

ORIGINAL

IN
THE SUPREME COURT OF OHIO

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

RESPONDENT'S MOTION TO CLARIFY THE RECORD

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Respondent

and

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<p>FILED</p> <p>APR 27 2009</p> <p>CLERK OF COURT SUPREME COURT OF OHIO</p>
--

RESPONDENT'S MOTION TO CLARIFY THE RECORD

Respondent moves the Court to clarify the record it relied on for its decision of April 1, 2009.¹ A careful reading of the slip opinion indicates that some of the facts relied on by the Court are not apparent in the record, while other relevant facts in this most important case to Respondent are completely omitted.

On Paragraph 3 of its decision, the Court states that:

After William's death, her daughter, Sylvia May, retained respondent to assist in the administration of her mother's estate. Respondent had May sign a release and endorse the settlement check, which he deposited in a client trust account. Respondent did not, however, disclose the settlement proceeds to the Trumbull County Probate Court. Instead, he began transferring funds from the account for his own use. He continued to misappropriate these funds even while he was on suspension² from the practice of law from the earlier disciplinary case. (footnote added)

Respondent was initially retained by Maurice Williams, Carol Williams' son, who wanted to be the administrator of both his mother's and father's estates³. Respondent thus commenced the estate by preparing the bond application for Maurice and sent it to Nancy of Williams-Case Agency with the following note on the fax sheet:

Nancy, here is the application for the Carol J. Williams estate bond. Primary assets are the house, 1/2 of which belongs to her husband's estate of which Carol is the beneficiary. Several asbestos wrongful death claims (under \$7,000), and Carol's own personal injury claim of \$25,000, minus attorney fees and expenses. Let me know if you have any questions, or if you need more information. Thanks, George

¹ *Trumbull Cty. Bar Assn. v. Kafantaris*, Slip Opinion No. 2009-Ohio-1389

² This is not so. Respondent misappropriated the funds during the two months of December 2002 and January 2003 (Tr. P 50). He was suspended four months later, on May 16, 2003. Nonetheless, the Court on Paragraph 14 of its decision further emphasizes this unsupported view of the record as states "incredibly, in one instance, continued taking those funds while under suspension."

³ Tr. P 22

(This fax sheet is part of the record, and is attached hereon as Exhibit "A")⁴

Maurice was not approved for the bond⁵, and Respondent then prepared the probate application for his sister Sylvia, for whom bond had been waived in the will⁶. (The Application for Authority to Administer Estate is part of the record, and is attached hereon as Exhibit "B")

In this Application Respondent listed "Personal Injury Case" instead of the \$25,000 gross settlement proceeds. From this, the Court found that "respondent *repeatedly* failed to disclose to the court the existence of William's settlement proceeds." (Paragraph 15 of the decision, emphasis added). However, Respondent made no other filing in the Williams estate⁷. Moreover, at the April 2004 hearing after his return of the \$25,000, he provided the Probate Court with the case settlement documents, contingency fee agreement, copies of his trust account statements and the fax sheet marked as Exhibit "A". At that time he also took the stand and acknowledged he misappropriated the funds.

The Court found the false affidavit count particularly egregious:

It is most disturbing that one of respondent's first acts after beginning that suspension was to submit to the court an affidavit containing lies and misrepresentations. Permanent disbarment is in order. (Paragraph 15)

⁴ At the hearing before the Panel, Relator's counsel asked Respondent about Exhibit "A": Q. *That document was never filed with the Probate Court, was it?* A. *No.* (Tr. PP 55-56) Despite Respondent's faulty memory, Exhibit "A" actually was filed on April 2004 with the Trumbull County Probate Court, and Respondent testified on it at that hearing.

⁵ Tr. P 55

⁶ Tr. P 51

⁷ Perhaps the Court is under the assumption that Respondent also filed an inventory in the Carol Williams Estate.

