

ORIGINAL

In the Supreme Court of Ohio

ALLEN COUNTY BAR ASSOCIATION,

Relator,

v.

CHRISTI LEE BROWN,

Respondent.

**RESPONDENT'S OBJECTIONS TO FINDINGS OF FACT,
CONCLUSIONS OF LAW AND RECOMMENDATION OF THE
BOARD OF COMMISSIONERS ON GRIEVANCES AND
DISCIPLINE OF THE SUPREME COURT OF OHIO AND
MERIT BRIEF IN SUPPORT**

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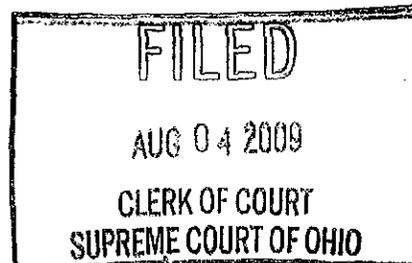


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I. RESPONDENT'S OBJECTIONS TO FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION OF THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE OF THE SUPREME COURT OF OHIO

Respondent, Christi L. Brown, objects to the recommended sanction set forth in the report that the Board of Commissioners certified to the Supreme Court on July 7, 2009. Respondent submits that the appropriate sanction for the violations at issue is a public reprimand, as originally stipulated between Ms. Brown and the Allen County Bar Association.

II. STATEMENT OF FACTS

A. Procedural History

On February 1, 2008, Relator, Allen County Bar Association, filed a Complaint alleging disciplinary violations against Respondent, Christi Brown. (App. A-1) An Amended Complaint was filed with Respondent's consent on December 16, 2008. (App. A-28) A formal hearing before a three-member panel of the Board of Commissioners was held on January 28, 2009, and the report of the Board of Commissioners was filed with the Supreme Court on July 7, 2009. (App. A-89) This Court's Show Cause Order was filed on July 15, 2009. (App. A-105)

The formal hearing of January 28, 2009 concerned grievances filed by two clients.¹ A comprehensive stipulation of facts, exhibits and violations had been agreed to by Respondent and Relator in advance of the formal hearing, and the hearing was relatively brief. Respondent was the only witness, and she corroborated the stipulated facts, expressed her sincere remorse, and explained the changes she had made in her law practice to prevent similar conduct in the future. (Tr. 33-50, 72-76)

¹ The Amended Complaint filed on December 18, 2008 contained allegations arising from two additional grievances, but Relator later conceded that those grievances did not support the conclusion that there had been violations of the Code of Professional Responsibility or the Ohio Rules of Professional Conduct. Relator agreed in advance of the formal hearing to dismiss the two counts of the Amended Complaint that, in its judgment, could not be proven. The dismissal of the two additional grievances was confirmed in a stipulation and by Relator's counsel at the outset of the formal hearing. (Tr. p. 10)

In addition to stipulating all material facts, Respondent and Relator also stipulated in advance of the hearing to the recommended sanction. The parties jointly proposed the sanction of a public reprimand. (App. A-41) The Board of Commissioners, however, rejected the jointly proposed sanction and has recommended instead a one-year suspension, entirely stayed on the following conditions:

1. Respondent complete 12 hours of law-office management CLE. Such instruction should cover office organization, time/task management, and basic software aids for case management.
2. Respondent submit to a stress management assessment by OLAP and enter into any follow up contract deemed necessary by OLAP.
3. Respondent participate in a two year mentoring program similar to the one previously offered by the Allen County Bar Association.
4. Respondent commit no further misconduct.

(App. A-103)

Respondent hereby objects to the Board's recommended sanction and respectfully requests that the Court issue a public reprimand for her disciplinary violations.

B. Factual Background

Respondent does not object to the findings of fact (or the conclusions of law) contained in the report of the Board of Commissioners. The recommended sanction is the only point of contention.

The violations at issue all arise out of Respondent's representations of two clients, Davoudi Chiropractic, Inc. ("Davoudi Chiropractic") and Collins Oak Park Chapel and Funeral Services, Inc. ("Collins Oak Park"). Each client asked Ms. Brown to provide legal representation in collecting a money judgment. Each judgment had been obtained without Ms. Brown's representation or involvement.

Respondent at first had some success in collecting funds on behalf of Davoudi Chiropractic. She pursued the debtor, scheduled a debtor's examination, and reached a payment agreement with the debtor. The amount of the judgment owed to Davoudi Chiropractic was \$1,229.09, and Respondent collected \$375.00. This matter was not neglected at the outset. (Tr. 33-42, 65-66)

Later, however, Respondent failed to respond to the inquiries of Davoudi Chiropractic concerning the status of the matter and began to neglect the matter. The material facts concerning Respondent's representation of Davoudi Chiropractic were stipulated in advance of the formal hearing and are as follows:

2. In early 2004, Dr. Ali M. Davoudi, doing business as Davoudi Chiropractic Inc., initiated a lawsuit in the Small Claims Division of the Lima Municipal Court for the collection of outstanding fees due in the amount of \$1,229.09. The judgment was obtained without the involvement of Respondent Christi L. Brown ("Ms. Brown") or any other attorney. The judgment was rendered in favor of Dr. Davoudi against Cindy L. Meyers and was journalized on April 22, 2004.
3. On or about May 14, 2004, Dr. Ali M. Davoudi hired Ms. Brown to collect the judgment against Cindy L. Meyers.
4. Ms. Brown promptly undertook to schedule a debtor's examination in aid of execution, filing the request for an exam on July 14, 2004, and notified Dr. Davoudi of the exam by correspondence. The exam did not proceed. On or about September 20, 2004, Ms. Brown advised in a letter that she had set a debtor's examination for October 20, 2004. The examination did not proceed, however, until February 2005, because of conflicts in Ms. Brown's own schedule and for various other reasons.
5. On or about January 10, 2005, Ms. Brown negotiated a settlement, confirmed in writing, with Ms. Meyers, who agreed to pay \$75.00 every other week in lieu of garnishment or attachment proceedings. Ms. Brown sent a correspondence to Dr. Davoudi updating him on the status of the matter and Ms. Meyers' agreement to pay \$75.00 every other week. Ms. Brown contacted Dr. Ali M. Davoudi's office manager and informed her that she had begun to collect the funds on August 5, 2005.

6. Ms. Meyers kept her agreement for a short time period, but stopped making payments sometime in 2005 and never resumed making them. Ms. Brown contacted the bank when one of Ms. Meyers' checks failed to clear. A 15-day demand letter was prepared and mailed to Ms. Meyers. Thereafter, Ms. Brown did not take any further steps to resume the proceedings in aid of execution or garnishment. At that time, Ms. Brown personally did not update the client on the progress of the further collection and failed to respond to Dr. Ali M. Davoudi's letters requesting a status and/or update on the funds collected by the Respondent from Ms. Meyers. Ms. Brown believed her staff was informing Mr. Davoudi of the status.
7. On February 3, 2006, Dr. Ali M. Davoudi wrote a personal letter to Respondent regarding the status of collections. He further inquired as to the amount of money that had been collected and requested that Ms. Brown contact him. Ms. Brown did not respond to the February 3, 2006 correspondence.
8. Dr. Davoudi followed up with a March 31, 2006 letter to the Respondent stating that if he did not receive a response, he would file a grievance with the state and/or local bar association.
9. On April 14, 2006, Ms. Brown responded to Dr. Davoudi's March 31, 2006 correspondence enclosing an accounting and payment of funds collected as of that date.
10. On December 20, 2006, Dr. Ali M. Davoudi filed a grievance with the Allen County Bar Association against Ms. Brown.
11. Thereafter, Ms. Brown realized that her distribution had been computed incorrectly. Ms. Brown had thought she had collected \$325.00 from Ms. Meyers, but had collected \$375.00.
12. On May 31, 2007, Ms. Brown sent a letter to Dr. Davoudi enclosing an additional \$37.50 and responded to his inquiry regarding the status of the collection of the judgment.
13. The judgment against Ms. Meyers is still intact, and continues to earn interest and can still be enforced and executed upon. No rights were jeopardized or lost by Dr. Davoudi.

(App. A-36-37)

With regard to Collins Oak Park, Respondent was asked by an attorney in Iowa to assist in collecting from a Lima resident on a judgment issued in Iowa. Respondent agreed to

undertake the representation but did not follow through. (Tr. 43-49) The essential facts were stipulated as follows:

23. On or about April 11, 2005, Collins Oak Park Chapel and Funeral Services, Inc. ("Collins Oak Park Chapel") obtained judgment against Larry Beard in the amount of \$4,717.25, plus costs and attorney fees. Ms. Brown was not involved in obtaining the judgment.
24. In April 2006, an attorney practicing law in Winterset, Iowa, Jane Rosien, referred the matter to Ms. Brown for collection. Mr. Beard, the judgment creditor, resided in Lima, Ohio. Documents were faxed to Ms. Brown at that time.
25. After reviewing the matter, Ms. Brown agreed to provide legal representation to Collins Oak Park Chapel. On or about June 29, 2006, Ms. Rosien forwarded the original certificate of transcript with judgment entry and check in the amount of \$200.00 as a deposit against anticipated costs. Ms. Brown properly deposited the check into her IOLTA account.
26. By correspondence dated August 30, 2006, October 26, 2006 and January 30, 2007, Ms. Rosien and/or her staff, requested an update regarding the matter. The October 26, 2006 and January 30, 2007 correspondences also requested Ms. Brown return the certificate of transcript and retainer. Ms. Brown failed to respond to these letters.
27. Ms. Rosien contacted Ms. Brown several times by phone regarding an update in this matter. Ms. Brown did not return the phone calls.
28. Ms. Brown admits to failing to undertake any activity in connection with the matter.
29. Thereafter, On August 22, 2008, Mr. Collins filed a grievance against the respondent with the Office of Disciplinary Counsel. The grievance was subsequently referred to the Allen County Bar Association.
30. On or about December 10, 2008, Ms. Brown returned the \$200.00 deposit and the client's original to Robert B. Fitzgerald, counsel for Relator, for return to Mr. Collins.
31. The judgment against Mr. Beard is still intact, and continues to earn interest and can still be enforced and executed upon. No rights were jeopardized or lost by Collins Oak Park Chapel.

