

IN THE SUPREME COURT OF OHIO

Geoffrey Lynn Oglesby  
Attorney Reg. No. (0023949)

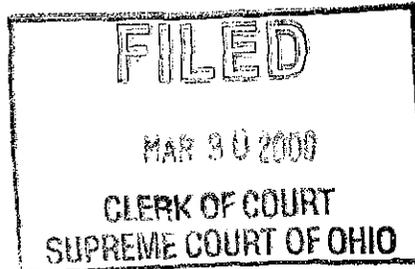
Respondent,

Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411  
Relator.

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CASE NO. 2000-1100

RELATOR'S ANSWER TO  
PETITIONER'S OBJECTIONS  
TO THE BOARD OF  
COMMISSIONERS' REPORT  
AND RECOMMENDATIONS



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RELATOR'S ANSWER TO PETITIONER'S OBJECTIONS  
TO THE BOARD OF COMMISSIONERS' REPORT AND RECOMMENDATIONS

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**IN THE SUPREME COURT OF OHIO**

Disciplinary Counsel,  
Relator

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**CASE NO. 2000-1100**

**RELATOR'S ANSWER TO  
PETITIONER'S OBJECTIONS  
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AND RECOMMENDATIONS**

Geoffrey Lynn Oglesby  
Respondent/Petitioner

---

**RELATOR'S ANSWER TO PETITIONER'S OBJECTIONS TO THE  
BOARD OF COMMISSIONERS' REPORT AND RECOMMENDATIONS**

---

Now comes relator, Disciplinary Counsel, and hereby submits this answer to respondent/petitioner, Geoffrey L. Oglesby's objections to the Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline (the board). A hearing in this matter was held January 23, 2009.

The board adopted the findings of fact and recommendation of the panel and certified its report to this Court on or about February 24, 2009. The board recommended that petitioner's reinstatement be denied. A show cause order was issued on March 4, 2009. Petitioner filed objections to the board's report on March 16, 2009.

In its findings of fact, conclusions of law and recommendations, the board found that petitioner had not taken any steps to remedy the problems that were of concern when he applied for reinstatement in 2003. Further the board concurred with the board report issued in 2003 and

held that “respondent displays a continuing problem in handling many things required of him in the practice of law.” Report at 4.

The board concluded that petitioner failed to prove by clear and convincing evidence that he met the requirements for reinstatement pursuant to Gov. Bar R.V(10)(E). Specifically the board found that petitioner failed to prove that he possesses all of the mental, educational and moral qualifications and that he was not a proper person to be readmitted to the practice of law. Report at 4.

In light of the board’s recommendation and for the following reasons, relator urges this court to adopt the board’s report and deny petitioner’s request to be reinstated to the practice of law.

#### **STATEMENT OF FACTS**

Petitioner’s disciplinary history is complex and onerous. Petitioner was admitted to the practice of law in May 1982. Petitioner’s first disciplinary case occurred in 1992. In that case this Court held that petitioner failed to prosecute actions on his client’s behalf; failed to properly file a stay in a bankruptcy proceeding; failed to collect money due his clients under a settlement agreement; paid personal bills from his trust account; and, overdrew his trust account on over 100 separate occasions. *Disciplinary Counsel v. Oglesby* (1992), 64 Ohio St.3d 39, 591 N.E.2d 1214. As a result, petitioner was suspended from the practice of law for one year with six months stayed on conditions.

Petitioner was reinstated to the practice of law on December 30, 1992 and placed on two years of monitored probation. *Disciplinary Counsel v. Oglesby* (1992), 65 Ohio St.3d 1213, 605 N.E.2d 387. On various occasions between 1995 and 1997, petitioner asked this Court to terminate his probation. This Court denied petitioner’s requests. *Disciplinary Counsel v.*

*Oglesby* (1996), 74 Ohio St.3d 1514, 659 N.E.2d 1290 and *Disciplinary Counsel v. Oglesby* (1997), 79 Ohio St.3d 1454, 680 N.E.2d 1253.

On October 25, 1999 relator filed an amended complaint against petitioner alleging that he had violated several disciplinary rules and that he failed to cooperate with his monitoring attorney. This court found that petitioner failed to cooperate with his monitor; neglected legal matters; failed to promptly return funds to a bank that had been paid to his client in error; and, failed to return an unearned retainer fee. This Court indefinitely suspended petitioner's license to practice law. *Disciplinary Counsel v. Oglesby*, 90 Ohio St.3d 455, 2000-Ohio-94, 739 N.E.2d 346.

Petitioner applied for reinstatement the first time on or about August 3, 2003. This Court denied petitioner's reinstatement petition on May 10, 2004. *Disciplinary Counsel v. Oglesby*, 102 Ohio St.3d 1219, 2004-Ohio-2541, 808 N.E.2d 882. In recommending denial of petitioner's 2003 reinstatement petition, the board found, among other factors, that petitioner had significant deficiencies in his ability to manage the business affairs of his law firm; to maintain financial records; and, that he had tax reporting deficiencies. As petitioner acknowledges, those were the deficiencies that led to his discipline in 2000. In addition to being deficient in CLE hours, the 2003 report stated that petitioner had not shown that he was sufficiently rehabilitated to avoid similar problems in the future. <sup>1</sup>

In the instant case, petitioner again applied for reinstatement of his law license in September 2008. A hearing on the petition was held January 23, 2009. The board again recommended denial of petitioner's reinstatement and found that petitioner did not take steps to

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<sup>1</sup> See Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, Case No. 99-26, filed on March 4, 2004.

correct the deficiencies that have existed in his ability to manage his calendar, records, or financial accounts. The board found that “as the first panel concluded, this panel also finds that ‘the evidence, unfortunately, has demonstrated that Respondent displays a continuing problem in handling many things required of him in the practice of law.’” Report at 4.

### **RELATOR’S ANSWER TO RESPONDENT’S OBJECTIONS**

#### **I. THE BOARD FOUND THAT PETITIONER DOES NOT POSSESS ALL MENTAL, EDUCATIONAL, AND MORAL QUALIFICATIONS FOR THE PRACTICE OF LAW**

As petitioner’s first and third objections are interrelated, relator will address them together. Despite petitioner’s attempt to show that the board was wrong in determining that he did not meet the qualifications to be readmitted to the practice of law, the board properly recommended denial. Contrary to petitioner’s assertions, the board properly found multiple areas in which petitioner failed to meet the qualifications for reinstatement.