The fuller discussion of the affidavit is on Paragraph 7 where the Court stated as follows:

At the time of the affidavit was filed,⁸ he still *retained* the proceeds of the Williams's settlement and had not filed a notice of disqualification⁹ with the Trumbull County Probate Court. (emphasis & footnotes added)

It would appear from this that the Court is of the view that Respondent was to *return* the trust funds, as he was to *refund* client fees, and *deliver*¹⁰ client files. Yet, in the previous paragraph the Court notes that Respondent was ordered to "(2) refund any unearned fees and *account for any trust money* or property in his control or possession." (emphasis added) If the operative phrase is *account for any trust money*, as the Court itself states, it would appear that Respondent made some effort toward that end: He did listed *Personal Injury Case* under the Personal Property category in the Application for Authority to Administer Estate. This was not a sufficiently detailed accounting, but it does give some notice to the Probate Court of the existence of that asset, which, incidentally was also an action filed in the General Division of the Common Pleas Court¹¹. Moreover, Sylvia and Maurice specifically knew of the \$25,000 since they were there when it arrived¹² and they also knew it was it was deposited in the trust account, from which it was ultimately repaid 14 months later. At any rate,

⁸ The \$25,000 was returned to Chad Kelligher some seven months later. See Atty. Kellinger Depo, P8

⁹ Respondent had not filed the requisite notice of disqualification in the Carol Williams estate; his office file by then was with co-counsel.

¹⁰ On this point, the order states: 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.* (emphasis added)

¹¹ *Carol Williams, et al v. John Doe, et al*, Trumbull Cty. Common Pleas Case No. 2000 CV 957.

¹² Tr. PP 57-58

Respondent is very much ashamed of the affidavit count and is trying to redeem himself.¹³

On Paragraph 12 of its decision, the Court states as follows:

Respondent offered the testimony of numerous individuals -- mostly family members -- who stated that Respondent was a good family man. The panel found that this was entitled to no mitigating weight.

This is not entirely accurate as the Panel seemed impressed with Respondent's family -- if Judge Harvey J. Bressler's remarks after the testimony of his sons Theo and Angelo are an indication:

MEMBER BRESSLER: Just an observation; I can't count how many of these cases I've sat in, but I can tell you that I don't remember anybody that was a better character witness than you. (Tr P. 440) * * *

MEMBER BRESSLER: Mr. Kafantaris, thank you for your insight. I told your brother he was a great character witness; you equally. You're equal to him.

THE WITNESS: Thank you very much. I'd like to be better than him. No, I'm kidding.

MR. M. KAFANATARIS: Thank you, Your Honor.

MEMBER BRESSLER: Your family should be proud of both of you.

THE WITNES: Thank you. (Tr P. 464)

There were also non-relatives who testified on Respondent's behalf:

- a. Cleo Royster (saved his business¹⁴; helped son in serious criminal case¹⁵)
- b. Dr. Rangit Khanuja (good reputation¹⁶ in community; helpful¹⁷)

¹³ See Respondent's letter on Eugene Whelzel on volunteer work, attached as Exhibit "C"

¹⁴ Royster Depo, PP 8-9: *So I went to George. And I explained to George; went to George's office at night. George put the shades down. He said, "We'll handle this tonight." Me and him and my wife sat down there. And he prepared the bankruptcy for me. I think it took him until 12:00 that night.*

¹⁵ Royster Depo, PP 10-11: *Mr. Kafantaris went - he did things I wouldn't do. He would go to bad areas on the east side and west side, knocking on doors, asking people, do they know anything about this girl and her situation. I was sitting in the car. And he would go. He would go to Niles where the girl was from, and met with family members and stuff. It ended up that he found the right person. And it was all a make-up story on my son.*

¹⁶ Dr. Khanuja Depo, P 16: *A. I know a lot of his other, Greeks, other, some other lawyers who are very, you now, highly - have a good opinion about him, his profession, and the family. And they do have a good*

- c. Rev. Edward Lord (good reputation; judge acknowledged skill¹⁸)
- d. Keith & Sandra Irwin (effort in son's murder trial¹⁹; extensive publicity²⁰)
- e. Pamela Shaner (phone call away²¹ in arranging meals for Irene Heasley)
- f. Mohammad Ennab (care of Irene Heasley²²; dealt with her drug problem²³)
- g. Atty. Chad Kelligher (similar difficulties with Sylvia²⁴; received the \$25,000²⁵)

reputation. Q. Is that still his reputation after these proceedings, various proceedings of the civil suit, the previous disciplinary case, and this case? A. Yes. Also on cross, Depo P 19: Q: Now, you mentioned other lawyers who think well of Mr. Kafantaris. Can you name some those for us, please? A. There is Dr. Koula Glaros, she is a lawyer. I'm not sure if she is still practicing. Dr. - Mr. Kovoov, Mrs. Kovoov, Sarah Kovoov, she used to be in the defense attorneys department here, downtown. Q. You recall those two ladies who are attorneys speaking highly of Mr. Kafantaris? A. Yes.