(App. A-39-40)

The parties stipulated, and the hearing panel and Board of Commissioners found, that Respondent neglected both the Davoudi Chiropractic and Collins Oak Park matters and did not promptly distribute or return client funds, although partial payments had been made to Davoudi Chiropractic before the Complaint was initiated. (Tr. 40) The retainer paid by Collins Oak Park was returned during the course of the disciplinary process. (Tr. 49) The parties also stipulated, and the hearing panel and Board also found, that Respondent's neglect of these legal matters caused no harm or prejudice to her clients. The judgments remain intact and can still be enforced and collected. Nor did Respondent engage in any act of dishonesty or self-dealing, or engage in activity for an improper purpose. (Tr. 54)

Respondent was the only witness to testify at the formal hearing. In addition to confirming the stipulated facts and her agreement that she had neglected the two matters, Respondent explained her work history, the steps she had taken to insure that neglect would not be repeated, and her office arrangements as an attorney over the years. Respondent worked as an accountant and for an insurance company following college graduation and before entering law school. (Tr. 26-27) After her admission to the Ohio Bar in 1994, she worked as an associate in a law firm in Lima, Ohio until 2000. (Tr. 29-30) She opened her own law practice in 2000 and until 2004 either shared space with another sole practitioner or employed an associate attorney. (Tr. 30, 60-61) From 2005 through the end of 2008, however, Respondent worked entirely as a sole practitioner, without any space sharing arrangement or other affiliation with any other attorney. It was during the period of time in which she was practicing entirely on her own that the neglect that gave rise to the Davoudi Chiropractic and Collins Oak Park grievances occurred. She did not lack work at the time. To the contrary, she had too much. (Tr. 65) Respondent

recognized in retrospect that the lack of structure and support provided by the presence of another attorney contributed to her neglect of the client matters.

Desiring to obtain the support and assistance that an affiliation with another attorney provides, Ms. Brown made adjustments to her practice before the formal hearing. She relocated her law practice as of January 1, 2009 and began a space sharing relationship with Marie Von der Embse, another sole practitioner in Lima. Respondent explained at the formal hearing the benefits that her association with Ms. Von der Embse was already providing and the changes she has already made to her practice to prevent neglect in the future. (Tr. 62-65, 72-74)

Respondent has no prior disciplinary history. She cooperated throughout the proceedings. The panel chair thanked Ms. Brown at the conclusion of the formal hearing, “for her honesty and candor.” (Tr. 102) Another panel member advised Ms. Brown that he had been “impressed by [her] testimony” and continued as follows:

“I am convinced you are a good lawyer, convinced you are conscientious. That you have your client’s interest at heart. I’m convinced that you have a caring heart. You were engaged in some work that I know is very difficult. You have children that depend on you. You have families that depend on you. Well, single women, I’m sure, that depend on you. I’ve been impressed by the case that your counsel made on measures that you have taken to make sure this doesn’t happen again.

(Tr. 80-81)

Notwithstanding all the foregoing and Relator’s request that Respondent receive only a public reprimand, the Board of Commissioners has recommended the stayed suspension.

III. ARGUMENT

- A. **Where an experienced attorney has neglected the legal matters of two clients, without causing any harm or prejudice to the rights of those clients, where the attorney has not acted dishonestly or with any improper motive, has cooperated fully in the disciplinary process, has no prior disciplinary record, has paid or returned to the clients all funds owed, and has already implemented measures to eliminate the likelihood of similar neglect in the future, the appropriate sanction is a public reprimand.**

The stipulation submitted to the panel by the parties included the requested and recommended sanction of public reprimand. The recommended sanction was not arrived at lightly or arbitrarily, but because precedent in the form of prior decisions of this Court led both Respondent and Relator to the conclusion that a public reprimand is just and proper.

A case in point is *Cleveland Bar Association v. Freeman*, 95 Ohio St.3d 117, 2002-Ohio-1944. The Respondent in *Freeman* acknowledged and stipulated to several violations of Ohio Code of Professional Responsibility, specifically Discipline Rule 6-101(A)(3) (neglecting a legal matter) and Disciplinary Rule 6-101(A)(2) (failing to adequately prepare in order to handle a client's legal matters). Mr. Freeman had failed to adequately communicate with two clients in separate bankruptcy matters. He did not follow through with commitments made to the clients regarding the filing of claims, but he caused no prejudice to either client. Mr. Freeman received a public reprimand even though he had not fully cooperated with the Bar Association's investigation.

In *Disciplinary Counsel v. Ita*, 117 Ohio St. 3d 477, 2008-Ohio-1508, the Respondent acknowledged that he had violated Disciplinary Rule 1-102(A)(5) and Disciplinary Rule 6-101(A)(2). He had filed without authority a claim for damages on behalf of his client's wife and then compounded the situation by dismissing the wife's claim with prejudice, still without the wife's consent. The attorney caused prejudice by his mishandling of the matter, but inasmuch as

only carelessness and neglect were involved, not enmity or dishonesty, the sanction was a public reprimand.

In *Medina County Bar Association v. Piszczek*, 115 Ohio St.3d 228, 2007-Ohio-4946, the Respondent failed to keep track of deposits and withdrawals from his IOLTA account. The Court in *Piszczek* held that a public reprimand was the appropriate sanction because there were no aggravating factors and because no clients were harmed or prejudiced by the violations.

In *Mahoning County Bar Association v. Dann*, 101 Ohio St.3d 266, 2004-Ohio-716, the Respondent acknowledged that he had violated Ohio Code of Professional Responsibility Disciplinary Rule 6-101(A)(2) (providing representation without adequate preparation). The Respondent in *Dann* had represented a client regarding a qualified domestic relations order. The client advanced to the Respondent funds that could be used to fund a settlement with the client's ex-wife. Respondent attempted to communicate with the ex-wife, but he also filed a Motion to terminate spousal support, an act not necessarily consistent with the client's settlement objective. When Respondent finally did reach the ex-wife, she agreed to sign settlement papers, but Respondent failed to prepare them. He mistakenly advised his client that the ex-wife had signed them. Respondent compounded the confusion by waiting until a hearing on the motion he had filed before explaining to the client and ex-wife what was actually going on. Respondent received only a public reprimand, this Court noting that Respondent had no prior disciplinary record, had not committed misconduct out of self interest, and had refunded all funds involved. His mishandling of the matter was more prejudicial to his client than Ms. Brown's conduct here.

These precedents support the conclusion that a public reprimand is a reasonable and appropriate sanction where an attorney's conduct involves neither misrepresentation nor other dishonesty, but merely neglect, where clients have not been prejudiced thereby, where the

attorney has made restitution or refunded advances, and where the attorney has demonstrated remorse and has cooperated in the disciplinary process. We acknowledge that the selection of the appropriate sanction in any particular case involves the exercise of discretion and that bright lines are difficult to draw. But on the other hand, all should acknowledge that, as a general proposition, lawyers who engage in comparable misconduct should receive comparable discipline.

The conclusion that Respondent's neglectful conduct here is deserving of a one-year suspension is, we submit, inconsistent with the weight of precedent. To be sure, the Board's recommendation is that the entire suspension be stayed upon conditions, but before one reaches the issue of the terms of a stay, the suspension itself must be warranted by the misconduct involved. We are unaware of conduct reasonably comparable to Ms. Brown's resulting in a one-year suspension being imposed.

The Report of the Board of Commissioners cites only one precedent in support of its conclusion that a one-year suspension is appropriate, *Dayton Bar Assn. v. Sebree*, 96 Ohio St.3d 50, 2002-Ohio-2987. *Sebree* involved an attorney who had neglected a litigation matter for one client and a collection matter for another, who didn't even recall that one of the grievants was a client, and who issued a refund check that was returned for insufficient funds. It was not determined as part of the record that the attorney had not caused prejudice to his clients or that he was remorseful for his conduct. Most important, the attorney in *Sebree* jointly stipulated with the Relator in the case that he should receive a six-month suspension, entirely stayed upon conditions. The Board of Commissioners and this Court approved the joint recommendation. The six-month suspension in *Sebree* was requested, not involuntarily imposed.

Only two cases are cited in *Sebree* as comparable precedent for a six-month stayed suspension. They are *Disciplinary Council v. Harp*, 91 Ohio St.3d 385, 2001-Ohio-48; and *Cincinnati Bar Assn. v. Wilson*, 89 Ohio St.3d 243, 2000 Ohio 147. These two cases illustrate why the Board's recommendation here should not be accepted. The lawyers in *Harp* and *Wilson* each received only six-month suspensions, each entirely stayed upon conditions, for conduct more serious and more harmful than Ms. Brown's conduct in the matter at hand. Analysis of these cases, as well as *Sebree*, supports the conclusion that a public reprimand is the appropriate sanction here.

In *Harp*, the attorney filed a workers' compensation appeal for a client, but failed to prosecute it thereafter. He failed to oppose a motion to dismiss the appeal and failed to attempt to reinstate the case after it had been dismissed. He failed for more than five years to prosecute a collection matter for different clients. He failed for twelve years to file a personal injury complaint for yet another client. His neglect, which was far more pronounced and serious than that of Ms. Brown here, caused actual prejudice to clients, but he received only a six-month suspension, entirely stayed.

In *Wilson*, the attorney caused serious prejudice to a client he was representing in a personal injury suit. The attorney failed to convey a settlement offer of \$7,500, failed to respond to the opposing party's motion for summary judgment, failed to file the Rule 60(B) motion he told the client he was intending to file, and eventually failed to make payments on the note he signed in settlement of the ensuing malpractice case. He received a six-month suspension, entirely stayed, for conduct far more serious and far more harmful than that under consideration here.

A very recent disciplinary opinion of this Court also confirms that Ms. Brown should not receive any suspension, even one entirely stayed upon conditions. In *Disciplinary Counsel v. Forbes*, Slip Opinion No. 2009-Ohio-2623, a lawyer who had pleaded guilty to six misdemeanors, all relating to ethics violations committed in his capacity as a public official, received a six-month suspension, entirely stayed. His conduct was criminal, not merely neglectful, and his suspension was only half the length of the one the Board recommends here. We respectfully suggest that all benchmarks created by comparable precedent lead to the conclusion that Ms. Brown should receive a public reprimand for her neglectful conduct, not a suspension, and certainly not a suspension as long as one year.