At his hearing on January 23, 2009, petitioner admitted that his inability to devote energy to anything beyond preparing for trial led to problems in his law practice. Tr. at 27-28. Petitioner also admitted that in the past, he had hired employees and delegated management responsibility but failed to appropriately supervise them. Tr. at 28. Petitioner made this same statement at his 2003 reinstatement hearing and yet has not taken any steps to remedy his own admitted insufficiency. In fact, petitioner acknowledged that it was his failure to take steps to improve these areas that led to the denial of his last petition for reinstatement. Tr. at 64.

Despite the requirement that he do so, in the four years since his previous petition for reinstatement, petitioner did not take any continuing legal education courses, college courses or other courses on law office management or the management of trust accounts. Tr. at 63. On

questioning from counsel and the panel, petitioner repeatedly stated that he just had to realize that “the buck stops with him” as the way to prevent such problems from recurring. Tr. at 28, 35, 64, 80, 83.

When questioned by his counsel as to what calendaring system he would use if reinstated as an effort to avoid failing to file briefs and missing hearings, petitioner testified that he would use “Amicus.” Tr. at 30. Petitioner now argues that he was definitive in stating that was his plan. In reality, petitioner testified that he heard about Amicus “when it first came out. I went to Toronto where they first introduced it, but I just never had the time to implement it.” Tr. at 30. When further questioned by the panel, petitioner stated that he had not checked into the cost of Amicus and again referenced that when it “first came out” he saw the program and liked it. Tr. at 94. Petitioner was merely speculating. He was providing information that he had heard at a conference in Toronto in 1999. Petitioner had not taken the time to explore any calendaring system. Tr. at 30.

Similarly, petitioner had varied answers when asked about how he intends to manage his bank accounts, particularly his trust account. Petitioner repeatedly stated that he, personally, would manage his own bank accounts. Tr. at 32, 80, 97. Petitioner at one point stated he would have another attorney, Beverly Hancock, manage his accounts. Tr. at 79. Later petitioner stated that he would have a bookkeeper. Tr. at 83, 97. Petitioner also stated that he talked to an accountant who may provide accounting services and help him manage his accounts. Tr. at 32, 64. Petitioner later admitted that he did not contact the accountant to find out what would be required until January 13, 2009, ten days before the reinstatement hearing. Tr. at 66. The board found petitioner’s testimony on this issue inconsistent. Report at 3.

Petitioner further acknowledged that an issue in his prior reinstatement attempt related to income tax returns he filed for the years 2000-2003. In particular, there were deficiencies in those income tax returns. On the returns, petitioner listed his employment as “lawyer” while he was suspended. When asked at this hearing how he corrected the problem, petitioner stated that he changed “lawyer” to “researcher” or “consultant.” Tr. at 34. In fact, petitioner merely crossed out the word “lawyer” and wrote in a replacement profession. Tr. at 69-70, Ex. 1. Petitioner admitted that he did not actually file amended returns ostensibly based upon the advice of his sister. According to petitioner, “[i]t was a mistake, but it was of no real consequence to the IRS, that’s what my sister indicated to me.” Tr. at 34, 68, 70.

In addition to failing to correct his income tax returns, petitioner has consistently claimed income but is unable to prove the source of his yearly earnings. Petitioner has never received a W-2 or 1099 from any attorney who has employed him after his indefinite suspension in 2000. Tr. at 68, 77-78. When asked how he calculates his income, petitioner claimed that he adds it up from the checks he receives; that his tax preparer computes some of the income based on information from one of the attorneys that petitioner works for; and, that at least one of petitioner’s employers claimed him “as an expense.” Tr. at 72, Ex. 2-5.

Almost more disturbing is the fact that petitioner never thought his lack of income documentation was in any way unusual. Petitioner never inquired into the existence of W-2s or 1099s until after relator requested them in discovery. Tr. at 73, 102, 113-114. Petitioner stated that he was not even aware that he should have been receiving an income statement or which income statement he should have received. He did not begin to research the difference between a W-2 and 1099 until a month and a half before the reinstatement hearing. Tr. at 115.

Referencing his tax returns, petitioner further could not explain why his income was reported as “business income” as opposed to earnings. He had no idea what a \$4,500 business deduction was related to and stated that he thought it was for “car mileage.” Tr. at 74, Ex. 2. He did not know why his 2004 income was reported as “wages.” Tr. at 116, Ex. 2.

Petitioner has apparently left all decisions about his taxes up to his tax preparer, an attorney licensed only in Washington D.C. who lives in Sandusky. This attorney is not an accountant or expert in preparing income taxes, yet petitioner relies on him without any understanding as to what is occurring. Tr. at 110-111. In fact, when asked specifically why he relies on this person, petitioner stated “[h]e’s just excellent with numbers.” Tr. at 110.

All of the foregoing evidence supports the board’s conclusion that petitioner failed to address issues related to tax returns and income that were of concern in his prior reinstatement hearing. The board specifically found that,

[b]ased upon review of the tax returns and Respondent’s testimony, the Panel finds that Respondent has failed to correct serious deficiencies in his personal tax accounting and reporting methods since his 2003 reinstatement hearing. This failure to make necessary improvements demonstrates the same pattern of lack of attention to detail that resulted in Respondent’s previous misconduct and suspensions.

Report at 4 (emphasis added). Petitioner’s testimony and attempts to explain his continuing income tax deficiencies were not well-taken by the board. Petitioner failed to correct an issue that he well knew was a barrier to his reinstatement.

Overall, the board found that petitioner failed to present clear and convincing evidence that he should be reinstated to the practice of law. After evaluating petitioner’s testimony at the hearing, the board found that petitioner:

- was unable to document any steps that he has taken since his last reinstatement hearing to ensure that the same problems do not arise in the future;
- had taken no CLE or other courses on law office management;

- had no business plan for the practice of law;
- had no defined system for tracking cases and meeting deadlines;
- had no accounting system in place; and
- was less than sincere

Report at 3.

Petitioner gave no specific testimony of a plan for his return to the practice of law. He had not considered any way to address his well-known and admitted deficiencies. Although admitting his insufficiencies is a positive step, petitioner's repeated failure to remedy the deficiencies makes his admission ring hollow.