¹⁷ Dr. Khanuja Depo, PP 23-24: Q. Dr. Khanuja, considering the matters that I asked you about and Mr. Ambrosy asked you about about Mr. Kafantaris's previous legal involvement, disciplinary cases and so on, have those changed your opinion of him as person, or as a lawyer? A. No. I still regard him that he is very hard-working, very helpful, that somebody who would go out of his way to help, help a client. And even the neighbors that are around that I have seen him, you know, help them in whichever way he can, with food and other monetary help.

¹⁸ Rev. Lord Depo, P 9. Q. I asked you if you were aware of Mr. Kafantaris reputation in the community. And you said - I believe you were. A. Yes. Q. And I asked you what that reputation was. A. An exceptional lawyer and good man. Q. Okay. A. I've never heard anything other. Also on cross, Depo PP 14-15: Q. You were asked about his reputation, meaning what he's thought of by other people in the community. A. Right. And I would imagine the people that have accused him of these things, and the things that he has done probably do not refer to him as that. I have never met them. I've never come in contact with them. But the people that I've come in contact with, the people that I know that have known George Kafantaris, as well as myself, think of him as an exceptional lawyer and a very good person. Q. Can you identify any other lawyer that you know who's identified George Kafantaris as an exceptional lawyer? A. Another lawyer that I know from Trumbull County? I don't know of other lawyers. Irene. I know a judge one time -- oh, boy. George can probably remember his name. - told me about a case, he said, "I believe George is wrong," he said, "But due to George's reputation and" - how did he put it? I'm trying to say this, right. This was right after I met George. He said, "I believe George is wrong. But out of respect for George, I will have my law clerk check." They called me three hours later and told me George is right.

¹⁹ Tr. PP 470-471: Went to East Liverpool and talked to witnesses in East Liverpool. We were all over the county. Some nights we'd be at the county jail at 3:00 o'clock in the morning. Also Tr. PP 473-474: He was very much involved. I didn't have the money to hire a private investigator. MEMBER JACOBS: I'm sorry, I didn't hear that. THE WITNESS: I didn't have the money to hire a private investigator, so Attorney Kafantaris and myself did all the investigating that we talked to the witnesses and people. * * * Q. Oftentimes in some pretty sketchy neighborhoods you two went in the middle of the night. A. Yea. I didn't want to get out of the vehicle, but your father did. I was little bit afraid myself.

²⁰ Sandra Irwin Depo, PP 17-18, and copies of newspaper articles attached as an exhibit thereto.

²¹ Shaner Depo, PP 9,11,15-16

²² Enab Depo, PP 7-10

²³ Enab Depo, P 22

²⁴ Atty. Kelligher Depo PP 12-13

²⁵ Atty. Kelligher Depo P 8

At any rate, the Court states in Paragraph 12 of its decision that the Panel found a "(4) lack of cooperation in the disciplinary process." The Panel, however, did not, and had this to say about it:

The Respondent disputes the Relator's allegations that he failed to cooperate with the investigation. The Respondent for several months beginning January, 2007 was preoccupied with defending a man in a complex murder case in Columbiana County, some hours travel away. Throughout that period, the Respondent made daily commutes to Columbiana County which were taking him out of the office and preventing him from spending the time necessary to assemble the necessary materials.

Despite spending all of his time defending his client in Columbiana, the Respondent indicates he did his best to cooperate in the investigation conducted by Relator. (P. 12)²⁶

The Panel made no finding of lack of cooperation on any of the three counts, but the Board inadvertently listed lack of cooperation as an aggravating factor -- which of course cannot stand without a finding. Relator tried to snap on this in its reply to Respondent's objections, but not having made any objections of its own, Relator cannot resurrect an unfounded conclusion via a reply²⁷. The Court thus had no procedural vehicle in front of it with which to alter the findings of the Panel, and listing "lack of cooperation" as an aggravating factor is not supported by the record.