In closing, several specific aspects of the Board's Report warrant mention. Ms. Brown has already taken steps designed to minimize the likelihood that neglectful conduct will occur in the future. Ms. Brown explained at the formal hearing that she had already commenced an office sharing agreement with Marie Von der Embse, an experienced practitioner who was already providing assistance and support. Ms. Brown has reorganized her work week to improve organization, and she is working with her staff to improve communications with them and the delivery of services to her clients. (Tr. 63-64, 72-73, 77) All of these positive steps taken by Respondent are unduly and unfairly diminished in the Board's Report. The Report, for example, comments that Ms. Von der Embse "is hoping to retire" and questions whether Ms. Brown has a "long term network" for support in place. (App.A-103) But the reference in the record to Ms. Von der Embse and retirement is nothing but a fleeting remark in Ms. Brown's testimony (Tr. 86), and the record as a whole does not support the conclusion that Ms. Von der Embse is contemplating retirement at any time in the foreseeable future or that Ms. Brown's long-term network for support is any more uncertain or fragile than those of countless other attorneys.

The Report also mentions in analyzing aggravating and mitigating facts that four grievances were filed against Ms. Brown, suggesting that even grievances conceded to be without merit should somehow be taken into account in assessing what sanction should be imposed. (App. A-99) Also ominous, and we submit unfair to Respondent, is the remark in the Report that “the panel cannot help but believe there is more to this story.” (App. A-100) The comment implies that an unresolved suspicion is somehow an aggravating factor where the imposition of discipline is concerned and that a feeling of discomfort is a substitute for proof by clear and convincing evidence. An enhanced sanction should not be based upon innuendo.

We have the highest respect for all the members of the Board and for the Panel members who heard this case. We applaud them for their service. But the sanction recommended by the Board here is too harsh. Respondent’s conduct should not result in any suspension, even if entirely stayed, and certainly not a suspension of a year. Respondent acknowledges her violations as stipulated and found by the Panel and Board, and she reiterates her sincere remorse. (Tr. 76-77) But her violations are relatively modest in the large scheme of things, and many attorneys who have engaged in conduct more serious and more prejudicial to their clients have received discipline much more lenient than that recommended here. Respondent regrets her neglect. She has already taken measures to eliminate the risk that it will happen again. She caused no prejudice to any client, and she respectfully submits that she should receive the sanction of a public reprimand.²

² Without intending to undermine our own advocacy, we should make clear our agreement that should the Court conclude that a suspension is appropriate for Ms. Brown, the entire period should be stayed, subject to reasonable conditions.

IV. CONCLUSION

For all of the foregoing reasons, Respondent Christi L. Brown respectfully requests that the Court impose in this matter the sanction of a public reprimand.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing, Respondent's Objections to Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio and Merit Brief in Support, has been served, via regular U.S. Mail, postage-prepaid, this 3rd day of August, 2009 upon the following:

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APPENDIX

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

THE ALLEN COUNTY BAR ASSOCIATION :
CERTIFIED GRIEVANCE COMMITTEE,

Relator,

-vs-

CHRISTI L. BROWN :
850 Bellefontaine Avenue :
Lima, Ohio 45801 :

Respondent. :

FILED

FEB 01 2008

**BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE**

**COMPLAINT FOR
DISCIPLINARY ACTION**

Now comes the Relator, Allen County Bar Association Certified Grievance Committee, by and through its undersigned attorney, Robert B. Fitzgerald, and hereby presents its Complaint against the Respondent, Christi L. Brown, as follows:

COUNT I

1. The, Relator, Allen County Bar Association Certified Grievance Committee is charged with the responsibility to investigate and prosecute allegations of misconduct against Attorneys in the Allen County, Ohio area.

2. Relator received a grievance filed by Ali M. Davoudi, D.C. (hereinafter referred to as "Grievant") on or about December 28, 2006 against the Respondent, Christi L. Brown. The Grievant alleged that Respondent failed to adequately pursue his case; that she refused to respond to his letters; that she refused to make an accounting of funds she had collected on his behalf; and that she failed to pay over to him, on a timely basis, portions of money she collected on his behalf. A copy of the Grievance received from Ali M. Davoudi, D.C., ("Grievant") is attached hereto and incorporated herein as Exhibit "A".

**LAW OFFICES OF
BARAN, PIPER, TARKOWSKY, FITZGERALD & THEIS CO., L.P.A.**

3. Thereafter, the Relator timely conducted an investigation. The Respondent was contacted, interviewed, and allowed to explain her position. A copy of the Allen County Bar Association Grievance Committee's written report is attached hereto and incorporated herein as Exhibit "B".

4. The Relator states that the Grievant was not specifically concerned with the prosecution of a professional grievance. Rather, the Grievant wanted communication from the Respondent, an accounting of his funds, and a transmittal of the funds that she had collected on his behalf.

5. The Relator further states that upon investigation and contact with the Respondent, Attorney, Christi Brown made statements and assurances (on May 9, 2007) to the investigator of the Relator committee that she would immediately transfer funds to the Grievant, Dr. Ali Davoudi and communicate with him. It was not however, until June 1, 2007, that the investigator received a copy of Ms. Brown's letter to Dr. Davoudi, dated May 31, 2007, accompanying the funds that were held in her possession.

6. Relator alleges that violations of the former Disciplinary Rules have occurred. Specifically, DR6-101(A)(2), DR6-101(A)(3) and Disciplinary Rule 9-102(B). These violations correspond to violations of Sections 1.1, 1.3 and 1.15 of the Ohio Rules of Professional Conduct which became effective February 1, 2007. Additionally, a thorough review of the investigation materials and the written report filed by Relator, indicates that a violation of Section 1.4 of the Ohio Rules of Professional Conduct has also occurred.

COUNT II

7. The Relator received a grievance filed by Kyle E. Perrine on or about August 25, 2007 against the Respondent, Christi L. Brown. Mr. Perrine, alleged that the Respondent failed to adequately pursue his case and communicate with him on a timely basis. A copy of this grievance is attached

hereto and incorporated herein as Exhibit "C".

8. Again, the Relator timely conducted an investigation. The Respondent was contacted, interviewed and allowed to explain her position. A copy of her response is attached hereto and incorporated herein as Exhibit "D". Respondent failed to communicate with her client and has failed to competently or diligently represent the client.

9. Relator alleges that as a result of the above-described conduct, violations of the Ohio Rules of Professional conduct have occurred. Specifically, Respondent has violated Sections 1.3 and 1.4 of the Ohio Rules of Professional Conduct.

COUNT III

10. The Relator received a grievance filed by Melissa Gandy on or about November 16, 2007 against the Respondent, Christi L. Brown. Ms. Gandy alleged that the Respondent failed to adequately pursue her case and communicate with her on a timely basis. A copy of this grievance is attached hereto and incorporated herein as Exhibit "E".

11. Thereafter, the Relator timely conducted an investigation. The Respondent was contacted, interviewed and allowed to explain her position. A copy of Respondent's Response is attached hereto as Exhibit "F". Respondent failed to perform the legal duties she initially agreed to accept, failed to represent Ms. Gandy diligently and failed to properly communicate.

12. Relator alleges that as a result of the above-described conduct, violations of the Ohio Rules of Professional Conduct have occurred. Specifically, Respondent violated Sections 1.1, 1.3 and 1.4 of the Ohio Rules of Professional Conduct.

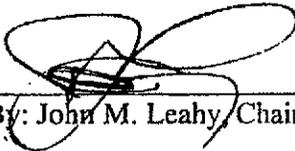
WHEREFORE, Relator requests that as a result of the allegations contained within Counts I, II and III, individually and collectively, that Respondent be reprimanded for her failure to:

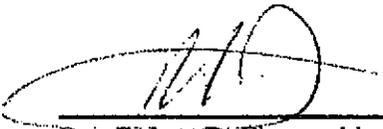
- (a) properly handle with diligence the matters entrusted to her by her clients;
- (b) communicate with the clients on a timely basis;
- (c) promptly turn over funds to the Grievant, Ali M. Davoudi on a timely basis;
- (d) provide an accounting when requested by her client, Ali M. Davoudi, on a timely basis.
and
- (e) properly communicate and/or diligently represent Grievants, Gandy and Perrine

Respectfully submitted,

**ALLEN COUNTY BAR ASSOCIATION
CERTIFIED GRIEVANCE COMMITTEE**

**BARAN, PIPER, TARKOWSKY,
FITZGERALD & THEIS CO., L.P.A.**


By: John M. Leahy, Chairman


By: Robert B. Fitzgerald (0018462)
121 West High Street, Suite 905
P. O. Box 568, Lima, OH 45802-0568
Telephone: (419) 227-5858
Facsimile: (419) 227-4569
E-Mail: lima@baranlaw.com

ATTORNEY FOR RELATOR

CERTIFICATE OF SERVICE

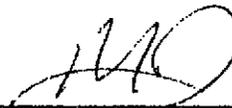
The undersigned hereby certifies that a true copy of the COMPLAINT FOR DISCIPLINARY ACTION was served upon the following by certified mail and/or email this 1st day of February, 2008:

The Certified Grievance Committee for the Allen County Bar Association
c/o Chairman, John M. Leahy
1728 Allentown Road
Lima, Ohio 45805

The Allen County Bar Association
c/o its President, Mr. Bruce French, Esq.
P.O Box 839
Lima, Ohio 45802

The Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Drive, Ste. 325
Columbus, Ohio 43215-7411

Christi L. Brown, Respondent
850 Bellefontaine Avenue, Ste. B
Lima, Ohio 45801



Robert B. Fitzgerald (0018462)

ATTORNEY FOR RELATOR

**ALLEN COUNTY BAR ASSOCIATION
CERTIFIED GRIEVANCE COMMITTEE**
HON. SUMNER E. WALTERS, CHAIRMAN
204 NORTH MAIN STREET
LIMA, OH 45801

GRIEVANCE

Date: 12-27-06

Your name: DR ALI M DAVOUDI DC

Address: 1235 BELLEFONTAINE AVE
LIMA OH 45804

Your telephone number: (Home) (419) 371-4749 (CELL)
(Work) (419) 228-0920

Attorney's Name: CHRISTI L BROWN

Address: 850 BELLEFONTAINE AVE
LIMA OH 45804

Attorney's telephone number: (419) 225-8987

Did you hire this attorney? YES If "yes," date hired: 5-14-04

If "no," was he: (check any that apply):
Court appointed _____
Attorney for your opponent _____
Other _____ (explain relationship) _____

Did you sign a written fee agreement with this attorney? NO

Is this related to your grievance? NO (If yes) Explain your understanding of the fee agreement: _____

Have you, or do you intend to filed any complaint with any other disciplinary agency? PENDING THIS COMPLAINT AND THE RESULTS. (If yes) Provide the name of the other agency, action taken or intended and date filed: _____

Did the attorney file a lawsuit on your behalf? NOT TO MY KNOWLEDGE. (If yes) State the case number and court: _____

Lined area for text entry.