Petitioner argues that relator took an "unreasonable" stance in opposing his reinstatement. Relator initially did not take any position on petitioner's reinstatement and reserved his recommendation until the conclusion of all evidence. Tr. at 15. For the reasons discussed above, relator determined that the testimony and evidence presented showed that petitioner was not a proper person for reinstatement to the practice of law. As a result, relator recommended that petitioner's reinstatement be denied on the basis that he had not met his burden of proof. Tr. at 143.

Petitioner accuses relator of "moving the goalpost" and setting up an impossible situation whereby petitioner can never be reinstated. Relator denies this characterization. Petitioner has been aware of his deficiencies in the areas of law office management, calendaring, and trust account management since he was first disciplined in 1992. Petitioner's misconduct in those areas continued and resulted in additional discipline in 1999. Petitioner was denied reinstatement in 2003 specifically based on his failure to address these same deficiencies, along with his income tax and CLE issues. The testimony presented at the hearing led relator to make its reasonable and well-supported recommendation.

Petitioner acts as if he had no idea what is expected of him in order to be reinstated. The goalpost has not been moved. It is in the same location it has been since 1992. Petitioner has just refused to take any steps toward it. As stated by the board, “[h]aving been indefinitely suspended from the practice for misconduct secondary to his inability to manage the details and business aspects of the practice, it was incumbent on [petitioner] to provide the panel with more than promises.” Report at 3. Petitioner failed to do so.

Petitioner urges this Court to find that his character letters, community involvement and reputation are enough to prove by clear and convincing evidence that he is a proper candidate for reinstatement to the practice of law. However, the testimony and evidence presented at hearing do not support petitioner’s position. The Rules for the Government of the Bar require much more. As such, the board correctly found that petitioner did not prove by clear and convincing evidence that he is a proper person to be reinstated to the practice of law.

## **II. THE BOARD PROPERLY FOUND THAT PETITIONER WAS NOT A CANDIDATE FOR REINSTATEMENT WITH CONDITIONS**

Petitioner argues that because other attorneys have been reinstated to the practice of law “with conditions” that he should also be reinstated with a monitor to afford “public protection.” In contrast, the board specifically found that based on the evidence presented at the hearing, “[t]his panel does not believe that a period of monitoring would be sufficient to cure the existing concerns and adequately protect the public.” Report at 4.

Pursuant to Gov. Bar R. V(9)(B), a monitoring attorney is to make sure the attorney he or she monitors complies with probationary conditions imposed by this Court. Probationary conditions routinely relate to the root of what caused the misconduct. The disciplined attorney must be found to be a good candidate for monitoring.

In this case, the board found that monitoring petitioner would not help him. Petitioner has known for years that his reinstatement to the practice of law hinged on his ability to prove he had educated himself in law office management and IOLTA compliance. Petitioner has known since at least 2003 that the board was concerned about his income tax deficiencies. Nevertheless, petitioner did nothing to establish that he had been responsive to those areas of concern. There is no reason to believe and no evidence to support petitioner's claim that a monitoring attorney would assist petitioner in addressing issues that have long been ignored. Petitioner has done nothing to prove to this Court that he is a good candidate for monitoring. The assignment of a monitor is not an absolute but must have some benefit to the subject attorney and protection of the public.

Moreover, petitioner was already assigned a monitor when he was reinstated to the practice of law in 1992. Petitioner's failure to meet with his monitor was one aspect of his disciplinary case in 1999. As a result, this Court found that petitioner failed to cooperate with the monitor, despite the fact that the monitoring period was extended. *Oglesby*, 90 Ohio St.3d 455.

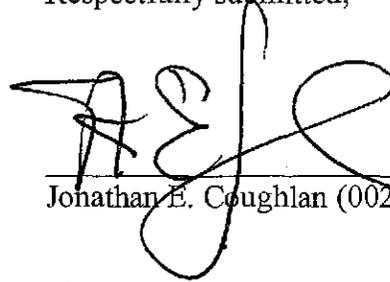
Petitioner directs this Court's attention to *Ohio State Bar Assn. v. Wolfson*, 119 Ohio St.3d 1217, 2008-Ohio-5090, 894 N.E.2d 317, as a case where a reinstated attorney was assigned a monitor to protect the public. Wolfson had been convicted of a third-degree felony of tampering with evidence in relation to a friend who died of a drug overdose. In considering his petition for reinstatement, the board found that Wolfson had been in an addiction treatment program and that Wolfson was addressing the causes of the misconduct that led to his indefinite suspension. In contrast, in the instant case, the board specifically found that petitioner had not

addressed the behaviors that led to his disciplinary actions in 1992 and 1999. Report at 4.  
Accordingly, petitioner is not a proper candidate for reinstatement with monitoring.

### CONCLUSION

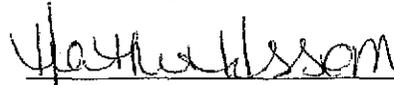
The board's decision to deny petitioner's reinstatement should be upheld and he should not be reinstated to the practice of law with a monitor. He has not addressed his admitted deficiencies in law office management and trust account compliance. Petitioner failed to prove by clear and convincing evidence that he is a proper candidate for reinstatement.

Respectfully submitted,



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Jonathan E. Coughlan (0026424)

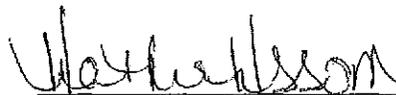


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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing answer brief was served via U.S. Mail, postage prepaid, upon respondent's counsel, Mr. Alvin Earl Mathews, Jr. Esq., Bricker and Eckler 100 S. Third Street, Columbus, OH 43215, and upon Jonathan W. Marshall, Secretary, Board of Commissioners on Grievances and Discipline, 65 South Front Street, 5<sup>th</sup> Floor, Columbus, Ohio 43215 this 30<sup>th</sup> day of March, 2009.