Notably absent from the decision is any mention of Respondent's mental impairment, despite 10 minutes of oral argument on this issue alone, and the Court's questioning of Respondent's counsel. Nor is this due for want of proof, as there is

²⁶ The tone of these two paragraphs from the Panel does not seem to fit the recommendation ultimately submitted to the Court.

²⁷ In characteristic moral rectitude, Relator's Counsel wasted no opportunity to call Respondent a thief throughout this case -- even during oral argument. Indeed, on the day of the decision, Counsel's comments were broadcasted all day on WKBN Radio, and were also printed in the Tribune Chronicle.

uncontroverted expert testimony on the record from Dr. Satish Narayan who diagnosed

Respondent as follows:

[M]ajor depression, recurrent actually, mild to moderate in this initial evaluation, moderate degree without psychotic features. And there was the probability of him having a fulfilling diagnoses of generalized anxiety disorder and, and also, attention deficit/hyperactive disorder.”²⁸

It would be truly remarkable if Respondent were not impaired, considering a three year long, extensively publicized, civil rape case (which was filed by a local lawyer while his mother was on her deathbed²⁹); his subsequent suspension from the practice of law; a three-county-wide media frenzy following his Columbiana County contempt citation with a 20-day jail sentence to be served on Halloween; the stress of this disciplinary case -- that entailed two separate amendments, capping it all off last summer with a criminal indictment on the Williams matter.

The Court was also silent on Respondent’s participation with the Ohio Lawyers Assistance Program (OLAP). And this despite granting Respondent specific leave to supplement the record with his OLAP contract, as well as the following letter:

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’ recommendations were for him to continue 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,

²⁸ Dr. Narayan Depo, PP 25-26

²⁹ Dr. Khanuja Depo, PP 9-11

provides updates regarding his counseling and openly verbalizes his concerns regarding his pending disciplinary matters and how stressful the situation is for him. (Letter from Megan Robertson, attached as Exhibit "D")

Respondent's efforts to mend are an important consideration on the issue of disbarment – Ohio being only one of five states³⁰ that makes it permanent. In *Should Permanent Disbarment Be Permanent?*, (2007) 20 Geo. J. Legal Ethics 587, the author of the law review agrees with the Court position because disbarment restores the public's perception and trust in the legal profession. However, he notes that it is not an appropriate sanction where there are indications that "these lawyers should not have been "disbarred" to begin with, they should have been "suspended". 20 Geo. J. Legal Ethics at 598. The law review presents three arguments against permanent disbarment, and lists redemption first³¹:

1. REDEMPITON

* * *

There is an especially strong case to be made for allowing the readmittance of lawyers who have been able to resolve an underlying condition that caused their disbarment. *Alcohol, drug, and gambling addictions can lead to poor decisions, but once those conditions have been rectified, it is possible that the lawyer can return to a fruitful practice.*[FN86]³² (emphasis added)

If redemption is indeed a valid consideration, it is difficult to see how the Court dealt with it in reviewing Respondent's case – being as it was completely silent on his

³⁰ The other four states are Kentucky, Indiana, New Jersey and Oregon

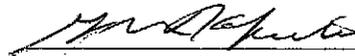
³¹ The three arguments against permanent disbarment are: (1) redemption (2) the possibility of a return to the legal profession encourages good behavior, and (3) the discretion of the state bars in deciding whether to readmit already accomplishes the goals of permanent disbarment. 20 Geo. J. Legal Ethics at 595

³² [FN86] LACBA Trustees Oppose Permanent Disbarment Rule, METROPOLITAN NEWS ENTERPRISE (Los Angeles, CA), May 26, 2006, at 1; Nirenberg, *supra* note 61 at 739; Carter, *supra* note 68; Armstrong, *supra* note 70.

depression-anxiety-ADHD impairment, his ongoing treatment with Psyicare, and his faithful participation in the Ohio Lawyers Assistance Program.³³

WHEREFORE, in the interest of justice, Respondent prays that the Court review the record in this case, so as to clarify and supplement the relevant facts of its decision.