GRIEVANT'S STATEMENT

State of Ohio, Allen County, ss:

I hereby acknowledge, subject to the penalties for perjury, that the facts represented herein are true and correct to the best of my knowledge and understanding. I further understand that by filling out this form and filing it with the Allen County Certified Grievance Committee, the attorney I have written about may be contacted for his response, and that a copy of this Grievance may be furnished to him. I further understand that the Ohio Supreme Court Rules for the Governance of the Bar, under which rules this Grievance is filed, require that this matter be private and confidential.

[Signature]
(Signature)

Date: 12-28-06

SWORN TO BEFORE ME, and subscribed in my presence, this 28 day of December, 2006.

[Signature]
Notary Public



HEATHER L. RAKAY
Notary Public, State of Ohio
My Commission Expires 08-18-2011
Recorded in Allen County

(2003)

Davoudi Chiropractic Office, Inc.
Dr. A.M. Davoudi, DC DACNB
 American Board Certified Chiropractic Neurologist
 Board Eligible American Chiropractic Radiologist
 Fellow International Academy of Chiropractic Acupuncture
 Qualified Electro-Diagnostician
 1235 Bellefontaine Ave. Lima, OH 45804
 Phone No.: (419) 228-0920 Fax No.: (419) 228-0753

February 3, 2006

Christi Brown
 Attorney at Law
 850 Bellefontaine Ave.
 Lima, OH 45804

Reference: Cindi Myers

Dear Ms. Brown,

As you are aware, you have been handling the above case for my office for nearly two years and unfortunately, we have not heard clear status of this case. I have personally contacted your office two weeks ago and requested for your secretary to drop me a note as to the status and as of today, I have not received such note. I need to know the following:

1. If there was an agreement between you and the patient for receiving payment on a regular basis and whether or not this have been kept on.
2. If there is no such agreement what is your next move?
3. If you have been collecting payment why hasn't your office been forwarding the payments to us? In addition, if you continue to receive such payment, but you are awaiting completion before sending the payment this would not be acceptable.

Therefore, please contact me one way or the other and inform me of the status.

Better Health,

Dr. A.M. Davoudi, DC, DACNB *(Signature)*

AMD/pb

Davoudi Chiropractic Office, Inc.
Dr. A.M. Davoudi, DC DACNB
American Board Certified Chiropractic Neurologist
Board Eligible American Chiropractic Radiologist
Fellow International Academy of Chiropractic Acupuncture
Qualified Electro-Diagnostician
1235 Bellefontaine Ave. Lima, OH 45804
Phone No.: (419) 228-0920 Fax No.: (419) 228-0753

March 31, 2006

Christi Brown
Attorney at Law
850 Bellefontaine Ave.
Lima, OH 45804

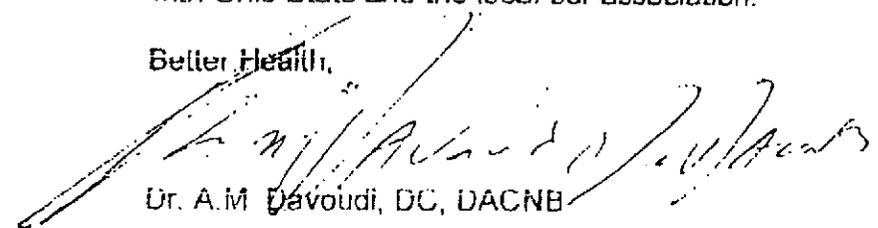
Reference: Cindi Myers

Dear Ms. Brown,

I have referred a case regarding Cindi Myers debt to our office to you on May 14, 2004 for legal means towards collection purposes. You have kept us informed up to the time that you informed my office manager that you began collecting funds from Ms. Myers in an amount of \$75 and etc. in August of 2005. However, since that time for some unknown reason you have not responded/replied back to our request to update your progress. I have personally written twice and called your office twice within the last two months for status and yet you refuse to keep me updated and send the amount that you have collected.

I will send this certified and if I do not hear from your office within 2 weeks time I will be forced to presume foul play. I will then file a grievance against your office with Ohio State and the local bar association.

Better Health,


Dr. A.M. Davoudi, DC, DACNB

AMD/pb

LIMA MUNICIPAL COURT
109 N. UNION ST.
LIMA, OH
(419) 221-5275

NOTICE-FAILURE OF SERVICE

DAVOUDI CHIROPRACTIC
OFFICE
1235 BELLEFONTAINE AVE
LIMA, OH 45804

Vs.

Case No.: 04CV100478

CINDI MYERS
7867 RD X
LEIPSIC, OH 45856

TO: DAVOUDI CHIROPRACTIC
OFFICE 1235 BELLEFONTAINE AVE
LIMA, OH 45804

Your service of summons by **CERTIFIED MAIL** upon the following parties has failed due to the following: **UNCLAIMED . PLEASE COMPLETE THE INSTRUCTIONS TO THE CLERK AND RETURN THEM IF YOU WISH TO REQUEST ADDITIONAL SERVICE.**

Name of party and address returned from:

CINDI MYERS 7867 RD X LEIPSIC, OH

Amela Wright

DEPUTY-CLERK

March 1, 2004

INSTRUCTIONS TO CLERK

TO: ROBERT V. HOLMES, CLERK
Lima Municipal Court
109 N. Union Street
P.O. Box 1529
Lima, OH 45801

Please re-issue the summons to the following address:

BY: Ordinary Mail \$4.00 each Certified Mail \$6.00 each Personal

Dated: 3-3-04 Pam Bowler
Signature

3-4-04
Sent ca \$16
#14606 TO HAND DELIVER

trisc\cni\pickword\civil\cvphfspl.doc

revised 8.30.01 ms

BROWN & SAMMET

ATTORNEYS AT LAW

850 Bellefontaine Avenue

Lima, Ohio 45801

Phone (419) 225-8987 Fax (419) 224-2710

Christi L. Brown

Jenny L. Sammet

September 20, 2004

Davoudi Chiropractic
1235 Bellefontaine Ave.
Lima, Ohio 45804

01201

Re: Davoudi vs. Myers
Case No.: 04 CVI 00478

Dear Mr. Davoudi:

Please find enclosed an Assignment Notice scheduling the above matter for a Judgment Debtors Exam on Wednesday, October 20, 2004 at 11:00 a.m. Please be advised that your attendance is not necessary.

If you should have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,

Christi L. Brown/lnh

Christi L. Brown
Attorney at Law

CLB/lnh
Enclosure

LIMA MUNICIPAL COURT
109 North Union Street – Hall of Justice
Lima, Ohio 45802
(419) 221-5275

ASSIGNMENT NOTICE

DAVOUDI CHIROPRACTIC
OFFICE
1235 BELLEFONTAINE AVE
LIMA, OH 45804

Vs.

Case No.: 04CV100478

CINDI MYERS
7867 RD X
LEIPSIC, OH 45856

TO:

DAVOUDI CHIROPRACTIC OFFICE 1235 BELLEFONTAINE AVE LIMA, OH 45804

Plaintiff(s)

CINDI MYERS 7867 RD X LEIPSIC, OH 45856

Defendant(s)-

The above entitled case has been assigned for **SMALL CLAIMS HEARING** on **WEDNESDAY , 04-21-2004 at 09:00AM** in Court Room No. 3 . Motions for Continuance are granted only for good cause shown to the Trial Judge, together with a Journal Entry, signed by both the moving party and opposing counsel 7 days prior to the date shown above.

ROBERT V. HOLMES
Clerk of Lima Municipal Court

By *Pamela Wright*
Deputy Clerk/Bailiff

Dated at Lima, Ohio March 23, 2004 .

LIMA MUNICIPAL COURT
BOX 1529
LIMA, OHIO 45802
(419) 221-5275

STATEMENT

IN RE: DAVOUDI CHIROPRACTIC
OFFICE
1235 BELLEFONTAINE AVE
LIMA, OH 45804

Vs.

CINDI MYERS
7867 RD X
LEIPSIC, OH 45856

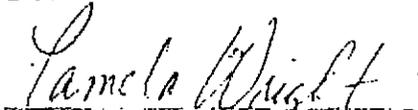
CASE NO.: 04CV100478
LIMA, OHIO, April 1, 2004
TO:

DAVOUDI CHIROPRACTIC OFFICE
1235 BELLEFONTAINE AVE
LIMA, OH 45804

April 1, 2004 ADDITIONAL COURT COSTS DUE: \$23.37 (ADDITIONAL
SHERIFF FEES DUE FOR SERVICE)

LIMA MUNICIPAL COURT
ROBERT V. HOLMES, CLERK

BY:


DEPUTY CLERK

1200 4-8-04
146-85

LIMA MUNICIPAL COURT
HALL OF JUSTICE BUILDING
109 N. UNION ST.
LIMA, ALLEN COUNTY, OHIO 45802
(419) 221-5275

RETURN

LIMA MUNICIPAL COURT, LIMA, OHIO
March 23, 2004

Received this Writ on the 25 day of March, 2004, at 10:53 o'clock A.M., and pursuant to its command, I served the same on the 30 day of March, 2004, by delivering a true copy of it, with the endorsements thereon, personally to the within named Cindi Myers and on the _____ day of _____, 20____, by leaving a true copy of it, with the endorsements thereon at the usual place of residence of the within named.