Heather L. Hissom  
Counsel for Relator

# **APPENDIX A**

RECEIVED

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

FEB 25 2009

DISCIPLINARY COUNSEL  
SUPREME COURT OF OHIO

In Re: : SCO Case No. 00-1100  
Reinstatement of : BOC Case No. 99-026  
Geoffrey L. Oglesby : Findings of Fact,  
Attorney Reg. No. 0023949 : Conclusions of Law and  
Respondent : Recommendation of the  
Disciplinary Counsel : Board of Commissioners on  
Relator : Grievances and Discipline of  
the Supreme Court of Ohio

This Petition for Reinstatement matter was heard January 23, 2009, in Columbus, Ohio before a panel consisting of William Novak of Cleveland, Martha Butler and Nancy D. Moore, Chair, both of Columbus, Ohio. None of the panel members is a resident of the district from which the complaint originated, a member of the probable cause panel that certified this matter to the Board, a member of the hearing panel on the original charges against Respondent, or a member of the first reinstatement hearing panel.

Heather L. Hissom represented Relator, Disciplinary Counsel. Respondent, Geoffrey L. Oglesby, was present and represented by Alvin E. Mathews, Jr.

Respondent has been suspended twice in the past. In 1992, Respondent was suspended for one year with six months stayed and other conditions in *Disciplinary Counsel v. Oglesby* (1992), 64 Ohio St.3d 39 (attached). In 2000, upon a finding of additional misconduct and a failure to comply with the monitoring that was ordered in the 1992 case, Respondent was

APPENDIX A

indefinitely suspended. *Disciplinary Counsel v. Oglesby*, 90 Ohio St.3d 455, 2000-Ohio-94 (attached).

Respondent first petitioned for reinstatement in 2003. After a hearing, that hearing panel found that Respondent failed to prove that “he has been rehabilitated so as to avoid similar problems in the future, or that he has the mental qualifications required to justify his reinstatement to the practice of law.” (See attached Board Report). On May 10, 2004, the Supreme Court of Ohio denied respondent’s petition for reinstatement without comment. *Disciplinary Counsel v. Oglesby*, 102 Ohio St.3d 1219, 2004-Ohio-2541.

In order to be reinstated, the burden of proof is on the Respondent to establish by clear and convincing evidence: (1) that he has made appropriate restitution to persons who were harmed by his misconduct, if applicable; (2) that he possesses all of the mental, educational and moral qualifications that were required of an applicant for admission to the practice of law at the time of his original admission in 1982; (3) that he has complied with the continuing legal education requirements; and (4) that he is now a proper person to be readmitted to the bar of Ohio notwithstanding the previous disciplinary action taken against him.

#### **FINDINGS OF FACT**

Respondent testified at the hearing. In addition, he called one character witness and presented numerous character letters from judges and lawyers. Some of the letters were from attorneys for whom Respondent has done legal research, writing and consulting during his suspension. The panel was convinced that Respondent was regarded in the Sandusky area as a skilled professional in criminal law. Additionally, Respondent is respected in his community for his dedication to the community and involvement in various volunteer activities.

Respondent submitted documentation of approximately 136 hours of CLE courses that he has attended since January 2000. Based upon the evidence presented, the panel was convinced

that appropriate restitution has been made to all harmed individuals and that all CLE requirements have been satisfied.

Respondent admitted that he did a poor job of handling finances and tracking cases when he practiced law. This lack of organization and management resulted in neglect of client cases, IOLTA violations, and harm to clients. Based upon that conduct, Respondent has twice been suspended from the practice of law.

During his testimony, Respondent testified that he is now an appropriate person to be reinstated to the practice of law in the State of Ohio. Respondent indicated that he would buy and use some kind of calendaring system when reinstated, but had not done any recent investigation as to the effectiveness or cost of any particular system. Respondent at one point indicated that he would handle all finances himself, but later indicated that he would instead hire a bookkeeper. Respondent also indicated that he had spoken to an accountant who would be willing to assist him in his business finances.

However, when pressed by counsel and the Panel, Respondent was unable to document any steps that he has taken since his last reinstatement hearing to ensure that the same problems do not arise in the future. Respondent has taken no CLE or other courses on law office management, has no business plan for the practice of law, has no defined system for tracking cases and meeting deadlines, and has no accounting system in place. However, Respondent claimed that the ethics portion of some CLE courses may have touched upon law office management. While Respondent insisted that he had addressed the deficiencies in his ability to manage a law office, he could not document any specific measures taken and the panel found him to be less than sincere in those claims. Having been indefinitely suspended from the practice for misconduct secondary to his inability to manage the details and business aspects of the practice, it was incumbent on Respondent to provide the panel with more than promises.

Respondent needed to show specific documented steps demonstrating that he has learned how to manage these details or has retained others with expertise to do it for him (and he understands his duty to supervise such persons).

Relator presented Respondent's federal tax returns<sup>1</sup> for the years 2000 through 2007. Tax reporting deficiencies were a major obstacle to his reinstatement at the 2003 hearing. Based upon review of the tax returns and Respondent's testimony, the Panel finds that Respondent has failed to correct serious deficiencies in his personal tax accounting and reporting methods since his 2003 reinstatement hearing. This failure to make necessary improvements demonstrates the same pattern of lack of attention to detail that resulted in Respondent's previous misconduct and suspensions.

The panel concludes that Respondent has failed to take the appropriate steps to remedy the problems that were of concern at the hearing in 2003. The Panel further finds that Respondent has failed to prove by clear and convincing evidence that (1) he possesses all of the mental, educational, and moral qualifications required; and that (2) he is now a proper person to be readmitted to the Bar of Ohio. As the first reinstatement panel concluded, this panel also finds that "the evidence, unfortunately, has demonstrated that Respondent displays a continuing problem in handling many things required of him in the practice of law." This panel does not believe that a period of monitoring would be sufficient to cure the existing concerns and adequately protect the public.

#### **PANEL RECOMMENDATION**

In opening statements, Relator took a neutral position as to Respondent's reinstatement, but reserved the right to change that position following the presentation of evidence. In closing

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<sup>1</sup> Only the two page Form 1040 was submitted for each of the tax years. These forms were provided by Respondent to Relator in response to their request for all W-2 and 1099 Forms. Respondent indicated that he received no W-2 or 1099 Forms from any of the attorneys for whom he has worked, so he submitted the Forms 1040 instead.

argument, Relator did change positions and opposed reinstatement based the evidence produced at the hearing. Respondent urged the Panel to recommend reinstatement to the practice of law.

It is the recommendation of the Hearing Panel that Respondent's application for reinstatement be denied.