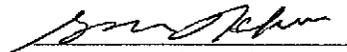
Respectfully submitted,



George Kafantaris
Respondent
183 W. Market Street
Warren, Ohio 44483
330-394-1587

CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Clarify the Record, with attached Exhibits, was served on Jonathan Marshal, Secretary of the Board of Commissioners on Grievances and Discipline, The Ohio Judicial Center, 65 S. Front Street, 5th Floor, Columbus, Ohio 43215 (left at his office); Joseph L. Wittenberg, Panel Chairman, 2727 North Holland Sylvania Road, Suite G, Toledo, Ohio 43615 (via regular mail); 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 via regular mail) this 24rd day of April, 2009.



George Kafantaris
Respondent

³³ Respondent is continuing his participation with OLAP and had also attended its annual seminar on April 4, 2009. Please see letter to Scott Mote, attached as Exhibit "E"

KAFANTARIS LAW OFFICES

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(330) 394-5455

Facsimile: 394-6919
george@kafantaris.com

Voicemail: 394-3877
www.kafantaris.com

TELECOPY TRANSMITTAL SHEET

FROM: Atty. Kafantaris

DATE: December 18, 2002

NUMBER OF PAGES: (including cover sheet)

TO: c/o Nancy
Name

WILLIAMS-CASE AGENCY
Name of Company

Re: Carol Williams Estate Bond

330-938-3256
Receiver's Telecopy number

Case/Claim No.

DESCRIPTION OF MATERIAL: Nancy, here is the application for the Carol J. Williams estate bond. Primary assets are the house, 1/2 of which belongs to her husband's estate -- of which Carol is the beneficiary. Several asbestos wrongful death claims (under \$7,000), and Carol's own personal personal injury claim of \$25,000, minus attorney fees and expenses. Let me know if you have any questions, or if you need more information.

Thanks, George

Name of Operator: Linda

 original will follow by mail

CONFIDENTIALITY NOTICE: The information contained in this facsimile message and the documents accompanying this facsimile message are attorney privileged and confidential information intended only for the use of the named individual or entity. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message and all copies to us at the above address via the U.S. Postal Service.

IF THIS TRANSMISSION IS NOT COMPLETE, PLEASE CALL US AT, (330) 394-5455

EXHIBIT 'A'

PROBATE COURT OF TRUMBULL COUNTY, OHIO **FILED**

ESTATE OF Carol J. Williams, aka Carol E. Williams **DEC 19 2002** DECEASED

Case No. '02 EST 132 9 Docket JUDGE THOMAS A SWIFT
Trumbull County Probate Court

APPLICATION FOR AUTHORITY TO ADMINISTER ESTATE

(R. C. Secs. 2113.01 - .07 2109.02 - .09)

[For Executors and all Administrators; attach supplemental application for ancillary administration, if applicable]

Applicant says that decedent died on September 9, 2002

Decedent's domicile was 1246 Dover St., S.W.

<u>Warren</u>	<u>Street Address</u>	<u>Trumbull</u>
<u>Warren</u>	<u>Ohio</u>	<u>44485</u>
<u>Warren</u>	<u>Ohio</u>	<u>44485</u>
<u>Warren</u>	<u>Ohio</u>	<u>44485</u>

Applicant asks to be appointed Executor of decedent's estate. [Check whichever of the following are applicable] - To applicant's knowledge, decedent did not leave a Will - Decedent's Will has been admitted to probate in this Court - A supplemental application for ancillary administration is attached.

Attached is a list of the surviving spouse, next of kin, legatees and devisees known to applicant, which list includes those persons entitled to administer the estate.

The estimated value of the estate is:	Interest in Estate of Luther Williams, Deceased
Personal property	<u>Personal Injury Case</u>
Annual real estate rentals	\$ <u>-0-</u>
Subtotal, personalty and rentals	\$ <u>-0-</u>
Real estate	\$ <u>32,000.00</u>
Total estimated estate	\$ <u>32,000.00</u>
Applicant owes the estate	\$ <u>-0-</u>
The estate owes applicant	\$ <u>-0-</u>

[Check one of the following four paragraphs]

- Applicant says that decedent's Will requests that no bond be required of him, and therefore asks the Court to dispense with bond.
- Applicant is a trust company duly qualified in Ohio, and bond is dispensed with by law.