BAILIFF Putnam County Sheriff's Office
1035 Heritage Trail
Ottawa, OH 45875
BY: James R. Beutler, Sheriff

Barry Wells
DEPUTY-BAILIFF

~~James R. Beutler, Sheriff~~

CASE NO. 04CV100478

DAVOUDI CHIROPRACTIC
OFFICE
1235 BELLEFONTAINE AVE
LIMA, OH 45804

Vs.

CINDI MYERS
7867 RD X
LEIPSIC, OH 45856

2004 APR -1 AM 8:51
ROBERT V. HOUTNER
CLERK OF COURT
LIMA MUNICIPAL COURT

FILED

SMALL CLAIMS HEARING 4-21-04

ISSUED: March 23, 2004



EVIDENCE

B

ALLEN COUNTY BAR ASSOCIATION
WRITTEN REPORT - GRIEVANCE COMMITTEE

- A. COMPLAINT NO. unknown
- B. COMPLAINANT(S): Ali M. Davoudi, DC
- C. ATTORNEY (Subject of Complaint): Christi L. Brown
- D. DATE COMPLAINT RECEIVED: The grievance is dated 12/27/2006 and signed 12/28/2006.
- E. ASSIGNED ATTORNEY AND DATE OF ASSIGNMENT: Walter M. Lawson III received March 12, 2007.
- F. DATE WRITTEN RESPONSE OF ATTORNEY GIVEN TO COMPLAINANT BY INVESTIGATOR.
April 26, 2007
- G. SUMMARY OF WRITTEN COMPLAINT: Dr. Davoudi hired Ms. Brown on May 14, 2004 to collect money from a former patient. Judgment had already been obtained. Dr. Davoudi feels that Ms. Brown did not adequately pursue the case, did not return his calls, did not respond to his letters, nor did she send him his portion of the money she had collected.

***TO ENSURE ACCURACY OF COMPLAINT NUMBER, PLEASE USE THIS WRITTEN REPORT FORM ONLY.

GRIEVANCE COMMITTEE WRITTEN REPORT
COMPLAINT NO. _____
PAGE TWO

- H. SUMMARY OF DISCUSSION WITH COMPLAINANT: (If complainant not contacted, or unavailable or non-cooperative, please describe efforts made to contact or if applicable, why no contact was attempted.)

Basically as noted above in paragraph G. See my letter dated April 26, 2007 and his response dated May 5, 2007.

Please note that in Dr. Davoudi's certified letter of October 2006, he indicated to Ms. Brown that if he did not hear from her he would file a grievance with this Committee. He re-emphasizes that he was simply expecting a response from Ms. Brown and to provide him with any of his money in her possession.

- I. SUMMARY OF DISCUSSION WITH LAWYER COMPLAINED OF: (Attach any documents or written explanation from the lawyer. If lawyer not contacted or no response received, describe efforts to reach attorney.)

Relative to the responses from Ms. Brown, her letter and attachments of April 6, 2007, my further inquiry of her dated April 26, 2007, and her second response dated May 9, 2007 are attached.

Ms. Brown's initial response was quite brief and resulted in the Committee's opinion in more questions than answers. Ms. Brown's response indicated that she left this matter up to her staff, that there was no follow-up on the collection, that she had not personally talked with Dr. Davoudi, and that she still had \$37.50 of his money in her possession which she would forward immediately. On May 31, 2007 the undersigned called Ms. Brown and asked her to fax me a copy of her letter*

- J. ANALYSIS OF DISPUTE: Specific issues of difference between attorney and complainant:

There appears to be insufficient communication by the attorney with her client and as a matter of fact, in one of Ms. Brown's responses she indicates that she never did talk to him. She thought her staff was handling it with his staff.

*sending the \$37.50 to Dr. Davoudi which she indicated on May 9, 2007 she would do immediately. She indicated that she had not yet done it but again would do so immediately. On June 1, 2007, I received a copy of Ms. Brown's letter to Dr. Davoudi of May 31, 2007.

GRIEVANCE COMMITTEE WRITTEN REPORT
COMPLAINT NO. _____
PAGE FOUR

N. GENERAL COMMENTS: See recommendation

O. RECOMMENDATIONS: The Committee believes that a letter of admonition should be given to Ms. Brown. We believe that a pattern may exist and that hopefully it can be corrected with direction from the Committee.

WMM Lamm III 6/6/07
CHAIRPERSON
INVESTIGATING PANEL

EXHIBIT

C

ALLEN COUNTY BAR ASSOCIATION
c/o Allen County Law Library
Allen County Courthouse
Lima, Ohio 45801

CERTIFIED GRIEVANCE COMMITTEE

Your Name Kyle E. Perrine
Address 3577 N. Thayer rd
Lima, Oh 45801

Telephone Number (Home) 419 204 2185
(Work) 419 234 1699

Attorney's Name Christy Brown
Address 850 Bellefontaine Ave Lima, Oh 45801

Telephone number 419-225-8987

Did you hire this attorney? yes
Date you hired this attorney _____

Did you sign a fee contract with this attorney? yes
What was your understanding of the terms of the fee agreement?
copy of contract is also enclosed
That Christy would ~~she~~ complete annulment with all
paperwork and fees.

Have you filed a complaint with another disciplinary agency?
No If, yes state name of agency, action taken and date

Explain the facts of your complaint; including dates; describe what you think is unethical conduct. Attach copies of any correspondence and documents which support your complaint. You may attach additional paper as necessary.

Day of Divorce she "forgot" to have exwife sign title
papers to house which was awarded to me in agreement.
After I asked about title being signed she said that she would
either have ex-wife sign them or she had power of attorney to
take of it. After 3 weeks it was still not taking care of
and she told me she would try and call exwife again.
After another week I kept calling and left messages that
she never returned. I called continuously and never received
information or a call back.

EXHIBIT

D

RESPONSE:

I was retained by Kyle Perrine to prepare paperwork for a Dissolution. The Dissolution was finalized on March 7, 2007 between Kyle Perrine and Joy Perrine.

At the time of the dissolution, a Quit Claim Deed to transfer the real property was not prepared. I had made arrangements with Joy Perrine to come by later in the day to sign the Deed. Joy never showed up at my office that day.

Thereafter, Kyle began to call about the status of the deed. I contacted Joy and explained to her that she needed to come in and sign the deed. Joy expressed to me concerns about Kyle using a joint credit card and putting new charges on the card. I contacted Kyle thereafter and explained to him that he needed to stopping using the card, close out the card and possibly do a transfer balance to a new credit card in his name alone. Kyle understood and stated that he would do the same.

I contacted Joy thereafter and Joy stated that she would review the matters with the credit card statement. Joy also agreed to come into the office and sign the deed. This conversation took place on a Monday and Tuesday and Joy was to come in on a Friday. Joy did show up on Friday and refused to sign the deed.

I discussed this with my staff and they recalled that Joy had come in two different times, each time the Deed was prepared and ready for her signature.

After Joy did not sign the deed, Kyle was notified that she refused to sign the deed. Kyle was further notified by my staff over the phone and during a conversation when he came into the office that an additional \$150.00 was needed to reopen the case. Kyle never scheduled an appointment and never paid the additional \$150.00 to reopen the case for enforcement of the deed to be signed.

At this point in time, I would be more than willing to file a Motion with the Court to enforce the signing of a Quit Claim deed. I have sent the enclosed letter to Mr. Perrine.

CHRISTI L. BROWN
ATTORNEY AT LAW
850 Bellefontaine Avenue
Lima, Ohio 45801
Phone (419) 225-8987 Fax (419) 224-2710

November 13, 2007

Mr. Kyle P. ...
3577 N. Thayer Road
Lima, Ohio 45801

Re: Quit Claim Deed

Dear Kyle:

This letter is to advise that I am willing to file a Motion with the Court in order that the property at 3577 N. Thayer Road be transferred into your name alone and to not charge any attorney fees or to pay the deposit for the court costs. Essentially, there would be no costs to you.

However, I need for you to schedule an appointment with me, in order to discuss this matter so that you understand exactly the direction that we will go forward as there are a couple of different avenues that we could take. I also need to discuss with you the issue regarding the credit card bills.

Upon receipt of this letter, please contact my office and schedule an appointment if you want me to continue to represent you in this matter.

Sincerely,

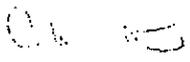

Christi L. Brown

EXHIBIT E

ALLEN COUNTY BAR ASSOCIATION
c/o Allen County Law Library
Allen County Courthouse
Lima, Ohio 45801

CERTIFIED GRIEVANCE COMMITTEE

Your Name Melissa Gandy (MISSY)
Address P.O. BOX 3142
Lima, Oh. 45807

Telephone Number (Home) 567-204-6847
(Work) N/A

Attorney's Name Christi Brown
Address 850 Bellefontaine Ave
Lima Oh. 458
Telephone number 419-225-8987

Did you hire this attorney? I gave her a \$500 retainer
Date you hired this attorney Sept. 14, 2007

Did you sign a fee contract with this attorney? NO
What was your understanding of the terms of the fee agreement?
I give her the \$500 and she "said stated" she would try to negotiate my land contract (trying to get out) - with other parties attorney

Have you filed a complaint with another disciplinary agency?
If, yes, state name of agency, action taken and date
I filed with the Lima BBB on October 19, 2007 - to this date, she hasn't even responded to them.

Explain the facts of your complaint; including dates; describe what you think is unethical conduct. Attach copies of any correspondence and documents which support your complaint. You may attach additional paper as necessary.
I "hired" Christi Brown - gave her the \$500 & she was going to try and negotiate a settlement with the other parties attorney that was on Sept. 14th 2007 - when I left her office I kissed my \$500 goodbye I called her office between September 19 - October 8th - at least 25+ times and sent her numerous emails (with the email address she told me to contact her) and never one response. I spoke to her office staff - Trish and another lady and the answering machine. Finally on October 8th - I called and told Trish that I paid \$500 and Chris had not responded in any way! I would like her to get back w/ me. Trish said as she

I didn't have a check by the following week
(Nothing - as usual) I was filing a
complaint by the BBB I since
had to get another attorney.

What I think is unethical -
is someone leading you to believe -
they're going to work for you. Try
and negotiate a deal and they
take your money with no response.

I still have to pay for another
attorney - when I could have paid
them what I gave Christi.

I want my money back.