### **BOARD RECOMMENDATION**

Pursuant to Gov. Bar Rule V, Sec. 10(G)(5) and (6), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on February 13, 2009. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel and recommends that the Respondent, Geoffrey L. Oglesby, be denied readmission to 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**

# Supreme Court of Ohio

1992 TERM

Disciplinary Counsel,  
Relator,

v.

Geoffrey Lynn Oglesby,  
Respondent.

To Wit: June 17, 1992

ON CERTIFIED REPORT BY THE BOARD  
OF COMMISSIONERS ON GRIEVANCES AND  
DISCIPLINE OF THE SUPREME COURT

91-2500

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ORDER

The Board of Commissioners on Grievances and Discipline filed its Final Report in this Court on December 18, 1991, recommending that the respondent, Geoffrey Lynn Oglesby, Attorney Registration Number 0023949, be suspended from the practice of law for a period of one (1) year pursuant to Rule V, Section 7(c) of the Supreme Court Rules for the Government of the Bar of Ohio, with six (6) months of that suspension stayed if the Respondent successfully complies with the following conditions during the first six (6) months of his suspension: (a) full restitution of all sums (\$3,700) found by the hearing panel to be owed by the respondent as a result of his misconduct; and (b) completion of all required continuing legal education requirements to include at least four hours of continuing legal education on the subject of Professional Practice Management and Administration. The Board further recommended that Respondent be required to complete two (2) years of monitored probation after completion of his suspension.

IT IS ORDERED AND ADJUDGED by this Court that, consistent with the opinion rendered herein, Respondent, Geoffrey Lynn Oglesby, be suspended from the practice of law for a period of one (1) year pursuant to Gov. Bar R. V, Sec. 7, but that six (6) months of that suspension be stayed on the following conditions: (1) that within the first six months of his suspension respondent make full restitution of all sums, as set forth in the Court's opinion; (2) that within the first six months of his suspension respondent complete all continuing legal education requirements, as set forth in the Court's opinion; and (3) that he complete two years of monitored probation after completion of his suspension, in accordance with Gov. Bar R. V, Sec. 23.

IT IS FURTHER ORDERED that the respondent, Geoffrey Lynn Oglesby, immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

IT IS FURTHER ORDERED that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

IT IS FURTHER ORDERED that respondent is hereby divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

IT IS FURTHER ORDERED that respondent surrender forthwith his certificate of admission to practice to the Clerk of this Court and that his name be stricken from the roll of attorneys maintained by this Court.

IT IS FURTHER ORDERED that respondent be taxed the costs of these proceedings in the amount of One Thousand Two Hundred Thirty-Three Dollars and Thirty Cents (\$1,233.30), which costs shall be payable to this Court by certified check or money order on or before July 17, 1992.

IT IS FURTHER ORDERED that, pursuant to Gov. Bar R. X, Sec. 3(F), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month of the suspension. As part of the total credit hours of continuing legal education required by Gov. Bar R. X, Sec. 3(F), respondent shall complete one credit hour of instruction related to ethics and professional responsibility, including instruction on substance abuse, for each six months, or portion of six months, of the suspension.

IT IS FURTHER ORDERED that six months of respondent's suspension shall be stayed and respondent shall be placed on probation only if he files evidence with the Clerk of this Court that he has made all restitution, as set forth in the Court's opinion, and has completed all continuing legal education, as set forth in the Court's opinion. It is further ordered that if respondent is placed on probation he shall remain on probation until he applies for termination of probation in accordance with Gov. Bar R. V, Sec. 23(d) and this Court orders respondent's probation terminated.

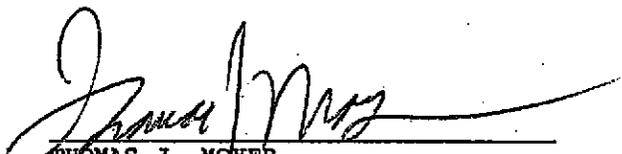
IT IS FURTHER ORDERED that on or before July 17, 1992, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of his suspension and his consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in his place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of his disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the Clerk of this Court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

IT IS FURTHER ORDERED that respondent surrender forthwith his attorney registration card for the 1991-1993 biennium.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

IT IS FURTHER ORDERED that the Clerk of this Court issue certified copies of this order as provided for in Gov. Bar R. V, Sec. 22.

  
THOMAS J. MOYER  
Chief Justice

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

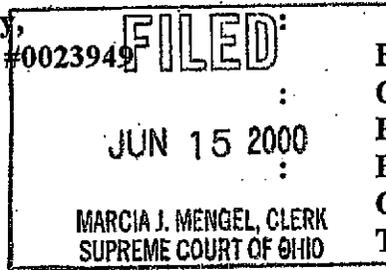
00-1100

In re: :  
Complaint against: : Case No. 99-26

Geoffrey Lynn Oglesby,  
Attorney Registration #0023949  
Respondent,

Disciplinary Counsel,

Relator.



Findings of Fact,  
Conclusions of Law, And  
Recommendation of The  
Board of Commissioners On  
Grievances And Discipline Of  
The Supreme Court of Ohio

**INTRODUCTION**

A hearing on the above-styled case was held before a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio in Bucyrus, Ohio on January 31, 2000, and in Columbus, Ohio on February 10, 2000.

Members of the panel present were Thomas Henretta, Akron, Ohio; Elaine Greaves, Youngstown, Ohio; and Judge Dana A. Deshler, Columbus, Ohio, Chairman. John McManus, Assistant Disciplinary Counsel, represented the relator, office of Disciplinary Counsel. Lurlia Oglesby, attorney at law, represented the respondent, Geoffrey Oglesby and Mr. Oglesby represented himself during various portions of the proceedings.

**FINDINGS OF FACT**

Upon the evidence adduced upon hearing, stipulations, exhibits and argument, the panels finds:

1. It has jurisdiction of the parties and the subject matter.

2. None of the panel members reside in Erie County, Ohio or served on the probable cause committee that reviewed this matter.
3. Respondent Geoffrey Lynn Oglesby is a forty-four year old attorney, admitted to the bar of Ohio in May 1982. He was a resident of Erie County when the incidents which are the subject matter of the complaint occurred. Mr. Oglesby is a graduate of Cleveland Marshall Law School, obtaining his undergraduate degree from The Ohio State University. He is also a graduate of Sandusky High School.
4. Mr. Oglesby is charged by Disciplinary Counsel with eight incidents of misconduct as reflected in the four-count amended complaint filed by Disciplinary Counsel.