PROBATE COURT OF TRUMBULL COUNTY, OHIO

ESTATE OF CAROL J. WILLIAMS aka Carol E. Williams, DECEASED

FILED

CASE NO. '02 EST 1329

DEC 19 2002

APPLICATION TO PROBATE WILL
[R.C.2107.11, 2107.18, and 2107.19]

JUDGE THOMAS A. SWIFT
Trumbull County Probate Court

Applicant states that decedent died on September 9, 2002

Decedent's domicile was 1246 Dover St., SW

<u>Warren</u>	<u>Ohio</u>	<u>Trumbull</u>
City or Village, or Township if unincorporated area	State	County
<u>Warren</u>	<u>Ohio</u>	<u>44485</u>
Post Office	State	Zip Code

A document purporting to be decedent's last will is attached and offered for probate, and applicant waives notice of probate of this will.

Decedent's surviving spouse, next of kin, legatees and devisees known to applicant are listed on the attached Form 1.0.

George Nicholas Kafantaris
 Attorney for Applicant
George Nicholas Kafantaris
 Typed or Printed Name
720 North Park Avenue
 Address
Warren, Ohio 44483
 Address
(330) 394-5455
 Phone Number (include area code)
 Attorney Registration No. 0009748

Sylvia E. May
 Applicant Sylvia E. May
 Typed or Printed Name
1246 Dover St., SW
 Address
Warren, Ohio 44485
 Address
(330) 399-8212
 Phone Number (include area code)

FILED

WAIVER OF NOTICE OF PROBATE OF WILL DEC 19 2002

JUDGE THOMAS A. SWIFT
Trumbull County Probate Court

The undersigned, being persons entitled to notice of the probate of this will, waive such notice. Any action to contest the validity of this will must be filed no more than four months after the certificate is filed evidencing these waivers and any notices given.

Sylvia E. May
Sylvia E. May

NO WILL LOCATED ON DEPOSIT

DATE: 12-19-02

125 pd
Link w 2001 Est 1281

PROBATE COURT OF TRUMBULL COUNTY **OHIO**

ESTATE OF

CAROL J. WILLIAMS

a/k/a Carol E Williams
DECEASED
 DEC 19 2002

CASE NO.

'02 EST 1329

JUDGE THOMAS A. SWIFT
 Trumbull County Probate Court
 Warren, Ohio

SURVIVING SPOUSE, NEXT OF KIN, LEGATEES AND DEVISEES

[R.C.2105.06, 2106.13, 2107.19]

(Use with those applications or filings requiring some or all of the information in this form, for notice or other purposes. Update as required.)

The following are decedent's known surviving spouse, and other known survivors who are or would be entitled to inherit under the statutes of descent and distribution.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor
Maurice T. Williams		Son	
	1246 Dover St., SW Warren, Ohio 44485		
Sylvia E. May		Daughter	
	250 Tod Avenue Warren, Ohio 44484		
Janeen Williams	Deceased daughter with 5 living children listed		
Timothy Williams	1816 Sweetbriar, Warren, Ohio 44485	Son of Janeen Williams	12-16-86
Royce Williams	440 Woodside Ave., Youngstown, Ohio 44503	Son Janeen Williams	10-21-88
Stefan Williams	5994 Downs Road, Warren, Ohio 44483	Son of Janeen Williams	11-2-91

[Check whichever of the following is applicable]

- The surviving spouse is the natural or adoptive parent of at least one of the decedent's children.
- The surviving spouse is not the natural or adoptive parent of any of decedent's children.
- There are minor children of the decedent who are not the children of the surviving spouse.
- There are minor children of the decedent and no surviving spouse.