She hasn't even responded to the
Lima BBB. I think she gives
attorneys a bad name - Take your
money & don't represent you like
she said she would. This wasn't
even a trial case - probably a
few phone calls to the other parties.

How unethical, unprofessional and
just rude!

Thank you!

Melissa Hardy

Did the attorney file a lawsuit on your behalf? NO
If so, please state case number and court _____

Have you filed a lawsuit against the attorney? NO
If so, please state case number and court _____

Oct. 12th
?

Did you discharge the attorney? I tried several times to
If so, date of discharge called to no avail - so I
asked for my money back - she never returned it so
I let her office know I was filing with the BBB.

I understand that by filling out this form and filing it with the Certified Grievance Committee, the attorney I have written about may be contacted. I also understand that a copy of this form may be sent to the attorney. I further understand that the Supreme Court Rules for the Government of the Bar of Ohio require that this matter be private and confidential.

Signature Date

SWORN TO BEFORE ME, and subscribed in my presence this
day of _____, 19____.

Notary Public

~~Chris & Mary~~

From: "Missy" <mgandy@watchtv.net>
To: "Chris Mary" <creiff@woh.rr.com>
Sent: Monday, November 12, 2007 3:19 PM
Subject: Fw: Refund please

— Original Message —

From: Missy
To: cbrownlaw@embarqmail.com
Sent: Saturday, October 13, 2007 5:04 PM
Subject: Refund please

*sent Oct. 13 -
last contact from Christi
was Sept. 14th*

Christi Borwn, Trish or Lisa(?)

This is Missy Gandy. I am writing to request that the \$500(the check that has been cashed) I gave to Christi on September 14th be refunded to me this week. I think this is very unprofessional. I have called and left phone messages (at least 10-15 total) and about 4-5 emails-requesting that anyone call me back and let me know what to do or what not to do in our matter. Trish has taken most the messages but the other lady did , as well as the answering machine. The last conversation I had was with Trish on October 8th-she "assured" me that she would give Christi the message "Please call back as soon as possible". Well it's the 14th and still nothing. I do not want a call back at this point-I just cannot believe how disrespectful and unprofessional this is. I am a VERY passive person and said so to Trish in several conversations, and told her I didnt care who called me back "even if it was the janitor" to let me know ANYTHING. Not 1 phone call or email since I left Christi's office(and my money) on Sept. 14th, 2007. As I stated I do not want a phone call now -I am requesting a refund -and if that is not possible -or I dont receive it this week-I am filing a complaint with the Better Business Bureau on October 22nd. Im sure you have my address on file-14795 Freund rd delphos, Oh. 45833.

Thank you ,
Missy Gandy

This is the email I sent Christi Brown after a month of no contact w/her.

*Missy
P.O. Box 3142
Elida, Oh. 45807*

RESPONSE:

I first met with Melissa Gandy on August 27, 2007 in regards to a Land Contract that her and her husband had entered into. Ms. Gandy advised that her husband was going to be relocate and they were looking at options with the Land Contract. We discussed several options, including the liability that potentially they were looking at. I charged Ms. Gandy \$50.00 for an office conference.

Thereafter, I had several telephone conversations with Ms. Gandy. These telephone conversations centered around her contact with the Sellers.

On or about September 13, 2007, Ms. Hammond put a deposit down for a retainer of \$500.00. Thereafter, I contacted Attorney, Greg Antalis, who had represented the Sellers in the past and we discussed the prospect of listing the residence and trying to get it sold. Greg had recommended a realtor and I forwarded that to Ms. Gandy and advised her to work with the Sellers. Ms. Gandy contacted the realtor and the realtor contacted the Sellers and prepared a listing agreement. Ms. Gandy came to my office, with no appointment and I reviewed the listing agreement for Ms. Gandy and advised her not sign it as it included a clause that she pay the real estate commission. I explained to her that it was not necessary to have the clause in it as the parties were already bound by the terms of the Land Contract.

Subsequently, I had another phone call from Ms. Gandy and we again discussed her options. At this time, we also discussed an offer of some type of settlement/proposal. The next thing I know I received the e-mail stating she wanted the retainer back.

During the months of September/October, my e-mail was unreliable because of a switch between earthlink.net and embarq. Earthlink was no longer going to service my-email account and I had to switch to embarqmail. Some e-mails were forwarded and others were not.

When I did receive the e-mail that Ms. Gandy wanted her retainer back, I did stop all phone calls. The case had not been billed out and subsequently received a Complaint from the Better Business Bureau. After receiving the complaint, I returned her retainer in full on November 14, 2007.

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

**THE ALLEN COUNTY BAR ASSOCIATION :
CERTIFIED GRIEVANCE COMMITTEE,**

CASE NO.: 08-002

FILED

Relator,

DEC 16 2008

-vs-

**BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE**

**CHRISTI L. BROWN
850 Bellefontaine Avenue
Lima, Ohio 45801**

**AMENDED COMPLAINT FOR
DISCIPLINARY ACTION**

Respondent.

Now comes the Relator, Allen County Bar Association Certified Grievance Committee, by and through its undersigned attorney, Robert B. Fitzgerald, and hereby presents its Complaint against the Respondent, Christi L. Brown, as follows:

COUNT I

1. The, Relator, Allen County Bar Association Certified Grievance Committee is charged with the responsibility to investigate and prosecute allegations of misconduct against Attorneys in the Allen County, Ohio area.

2. Relator received a grievance filed by Ali M. Davoudi, D.C. (hereinafter referred to as "Grievant") on or about December 28, 2006 against the Respondent, Christi L. Brown. The Grievant alleged that Respondent failed to adequately pursue his case; that she refused to respond to his letters; that she refused to make an accounting of funds she had collected on his behalf; and that she failed to pay over to him, on a timely basis, portions of money she collected on his behalf. A copy of the Grievance received from Ali M. Davoudi, D.C., ("Grievant") is attached hereto and incorporated herein

as Exhibit "A".

3. Thereafter, the Relator timely conducted an investigation. The Respondent was contacted, interviewed, and allowed to explain her position. A copy of the Allen County Bar Association Grievance Committee's written report is attached hereto and incorporated herein as Exhibit "B".

4. The Relator states that the Grievant was not specifically concerned with the prosecution of a professional grievance. Rather, the Grievant wanted communication from the Respondent, an accounting of his funds, and a transmittal of the funds that she had collected on his behalf.

5. The Relator further states that upon investigation and contact with the Respondent, Attorney, Christi Brown made statements and assurances (on May 9, 2007) to the investigator of the Relator committee that she would immediately transfer funds to the Grievant, Dr. Ali Davoudi and communicate with him. It was not however, until June 1, 2007, that the investigator received a copy of Ms. Brown's letter to Dr. Davoudi, dated May 31, 2007, accompanying the funds that were held in her possession.

6. Relator alleges that violations of the former Disciplinary Rules have occurred. Specifically, DR6-101(A)(2), DR6-101(A)(3) and Disciplinary Rule 9-102(B). These violations correspond to violations of Sections 1.1, 1.3 and 1.15 of the Ohio Rules of Professional Conduct which became effective February 1, 2007. Additionally, a thorough review of the investigation materials and the written report filed by Relator, indicates that a violation of Section 1.4 of the Ohio Rules of Professional Conduct has also occurred.

COUNT II

7. The Relator received a grievance filed by Kyle E. Perrine on or about August 25, 2007 against the Respondent, Christi L. Brown. Mr. Perrine, alleged that the Respondent failed to adequately

pursue his case and communicate with him on a timely basis. A copy of this grievance is attached hereto and incorporated herein as Exhibit "C".

8. Again, the Relator timely conducted an investigation. The Respondent was contacted, interviewed and allowed to explain her position. A copy of her response is attached hereto and incorporated herein as Exhibit "D". Respondent failed to communicate with her client and has failed to competently or diligently represent the client.

9. Relator alleges that as a result of the above-described conduct, violations of the Ohio Rules of Professional conduct have occurred. Specifically, Respondent has violated Sections 1.3 and 1.4 of the Ohio Rules of Professional Conduct.

COUNT III

10. The Relator received a grievance filed by Melissa Gandy on or about November 16, 2007 against the Respondent, Christi L. Brown. Ms. Gandy alleged that the Respondent failed to adequately pursue her case and communicate with her on a timely basis. A copy of this grievance is attached hereto and incorporated herein as Exhibit "E".

11. Thereafter, the Relator timely conducted an investigation. The Respondent was contacted, interviewed and allowed to explain her position. A copy of Respondent's Response is attached hereto as Exhibit "F". Respondent failed to perform the legal duties she initially agreed to accept, failed to represent Ms. Gandy diligently and failed to properly communicate.

12. Relator alleges that as a result of the above-described conduct, violations of the Ohio Rules of Professional Conduct have occurred. Specifically, Respondent violated Sections 1.1, 1.3 and 1.4 of the Ohio Rules of Professional Conduct.

COUNT IV

13. Relator states that grievant, J. Thomas Collins, on or about August 22, 2008, filed with the Ohio Disciplinary Counsel, a grievance against Respondent.

14. Mr. Collins, through his personal attorney in Iowa, Jane E. Rosien, retained Respondent, on or about June 29, 2006.

15. Though Respondent, Christi Brown, was forwarded documents and a preliminary retainer fee in the amount of \$200.00 for services regarding the collection of a foreign judgment. Grievant, J. Thomas Collins had been awarded judgment in the case of Collins Oak Park Chapel & Funeral Services, Inc. v. Larry D. Beard, Case No. LACV031464, in the Court of Madison County, Iowa.

16. Attorney Jane Rosien and Respondent spoke by telephone prior to June 29, 2006 and Ms. Brown understood that she would assist Ms. Rosien and provide services to Mr. Collins in the collection of the judgment.

17. Thereafter, on August 30, 2006, Ms. Brown received a letter from Mr. Collins' personal lawyer requesting an update of the progress of the collection. No response was ever sent by Respondent.

18. Thereafter, Ms. Rosien personally left a message at Ms. Brown's office requesting an update on September 26, 2006, October 3, 2006 and October 11, 2006. Again, Respondent, Christi Brown never returned phone calls after the receipt of those messages.