### COUNT I

5. Count one relates to a previous disciplinary proceeding involving respondent and formally reported at 64 Ohio State 3d 39 (1992). At that time, respondent was suspended for one year, with six months stayed, with conditions set forth as follows: restoring \$3,700 formally owed by respondent, completion of legal education requirements and completion of two years of monitored probation after serving the suspension.

6. Mr. Oglesby was reinstated to the practice of law on December 30, 1992. K. Ronald Bailey, attorney, was appointed in late 1992 to be the monitoring attorney and he has continued in that role to this date. Mr. Oglesby, after 1992, on various occasions filed applications for the termination of his probation with the Supreme Court of Ohio and all applications were denied.

7. Relator alleges that respondent violated Gov. Bar. R. V (9)(C)(1) by failing to meet regularly with Mr. Bailey, and by failing to cooperate fully with Mr. Bailey's efforts to monitor respondent's compliance as required by Gov. Bar R. V 9(C)(3). Relator also alleges respondent's failure to cooperate with the monitoring attorney violated DR 1-102(A)(6), engaging in conduct that adversary reflects on an attorney's fitness to practice.

8. A summary of the facts relating to Count One follows: As previously stated, respondent was placed on probation following disciplinary proceedings in 1992. Attorney K. Ronald Bailey was appointed as monitoring attorney. The testimony and exhibits established that respondent was to meet quarterly with Mr. Bailey. While respondent met with Mr. Bailey three times in 1993 and two times in 1994, the monitoring attorney received only a few reports in 1995 and 1996. Ultimately, Mr. Bailey testified that while he liked the respondent, he felt respondent did not satisfy his obligations regarding meetings. It should be noted that while respondent complied satisfactorily with terms of probation for a period of time, he ultimately failed to meet quarterly or correspond timely upon request of both the monitoring attorney and the Office of Disciplinary Counsel. Respondent, after continuing on probation, attempted three times to have the Ohio Supreme Court terminate his probation. However, the requests to terminate probation were denied. Thus, the probation originally intended for a two-year period continued and ultimately resulted in respondent's failure to comply with the original terms of probation. Respondent generally argued that he complied with the terms of probation and there was no record of any effort during the period since 1992 to revoke his probation.

Gov. Bar. R. V (9)(C)(1) - Duties of Respondent:

The respondent shall do all of the following:

- (1) Have a personal meeting with the monitoring attorney at least once each month during the first year of probation, and at least quarterly thereafter, unless the monitoring attorneys require more frequent meetings.
- (3) Cooperate fully with the efforts of each monitoring attorney to monitor the respondent's compliance.

DR 1-102(A)(6)

(A) A lawyer shall not:

- (6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

## COUNT II

9. Count II involves respondent's representation of various clients and their appeals following their conviction in criminal cases. This count of the complaint involves four different clients.

a. James Hammon - in July 1997, Mr. Hammon was convicted in the Erie County Court of Common Pleas. The respondent was appointed as appellate counsel. Respondent filed a notice of appeal. However, the court of appeals, on December 22, 1997 dismissed the appeal, due to respondent's failure to file a brief. The motion for reconsideration, filed by respondent, was denied. In another case involving James Hammon, the same procedural scenario occurred, and after respondent, as appointed counsel filed a notice of appeal, the appeal was subsequently dismissed on the basis that no brief had been filed. A motion for reconsideration, filed by respondent, was denied in this case, as in Mr. Hammon's other case. Relator has alleged that respondent did not inform Mr. Hammon of the dismissal of his appeals. The state public defender later succeeded in having the appeals reinstated.

10. Relator alleges that respondent, with respect to the Hammon cases, violated DR 6-101 (A)(3) and DR 1-102(A)(6).

(A) A lawyer shall not:

(3) Neglect a legal matter entrusted to him.

(6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

11. The evidence reveals, through testimony and exhibits, that Mr. Hammon's appeals were originated by respondent and both appeals were dismissed for the appellant's failure to timely file a

brief. The issue remains somewhat equivocal as to whether respondent informed Mr. Hammon of the dismissals. Mr. Hammon acknowledged being aware of respondent's difficulty in obtaining transcripts. The major response of respondent to this aspect of the proceedings was that the difficulty of obtaining transcripts was the problem and such conduct was more aberrational than a reflection of a pattern of neglectful conduct in his practice.

b. Bryant Jenkins - in May 1997, Jenkins was convicted in proceedings in the Erie County Court of Common Pleas. Respondent was appointed to appeal Jenkins' conviction. Respondent filed a notice of appeal and after securing two extensions of time to file a transcript, the appeal was dismissed on December 22, 1997 for failure of appellant to file a brief. A motion for reconsideration, filed by respondent, was later denied. The appeal was later reinstated through new counsel.

12. Relator alleges that respondent violated DR 6-101 (A)(3) and DR 1-102(A)(6) regarding the Jenkins case. Relator also alleged a violation of DR 9-101(C) relating to a claim of improperly charging the client a fee when appointed by the court and indicating that he could expedite the process if paid a fee.

DR 9-101 (C):

(C) A lawyer shall not state or imply that he is able to influence improperly or upon irrelevant grounds any tribunal, legislative body or public official.

The Jenkins case, from an evidentiary standpoint, is similar to the pattern of events in the Hammon cases. The evidence clearly revealed that respondent was appointed to prosecute Jenkins' appeal, did not file transcripts and the appeal was dismissed for failure to file a brief. There was also evidence that respondent charged Jenkins \$1,000 to pursue the appeal even though he was appointed by the court. Respondent offered little explanation of the circumstances giving rise to the

dismissal of the client's appeal, other than the ongoing difficulty relating to obtaining the transcript emanating from a two-day trial.

c. Donald Walk - in 1997, Donald Walk was convicted in a criminal proceeding in the Erie County Court of Common Pleas. The respondent was appointed as appellate counsel. Respondent filed a notice of appeal, but as in the Hammon and Jenkins cases, the appeal was dismissed for failure to file a praecipe and documenting statement. The court of appeals denied reconsideration and denied a motion to reconsider the denial of reinstatement. As in the other cases in the court of appeals, there is no claim that any of the appellants authorized a dismissal of their appeal.