183 W. Market Street
Warren, Ohio 44483
330-360-8200

March 23, 2009

Eugene P. Whetzel, Esq.
General Counsel, OSBA
1700 Lake Shore Drive
P.O. Box 16562
Columbus, OH 43216-6562

Re: Volunteer legal work for suspended lawyers

Dear Eugene:

Pursuant to our telephone conversation on Friday, I am writing about instituting a centralized program for volunteer work program from suspended lawyers, under the supervision of perspective *pro bono* lawyers. Help from a seasoned hand in legal research, pleadings, discovery, and memo writing can make a difference in a busy practitioner's schedule, allowing him or her help other Ohioans in need. The anticipated assistance from experienced suspended lawyers may thus encourage qualified lawyers to accept *pro bono* cases that they may otherwise turn away.

Of course the suspended lawyer will not practice law, will have no contact with the client, will sign no documents or pleadings, will not appear in court (except as an observer), and will not handle client funds. In addition, the suspended lawyer will make a record of his efforts and time, not only to facilitate his supervision, but also to document his efforts when it comes time for his reinstatement.

With our unprecedented economic condition, there is a real need for the delivery of legal assistance to the poor, particularly those facing foreclosures that not only affect their entire family, but also their community. The Supreme Court has recognized that there are several defenses available in foreclosures which ought to be asserted, but seldom are without a lawyer. Moreover, should the home loan modification legislation now being considered by Congress pass, there may be even greater need for help from lawyers for the companion bankruptcy filing to do the cramdowns, as is available with automobiles in certain Chapter 13 cases.

With the help of modern technology, there is no need for the suspended lawyer to be connected at the hip of the supervising lawyer, as Lori Brown has observed. Email, the internet, and now cheap centralized data centers make working remotely a breeze, to the benefit of everyone. Thus a foreclosure complaint can be scanned and kept securely in an internet file, and the staff could copy pleadings, discovery, correspondence, etc., and perhaps enter some of this as it comes in a simple case management system, or calendar. The documents will readily be available on a secured site. Indeed, it could serve as a model for an internet based case management system that can be used in other *pro bono* work. Nor will we be following any ones else's lead on this, as

EXHIBIT 'C'

Eugene P. Whetzel, Esq.
March 23, 2009
Page Two.

Ohio is recognized as a pioneer in this area. Indeed, Ohio Federal Courts have shown the way to the rest of the country in electronic filing.

Now there may be concerns about the mechanics in supervising the suspended lawyer, but I really do not see them. First, the Legal Aide or Volunteer Legal Services Organization will get permission from the Disciplinary Counsel to work with the suspended lawyer. Then, once the supervising lawyer accepts the *pro bono* case, he will get further permission from the Disciplinary Counsel to engage the suspended lawyer. Moreover, there will also be permission from the prospective client to allow the particular suspended lawyer to work on his or her case. The present safeguards, therefore, will stay in place and there should be no concerns.

All these steps may appear to be a good deal of trouble for a suspended lawyer to volunteer his time and effort. I assure you, however, that it is not. Indeed quite the contrary. Many of us are looking for ways to redeem ourselves and this will give us a chance to do so. It will certainly be fulfilling work on things we know something about. Moreover, we will be working in the legal community where we fit best.

Kindly pass these thoughts along and let me know what others think. Perhaps associating with suspended lawyers seems analogous to associating with convicts. It sure feels that way sometimes with all the publicity and shaming mechanisms entailed in the disciplinary process. The fact remains, however, that we have accumulated a great deal of knowledge and experience that allows us to see the larger picture, or to pick up on nuances that others may miss. Why not provide us with a vehicle to put what we know to a good use -- and at the same time help us look at ourselves in the mirror.

With the plenary supervising authority of the Supreme Court and its Disciplinary Counsel, I do not see many things going wrong. And the effort should not diminish the image of our profession whose cornerstone has been adaptation throughout the centuries. True, this sort of thing might not have been tried elsewhere. But why should we wait to follow others when we can think for ourselves? In the meantime, well-deserving folks are going without legal help in Ohio. If suspended lawyers can help coax other lawyers get on the *pro bono* wagon, perhaps it is high time we give it a try.

Sincerely yours,



George Kafantaris

cc: Lori J. Brown, Esq.
Scott R. Mote, Esq.