19. On October 26, 2006, Respondent's office received a letter requesting an update regarding the case or in the alternative that she return the Certificate of Transcript, if not yet filed, along with the return of the retainer. Again, Respondent never replied to that correspondence. Thereafter, numerous phone calls were made to Respondent, Christi Brown's office. Again, no response was ever given by Respondent or her office.

20. On January 30, 2007, the grievant's attorney, Ms. Jane Rosien, wrote to Respondent, Christi Brown, requesting that she return the \$200.00 retainer. Again, a request was made upon Ms. Brown to provide proof that the Certificate of Transcript had been filed or that the original transcript along with the retainer be returned. Respondent failed, without explanation, to respond. Thereafter, J. Thomas Collins made at least three more phone calls leaving messages, none of which received a return phone call.

21. Then on August 22, 2008, J. Thomas Collins filed with the Ohio Disciplinary Counsel a grievance. That grievance was forwarded to the Relator, Allen County Bar Association Certified Grievance Committee on or about September 24, 2008. Thereafter an investigation was begun.

22. As of the December 1, 2008, the Respondent had not contacted Mr. J. Thomas Collins or his attorney, Attorney Jane Rosien. Nor had Respondent returned the retainer fee or provide any update regarding the attempt to collect on the foreign judgment to Mr. Collins or his lawyer.

23. Both the Respondent Christi Brown and her attorney, Alan Petrov have received copies of this grievance and as of the date of filing, no response has been received.

24. Relator alleges that the violations of the former Disciplinary Rules have occurred. Specifically, Disciplinary Rule 6-101(a)(2), DR 6-101(A)(3) and Disciplinary Rule 9-102(b). These violations respond to violations of 1.1, 1.3, 1.15 of the Ohio Rules of Professional Conduct which became effective February 1, 2007. Additionally, a thorough review of the investigation indicate that violation of 1.4 of the Ohio Rules of Professional Conduct has also occurred.

WHEREFORE, Relator requests that as a result of the allegations contained within Counts I, II, III and IV, individually and collectively, that Respondent be reprimanded for her failure to:

- (a) properly handle with diligence the matters entrusted to her by her clients;
- (b) communicate with the clients on a timely basis;
- (c) promptly turn over funds to the Grievant, Ali M. Davoudi on a timely basis;

- (d) provide an accounting when requested by her client, Ali M. Davoudi, on a timely basis.
- (e) properly communicate and/or diligently represent Grievants, Gandy and Perrine;
- (f) properly handle diligence to the matters entrusted by J. Thomas Collins, and/or to communicate with him on a timely basis; and
- (g) properly return the retainer and/or provide an accounting when requested by the client, Mr. J. Thomas Collins on a timely basis.

Respectfully submitted,

**ALLEN COUNTY BAR ASSOCIATION
CERTIFIED GRIEVANCE COMMITTEE**

**BARAN, PIPER, TARKOWSKY,
FITZGERALD & THEIS CO., L.P.A.**


By: John M. Leahy, Chairman


By: Robert B. Fitzgerald (0018462)
121 West High Street, Suite 905
P. O. Box 568, Lima, OH 45802-0568
Telephone: (419) 227-5858
Facsimile: (419) 227-4569
E-Mail: lima@baranlaw.com

ATTORNEY FOR RELATOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the AMENDED COMPLAINT FOR DISCIPLINARY ACTION was served upon the following by certified mail and/or email this ____ day of December, 2008:

The Certified Grievance Committee for the Allen County Bar Association
c/o Chairman, John M. Leahy
1728 Allentown Road
Lima, Ohio 45805

The Allen County Bar Association
c/o its President, Mr. Bruce French, Esq.
P.O Box 839
Lima, Ohio 45802

A-33

The Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Drive, Ste. 325
Columbus, Ohio 43215-7411

Alan M. Petrov, Esq.
Monica A. Sansalone, Esq.
GALLAGHER SHARP
Sixth Floor, Bulkey Building
1501 Euclid Avenue
Cleveland, Ohio 44115
Attorneys for Christi L. Brown

Christi L. Brown, Respondent
850 Bellefontaine Avenue, Ste. B
Lima, Ohio 45801



Robert B. Fitzgerald (0018462)

ATTORNEY FOR RELATOR

FILED

JAN 06 2009

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

#1029004

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

IN RE: COMPLAINT AGAINST:)	CASE NO: 08-002
)	
CHRISTI L. BROWN (#0062696))	
850 Bellefontaine Avenue)	
Lima, Ohio 45801)	
)	
Respondent)	
)	
v.)	
)	AGREED STIPULATIONS AND
THE ALLEN COUNTY BAR)	RECOMMENDED SANCTION
ASSOCIATION CERTIFIED)	
GRIEVANCE COMMITTEE)	
)	
Relator)	

STIPULATIONS

Respondent, Christi L. Brown, and Relator, The Allen County Bar Association Certified Grievance Committee, hereby agree and stipulate to the following facts, exhibits, violations, and recommended sanction.

STIPULATED FACTS

1. Respondent, Christi L. Brown, was admitted to the practice of law in the State of Ohio on May 10, 1994. At all times herein, Respondent, was subject to the Code of Professional Responsibility and/or the Ohio Rules of Professional conduct for the Government of the Bar of Ohio.

COUNT ONE

2. In early 2004, Dr. Ali M. Davoudi, doing business as Davoudi Chiropractic Inc., initiated a lawsuit in the Small Claims Division of the Lima Municipal Court for the collection of outstanding fees due in the amount of \$1,229.09. The judgment was obtained without the involvement of Respondent Christi L. Brown ("Ms. Brown") or any other attorney. The judgment was rendered in favor of Dr. Davoudi against Cindy L. Meyers and was journalized on April 22, 2004.

3. On or about May 14, 2004, Dr. Ali M. Davoudi hired Ms. Brown to collect the judgment against Cindy L. Meyers.

4. Ms. Brown promptly undertook to schedule a debtor's examination in aid of execution, filing the request for an exam on July 14, 2004, and notified Dr. Davoudi of the exam by correspondence. The exam did not proceed. On or about September 20, 2004, Ms. Brown advised in a letter that she had set a debtor's examination for October 20, 2004. The examination did not proceed, however, until February 2005, because of conflicts in Ms. Brown's own schedule and for various other reasons.

5. On or about January 10, 2005, Ms. Brown negotiated a settlement, confirmed in writing, with Ms. Meyers, who agreed to pay \$75.00 every other week in lieu of garnishment or attachment proceedings. Ms. Brown sent a correspondence to Dr. Davoudi updating him on the status of the matter and Ms. Meyers' agreement to pay \$75.00 every other week. Ms. Brown contacted Dr. Ali M. Davoudi's office manager and informed her that she had begun to collect the funds on August 5, 2005.

6. Ms. Meyers kept her agreement for a short time period, but stopped making payments sometime in 2005 and never resumed making them. Ms. Brown contacted the bank when one of Ms.

Meyers' checks failed to clear. A 15-day demand letter was prepared and mailed to Ms. Meyers. Thereafter, Ms. Brown did not take any further steps to resume the proceedings in aid of execution or garnishment. At that time, Ms. Brown personally did not update the client on the progress of the further collection and failed to respond to Dr. Ali M. Davoudi's letters requesting a status and/or update on the funds collected by the Respondent from Ms. Meyers. Ms. Brown believed her staff was informing Mr. Davoudi of the status.

7. On February 3, 2006, Dr. Ali M. Davoudi wrote a personal letter to Respondent regarding the status of collections. He further inquired as to the amount of money that had been collected and requested that Ms. Brown contact him. Ms. Brown did not respond to the February 3, 2006 correspondence.

8. Dr. Davoudi followed up with a March 31, 2006 letter to the Respondent stating that if he did not receive a response, he would file a grievance with the state and/or local bar association.

9. On April 14, 2006, Ms. Brown responded to Dr. Davoudi's March 31, 2006 correspondence enclosing an accounting and payment of funds collected as of that date.

10. On December 20, 2006, Dr. Ali M. Davoudi filed a grievance with the Allen County Bar Association against Ms. Brown.

11. Thereafter, Ms. Brown realized that her distribution had been computed incorrectly. Ms. Brown had thought she had collected \$325.00 from Ms. Meyers, but had collected \$375.00.

12. On May 31, 2007, Ms. Brown sent a letter to Dr. Davoudi enclosing an additional \$37.50 and responded to his inquiry regarding the status of the collection of the judgment.

13. The judgment against Ms. Meyers is still intact, and continues to earn interest and can still be enforced and executed upon. No rights were jeopardized or lost by Dr. Davoudi.

STIPULATED VIOLATIONS (COUNT ONE)

Relator and Respondent hereby agree and stipulate that Respondent violated the following disciplinary rules:

14. Disciplinary Rule 6-101(A)(3):

"Neglect a legal matter entrusted to him."

15. Disciplinary Rule 9-102(B)(1) and 9-102(B)(4):

"Promptly pay or deliver to the 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. These above violations correspond with Sections 1.3 and 1.15 of the Ohio Rules of Professional Conduct, which became effective February 1, 2007. Specifically:

17. Section 1.3 of the Ohio Rules of Professional Conduct:

A lawyer shall act with reasonable diligence and promptness in representing a client.

18. Section 1.15 of the Ohio Rules of Professional Conduct:

Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake, major litigation and complex transactions ordinarily require more extensive treatment than matter of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c). The lawyer should consult with the client about the degree thoroughness and the level of preparation required, as well as the estimated costs involved under the circumstances.

COUNT II

19. On or about August 25, 2007, Kyle Perrine filed a complaint and grievance with the Allen County Bar Association arising out of Ms. Brown's representation of Mr. Perrine in a dissolution proceeding.

20. The matter was investigated and Ms. Brown's deposition taken, and it was determined by Relator that Ms. Brown did not violate any disciplinary rules or breach any ethical duties. This count is voluntarily dismissed by Relator.

COUNT III

21. On or about December 1, 2007, Melissa Gandy filed a complaint and grievance with the Allen County Bar Association arising out of Ms. Brown's representation of Ms. Gandy regarding legal issues relating to a land contract.

22. The matter was investigated and Ms. Brown's deposition taken and it was determined by Relator that Ms. Brown did not violate any disciplinary rules or breach any ethical duties. This count is voluntarily dismissed by Relator.