13. Relator alleges that respondent violated Disciplinary Rules 6-101 (A)(3) and 1-102(A)(6). The Walk case is very similar to the Hammon and Jenkins cases. The panel concluded that the case was dismissed as a result of respondent's failure to timely file a docketing statement and brief. There was little if anything suggested by respondent by way of a defense. Respondent repeatedly asserted a difficulty in obtaining transcripts and claims such deficiencies in his appellate practice were aberrational as opposed to revealing a pattern of neglect.

d. Fred Farris - The various allegations regarding respondent's representation of Fred Farris served as the basis for alleged violations of DR 6-101(A)(3) and DR 1-102(A)(6). Respondent represented Farris upon trial and in the court of appeals. The allegations in relator's complaint and exhibits are not sufficient to sustain relator's evidentiary burden regarding the claimed violations relating to representation of Fred Farris. There was no direct evidence presented on this aspect of relator's case and therefore, such DR charges should be dismissed.

### Count III

14. Count III of relator's complaint involves the respondent's representation of Michelle Poorman. On February 20, 1988, the mother of Michelle Poorman went to Croghan Colonial Bank to obtain a money order for \$375 to be sent to respondent as a partial payment of \$750 in fees owed to respondent for his representation of Michelle Poorman. The bank clerk, in error, made out a money order for \$5,375. Ms. Poorman, without being aware of the error, mailed the money order to respondent's office. The bank learned of the error and called the Poorman's residence on Monday. Poorman also called respondent's office to relate the problem with the money order. A secretary at respondent's office indicated they would contact the bank. The money order was deposited in the respondent's office account. Since that time and until early this year, the respondent had failed to return the \$5,000 to the bank.

15. Relator alleges that in view of respondent's uncontested depositing of the money order and retention of the funds represented by the money order, that respondent violated DR 1-102(A)(3), DR 1-102(A)(4), DR 1-102(A)(6) and DR 9-102(B)(4).

DR 1-102:

(A) A lawyer shall not:

(3) Engage in illegal conduct involving moral turpitude

DR 1-102(A)(4)

(A) A lawyer shall not:

(4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

DR 1-102(A)(6)

(A) A lawyer shall not:

(6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

DR 9-102(B)(4)

(B) A lawyer shall:

(4) Promptly pay or deliver to his client as requested by a client the funds, securities or other properties in the possession of the lawyer which the client is entitled to receive.

16. The panel finds respondent's conduct inexplicable in view of a number of uncontested facts giving rise to the charges under Count III. The respondent did attempt to resolve the matter but ultimately conditioned his repayment of the \$5,000 to the bank on dismissal of disciplinary charges. Also, the respondent, while trying to resolve the problem, finally ended any substantive effort when the bank's patience became exhausted and a legal action was threatened. Ultimately, respondent did pay the \$5,000 to the bank with an accompanying letter on February 8, 2000, a week after the first hearing in this disciplinary case.

17. The panel recognizes Respondent has recently paid the money owed the bank since early 1998. The most troubling aspect of this count of relator's complaint is respondent's equivocal attitude regarding his obligations or his office's obligation to refund money owed the bank. In closing argument, respondent stated that "as far as the bank is concerned, I guess I'm just damned if I do and damned if I don't." In brief, respondent seemed to recognize that he owed the money to the bank, but struggled with recognizing any compelling reason to resolve the situation. Respondent did offer to pay the money in installments in 1999 but this offer was apparently rejected. The panel finds DR 9-102(B)(4) inapplicable to the facts and dismisses this particular DR charge.

#### **Count IV**

18. Count IV of relator's complaint involves respondent's representation of Russell Boyd, Jr. Russell Boyd, Sr., contacted respondent in August 1997 regarding representation of his son,

Russell Boyd, Jr. The younger Boyd was facing charges of driving under suspension and speeding. After paying respondent \$1,000 in fees, Boyd, Sr. learned later, through a police officer, that his son was going to be arrested. After numerous phone calls to respondent's office without response, Boyd, Sr. met with respondent and suggested that respondent go with his son, and that his son would turn himself in and seek bail. The client claimed respondent advised his son against turning himself in to authorities. Some time passed and on the eve of Thanksgiving, the son was arrested. Boyd, Sr. called respondent and he was assured counsel would appear in court on Monday after the long Thanksgiving weekend on behalf of his son. Upon the hearing in court on Monday, respondent did not appear but an associate appeared late and after the judge had set bail at \$10,000. The client then sought other counsel and requested a refund of the retainer. Eventually, respondent sent a check to the client in the amount of \$600 as a refund. It should be noted here that the evidence does not reveal that the Boyds received any service of value for the \$1,000 paid by Mr. Boyd, Sr. after he retained respondent.

19. Relator, in relation to respondent's representation of the Boyds has alleged the following violations of the disciplinary code:

DR 6-101 (A)(3)

(A) A lawyer shall not:

(3) Neglect a legal matter entrusted to him.

DR 7-101(A)(1)

(A) A lawyer shall not intentionally:

(1) Fail to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules, except as provided by DR 7-101.

DR 7-101 (A)(3)

(A) A lawyer shall not intentionally:

(3) Prejudice or damage his client during the course of the professional relationship, except as required under DR 7-102(B).

DR 1-102(A)(6)

(A) A lawyer shall not:

(6) Engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

DR 2-106(A)

(A) A lawyer shall not enter into an agreement for change, or collect an illegal or clearly excessive fee.

DR 9-102(B)(4)

(B) A lawyer shall:

(4) Promptly pay or deliver to his client as requested by a client the funds, securities, or other properties in the possession of the lawyer which his client is entitled to receive.

It should be noted that respondent called eight different people to testify as character witnesses. The witnesses, including attorneys and a law professor, attested to respondent's legal abilities, his honesty, and contributions to the community. It was established that respondent has an exemplary record of contributing his time and professional abilities to his community.

#### CONCLUSIONS OF LAW

**Count I** As to Count 1, this panel, found, by clear and convincing evidence that Respondent violated disciplinary rules relating to Gov. Bar. R. V (9)(C)(1) and (3). However, this panel could not conclude that relator had established by clear and convincing evidence that Respondent had violated DR 1-102(A)(6).