April 1, 2009

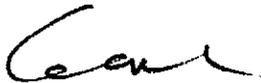
Mr. George Kafantaris
183 W Market St
Warren OH 44483

Dear George:

Thank you for your letter of March 23 concerning volunteer legal work for suspended lawyers. Before I can respond to the substantive matters discussed in your letter, I would need to seek review by the Legal Ethics and Professional Conduct Committee. Unfortunately, the Committee does not meet again until May 14.

It seems to me, from a purely procedural standpoint, that your letter more properly should be directed to the coordinator of the *pro bono* effort of the Ohio Legal Assistance Foundation. Accordingly, I am forwarding a copy of your letter to OLAF for review.

Sincerely,



Eugene P. Whetzel
General Counsel

EPW/pkh

cc: Ohio Legal Assistance Foundation

OHIO LAWYERS ASSISTANCE PROGRAM, INC.

Scott R. Mote, Esq.
Executive Director

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

Megan R. Robertson, MSW, LSW
Clinical Associate

1050 Lake Shore Drive, Suite 875
Columbus, Ohio 43204-4901
Tel. 800-848-4348
Tel. 614-586-0681
Fax 614-586-0688
www.ohiolap.org

November 25, 2008

Via Fax only (614-221-3713)

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

Re: George N. Kafantaris

Dear Mr. Kafantaris,

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.

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 Psychoare 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,

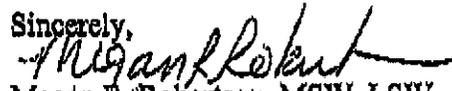

Megan R. Robertson, MSW, LSW
Clinical Associate

EXHIBIT 'D'

183 W. Market Street
Warren, Ohio 44483
330-360-8200

April 3, 2009

Ohio Lawyers Assistance Program
Attention: Scott Mote
1650 Lake Shore Drive, Suite 375
Columbus, Ohio 43204-4991

Re: OLAP March's monitoring

Dear Scott,

Here is March's Meeting Attendance Log, along with the \$200 monitoring fee.

I would like to continue with OLAP, despite my disbarment. Things are tough right now, however, and I am wondering if you could reduce my fee to \$100 per month. I can work the other \$100 off by helping OLAP somehow. For example, I could speak at upcoming seminars about my difficulties, and perhaps forewarn others of the perils of ignoring emotional problems until it's too late. I could also travel to attend to OLAP clients who may need immediate help, or who may need some handholding to get to a treatment facility. I did as much for Justice Wright some years back when a neighboring lawyer had a drinking problem. And -- should you find the idea feasible down the road -- I could help OLAP set up that interactive website I wrote you about last month.

In any event, I am grateful to you, Megan and Stephanie for your help during my most difficult times. Things did not turn out as we had hoped, but it was not for any lack of effort on OLAP's part. In the end, it was my own damn fault. I should have sought help early on when problems overwhelmed me. And I certainly should not have done those things that have embarrassed my family, and put them through this awful ordeal. But maybe something good will come along. My son Nicholas seems to think so. He called me from California last night to tell me about a poem he read by Friedrich Nietzsche: "Dad, rebirth needs calamity, Nietzsche says." Well, I've had my share.

Sincerely yours,



George Kafantaris

Enclosures

EXHIBIT 'E'

Continuing With OLAP

From: "Scott R. Mote" <smote@ohiolap.org>
To: george@kafantarls.com
Cc: "Megan R. Robertson" <mrobertson@ohiolap.org>, "Stephanie S. Krznarich" <skrznarich@ohiolap.org>
Subject: Continuing With OLAP
Date: Apr 6, 2009 10:11 AM

George:

I write to follow up on our conversation on Saturday, April 4, and your April 3 letter that you hand-delivered.

It is fine for you to continue your OLAP contract, and I agree to reduce your monthly administrative fee to \$100.00. I appreciate your offer to volunteer to assist us, and will keep it in mind.

Scott

Scott R. Mote, Esq.

Executive Director

Ohio Lawyers Assistance Program, Inc.

1650 Lake Shore Drive, Ste. 375

Columbus, Ohio 43204-4991

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Tel. 800-348-4343

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This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by HIPPA legislation (45 CFR Parts 160 & 164) and/or by Ohio RC Sec. 5122.31, which prohibit making any further disclosures of the