the child by the hospital on April 14, 2008, when she first went there. For all those reasons, Attorney Thomas Zena, who now represents George Berendt, agrees with Respondent that the case cannot be retried by the State because double jeopardy had attached and no grounds exist for the mistrial. Indeed, some folks are upset with the Judge and would like to see a disciplinary complaint against him for his ill treatment of the Respondent, his erratic behavior and unfounded comments and

Randil J. Rudloff, Esq.

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bias interference with the examination of Dr. McPhearson, not to mention his erratic behavior in discharging the defendant the next day and continued derogatory comments about Respondent.

In any event, Respondent is filing an appeal of the contempt finding and the assessment of the \$250.00 fine.

Very truly yours,



Mark Kafantaris

cc: Curtis J. Ambrosy, Esq.

dsk/130/rudloff.ltr