**Count 11** Regarding Count II, this panel finds that based upon the evidence including the exhibits of record, that Respondent violated DR 6-101(A)(3), relating to representation of

Hammon, Jenkins, and Walk. However, the panel concludes that the evidence was not clear and convincing that Respondent violated DR 1-102(A)(6), relating to Hammon and Walk, or that Respondent violated DR 1-102(A)(6) or DR 9-101 (C) relating to representation of Jenkins. As stated, allegations of misconduct regarding representations of Farris are dismissed for failure of proof.

**Count III** As to Count III, the panel finds that by respondent's failure to promptly return funds to the bank, he violated DR 1-102(A)(6). The panel concludes that relator did not establish by clear and convincing evidence violations of DR 1-102(A)(3) and DR 1-102(A)(4).

**Count IV** Count IV involved the Respondent's representation of Russell Boyd Jr. The panel finds that Respondent, as a consequence of his conduct relative to his representation of Mr. Boyd, violated DR 6-101(A)(3), DR 7-101(A)(1), DR 7-101(A)(3) and DR 1-102(A)(6). Additionally, Respondent's failure to promptly refund an unearned retainer violated DR 9-102(B)(4). The panel finds no violation regarding DR 2-106 relative to charging an illegal or clearly excessive fee.

It should be noted relator has requested that Respondent be indefinitely suspended.

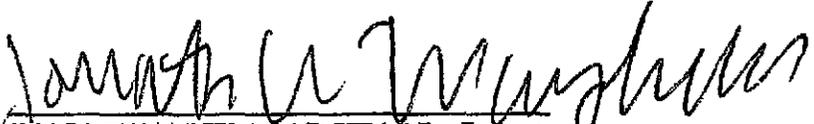
Respondent, in response to relator's recommendation of sanctions, did not directly answer with any alternative course of action. The Respondent, in general, seems to believe that none of his clients were harmed by his practice behavior and in some instances, the problems respondent faced were, in his view, due to the fault of others. In view of Respondent's disciplinary case in 1992, which involved client neglect charges and resulted in suspension and probation, and considering the violations found by this panel relative to Counts I, II, III, and IV of relator's amended complaint, the panel recommends that Respondent's earlier probation be revoked and that he be suspended for one year. Respondent's earlier disciplinary action compels a more severe penalty than public

reprimand or a short period of suspension. Thus the panel's final recommendation to the Board is that Respondent's license be suspended for one year.

**BOARD'S 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 June 1 and 2, 2000. The Board adopted the Findings of Fact and Conclusions of Law of the Panel on Counts 2, 3 and 4. The Board, based on the entire record, finds no Disciplinary Rule violations in Count I. The Board adopted the Recommendation of the Panel and recommends that the Respondent, Geoffrey Lynn Oglesby, be suspended from the practice of law in the State of Ohio for one year, and the current probation be terminated. 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 Recommendations as those of the Board.**

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

DEC 27 2000

# The Supreme Court of Ohio

MARCIA J. MENGEL, CLERK  
SUPREME COURT OF OHIO

92-472

Disciplinary Counsel,  
Relator,: ON CERTIFIED REPORT BY THE BOARD  
: OF COMMISSIONERS ON GRIEVANCES AND  
DISCIPLINE OF THE SUPREME COURT

v.

Case No. 00-1100

Geoffrey Lynn Oglesby,  
Respondent.

: ORDER

The Board of Commissioners on Grievances and Discipline filed its Final Report in this Court on June 15, 2000, recommending that pursuant to Rule V, Section 6(B)(3) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Geoffrey Lynn Oglesby, be suspended from the practice of law for a period of one year, and the current probation be terminated. Relator filed objections to said Final Report, and this cause was considered by the Court. On consideration thereof,

IT IS ORDERED AND ADJUDGED by this Court that pursuant to Gov. Bar R. V, Sec. 6(B)(2), respondent, Geoffrey Lynn Oglesby, Attorney Registration Number 0023949, last known business address in Sandusky, Ohio, be indefinitely suspended from the practice of law consistent with the opinion rendered herein.

IT IS FURTHER ORDERED that the respondent, Geoffrey Lynn Oglesby, immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

IT IS FURTHER ORDERED that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

IT IS FURTHER ORDERED that respondent is hereby divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

IT IS FURTHER ORDERED that respondent surrender his certificate of admission to practice to the Clerk of this Court on or before 30 days from the date of this order, and that his name be stricken from the roll of attorneys maintained by this Court.

IT IS FURTHER ORDERED that respondent be taxed the costs of these proceedings in the amount of Two Thousand Four Hundred One Dollars and Ninety-Three Cents (\$2,401.93), which costs shall be payable to this Court by certified check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest

at the rate of 10% per annum shall accrue as of 90 days from the date of this order, on the balance of unpaid Board costs. It is further ordered that respondent may not petition for reinstatement until such time as he pays his costs in full, including any accrued interest.

IT IS FURTHER ORDERED that, pursuant to Gov. Bar R. X, Sec. 3(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov. Bar R. X, Sec. 3(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov. Bar R. X, Sec. 3(A)(1), for each six months, or portion of six months, of the suspension.

IT IS FURTHER ORDERED, sua sponte, by the Court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov. Bar R. VIII, Sec. 7(F). It is further ordered, sua sponte, by the Court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov. Bar R. VIII, Sec. 7(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

IT IS FURTHER ORDERED that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio; (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the Court; and (4) this Court orders respondent reinstated.

IT IS FURTHER ORDERED that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of his suspension and his consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in his place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of his disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the Clerk of this Court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

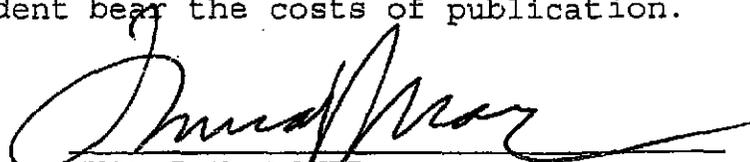
IT IS FURTHER ORDERED that on or before 30 days from the date of this order, respondent surrender his attorney registration card for the 1999/2001 biennium.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this Court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the attorney registration office.

IT IS FURTHER ORDERED that the Clerk of this Court issue certified copies of this order as provided for in Gov. Bar R. V, Sec. 8(D)(1), that publication be made as provided for in Gov. Bar R. V, Sec. 8(D)(2), and that respondent bear the costs of publication.

  
THOMAS J. MOYER  
Chief Justice