COUNT IV

23. On or about April 11, 2005, Collins Oak Park Chapel and Funeral Services, Inc. ("Collins Oak Park Chapel") obtained judgment against Larry Beard in the amount of \$4,717.25, plus costs and attorney fees. Ms. Brown was not involved in obtaining the judgment.

24. In April 2006, an attorney practicing law in Winterset, Iowa, Jane Rosien, referred the matter to Ms. Brown for collection. Mr. Beard, the judgment creditor, resided in Lima, Ohio. Documents were faxed to Ms. Brown at that time.

25. After reviewing the matter, Ms. Brown agreed to provide legal representation to Collins Oak Park Chapel. On or about June 29, 2006, Ms. Rosien forwarded the original certificate of transcript with judgment entry and check in the amount of \$200.00 as a deposit against anticipated costs. Ms. Brown properly deposited the check into her IOLTA account.

26. By correspondence dated August 30, 2006, October 26, 2006 and January 30, 2007, Ms. Rosien and/or her staff, requested an update regarding the matter. The October 26, 2006 and

January 30, 2007 correspondences also requested Ms. Brown return the certificate of transcript and retainer. Ms. Brown failed to respond to these letters.

27. Ms. Rosien contacted Ms. Brown several times by phone regarding an update in this matter. Ms. Brown did not return the phone calls.

28. Ms. Brown admits to failing to undertake any activity in connection with the matter.

29. Thereafter, On August 22, 2008, Mr. Collins filed a grievance against the respondent with the Office of Disciplinary Counsel. The grievance was subsequently referred to the Allen County Bar Association.

30. On or about December 10, 2008, Ms. Brown returned the \$200.00 deposit and the client's original to Robert B. Fitzgerald, counsel for Relator, for return to Mr. Collins.

31. The judgment against Mr. Beard is still intact, and continues to earn interest and can still be enforced and executed upon. No rights were jeopardized or lost by Collins Oak Park Chapel.

STIPULATED VIOLATIONS (COUNT IV)

Relator and Respondent hereby agree and stipulate that Respondent violated the following disciplinary rules:

32. Disciplinary Rule 6-101(A)(3):

"Neglect a legal matter entrusted to him."

33. Disciplinary Rule 9-102(B)(1) and 9-102(B)(4):

"Promptly pay or deliver to the 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."

34. These above violations correspond with Sections 1.3 and 1.15 of the Ohio Rules of Professional Conduct, which became effective February 1, 2007. Specifically:

35. Section 1.3 of the Ohio Rules of Professional Conduct:

A lawyer shall act with reasonable diligence and promptness in representing a client.

36. Section 1.15 of the Ohio Rules of Professional Conduct:

Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake, major litigation and complex transactions ordinarily require more extensive treatment than matter of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c). The lawyer should consult with the client about the degree thoroughness and the level of preparation required, as well as the estimated costs involved under the circumstances.

STIPULATED SANCTION

Earlier in her legal career, Respondent was employed at a law firm and later shared office space with other attorneys. From 2006 through 2008, however, the years in which the Davoudi and Collins matters described above were neglected, Respondent was practicing as a sole practitioner, shared space with no other attorney, and was without the support of any other attorney. Effective January 1, 2009, Respondent has relocated her office and is now sharing space with another attorney. Respondent and Relator believe that this space sharing arrangement will provide Respondent with assistance and additional resources, minimizes the concern that other client matters will be neglected in the future, and confirms that Respondent has remorse for the neglect of the Davoudi and Collins matters.

Respondent and Relator hereby agree and stipulate to a recommended sanction of a public reprimand.

In support of the recommended sanction, the parties have relied upon the Ohio Supreme Court decisions in *similar* cases involving facts where there was inadequate communication with

clients on a timely matter; where neglect of legal matters entrusted to a lawyer occurred and where attorneys failed to adequately prepare.

The Ohio Supreme Court in *Cuyahoga County Bar Association v. Leneghan* (2008), 117 Ohio St.3d 103; 2008 Ohio LEXIS 379, held:

"in determining the appropriate sanction to impose for attorney misconduct. We consider the duties violated, the actual or potential cause, the attorney's mental state, the existence of aggravating or mitigating circumstances, and sanctions imposed in similar cases." *Stark County Bar Association v. Ake*, 111 Ohio St.3d 266, 2006 Ohio 5704, 855 N.E.2d 1206, Page 44.
Leneghan at page 105.

In *Leneghan*, the court also noted that the inquiry regarding an appropriate sanction is not limited to the factors specified in the rule, but may take into account "all other factors" in determining what sanctions to impose. BCGD Procedural.Regulation.10(B). *Leneghan* at page 105.

In *Leneghan*, supra., the court accepted the Board's recommendation and found that Respondent violated Disciplinary Rule 6-101(A)(3) and imposed a public reprimand and assessed the court cost. See also *Mahoning County Bar Association v. Sheftel*, 94 Ohio St.3d, 2002-Ohio 326.

In *Cleveland Bar Association v. Freeman*, 95 Ohio St.3d 117, 2002-Ohio-1944, the Ohio Supreme Court adopted the stipulated findings of fact and conclusions of law and imposed a sanction of public reprimand where the Respondent acknowledged and stipulated that he violated the Ohio Code of Professional Responsibility Discipline Rule 6-101(A)(3), by neglecting a legal matter. The Respondent in *Freeman* failed to adequately communicate with his clients on a timely matter as to certain legal matters. Additionally, the Respondent in *Freeman* stipulated that he had violated the Ohio Code of Professional Responsibility Disciplinary Rule 6-101(A)(2) by failing to adequately prepare in order to handle the client's legal matters.

In *Disciplinary Counsel v. Ita*, 117 Ohio St. 3d 477, 2008-Ohio-1508, the Court noted that the Respondent acknowledged that he had violated Disciplinary Rule 1-102(A)(5), and Disciplinary Rule 6-101(A)(2) when he had filed an unauthorized claim for damages on behalf of his client's wife and then dismissed his client's wife's claim with prejudice without the wife's consent.

In issuing the public reprimand, the court in *Ita* found that there was no enmity on the part of the Respondent, just carelessness.

In *Medina County Bar Association v. Piszczek*, 115 Ohio St.3d 228, 2007-Ohio-4946, the Respondent, failed to keep track of the deposit withdrawals from his IOLTA account. The Court in *Piszczek* held that a public reprimand was the appropriate sanction because there were no aggravating factors under the Supreme Court's Guidelines for imposing sanctions. BCGD Proc. Reg 10(B)(1).

Further, in *Mahoning County Bar Association v. Dann* (2004), 101 Ohio St.3d 266, 2004-Ohio-716, the Relator and the Respondent entered into a consent to discipline wherein Respondent acknowledged that he violated Ohio Code of Professional Responsibility Disciplinary Rule 6.101(A)(2) by failing to handle a legal matter without adequate preparation.

In *Dann*, the Respondent represented a client subject to a qualified domestic relations order that provided that his client's ex-wife was to receive pension benefits payable in monthly installments. The client paid the Respondent monies to see whether an arrangement could be made wherein the client would pay the monthly installment personally, in lump sum, instead of through a withholding order from his retirement benefits. The Respondent in *Dann* accepted the \$250.00 and deposited a proposed settlement amount of \$3,000 into his law firm's trust account.

Respondent thereafter attempted to contact the ex-wife in writing. He then filed a Motion to terminate spousal support rather than to arrange for a lump sum satisfaction of the QDRO. When

the Respondent in *Dann* did reach the ex-wife, she made arrangements to come in to his office to sign papers to terminate the QDRO. However, when she arrived at the office, no papers were ready for her signature. Later the Respondent in *Dann* advised his client that his ex-wife had signed the requisite agreement. In *Dann*, the Respondent compounded the confusion and problem by waiting until a hearing on the spousal support motion to explain to the client and ex-wife what was actually going on.

In *Dann*, the Ohio Supreme Court noted that Respondent had no prior disciplinary record; had not committed misconduct out of self interest; had refunded all of his client's money, including his fee. The panel thus found, and the court adopted, that the Respondent violated Disciplinary Rule 6-101(A)(2). As a result, the Supreme Court issued a public reprimand as well as assessing the court costs to the Respondent.

Based on the foregoing case law and because Ms. Brown's lack of diligence caused no prejudice to her clients' rights, and because no dishonesty, misrepresentation, self-dealing or other aggravating conduct was involved, and because Ms. Brown has had no prior disciplinary action and has paid or returned all funds owed to or advanced by her clients, both Relator and Respondent recommend the sanction of a public reprimand.

STIPULATED EXHIBITS

1. Grievance dated December 27, 2006 filed by Dr. Ali M. Davoudi.
2. Letter from Respondent, Christi Brown, dated September 20, 2004 to Davoudi Chiropractic Inc.
3. Notice of Failure of Service from Lima Municipal Court regarding the case of *Davoudi Chiropractic Inc., et al. v. Cindy Meyers.*

4. Assignment notice from Lima Municipal Court case regarding *Davoudi Chiropractic Inc. v. Ms. Cindy L. Meyers* dated March 23, 2004.
5. Letter from Davoudi Chiropractic Inc. dated February 3, 2006, to Christi L. Brown.
6. Letter from Davoudi Chiropractic Inc. dated March 31, 2006, to Christi L. Brown.
7. Correspondence from Christi L. Brown to Dr. Davoudi dated June 25, 2004.
8. January 10, 2005 correspondence from Christi L. Brown to Ms. Meyers confirming settlement of debt.
9. Correspondence from Christi L. Brown dated January 10, 2005 to Dr. Davoudi.
10. April 14, 2006 letter from Respondent, Christi L. Brown to Dr. Davoudi.
11. May 31, 2007 correspondence from Christi L. Brown to Dr. Davoudi enclosing \$37.50.
12. The Allen County written Grievance report dated June 6, 2007.
13. Grievance dated August 22, 2008 of Collins Oak Park Chapel and Funeral Services, Inc.
14. April 28, 2006 facsimile from Jane E. Rosien to Christi L. Brown.
15. June 29, 2006 correspondence from Jane E. Rosien to Christi L. Brown.
16. August 30, 2006 correspondence from Jane E. Rosien to Christi L. Brown.
17. October 26, 2006 correspondence from Jane E. Rosien to Christi L. Brown.
18. January 30, 2007 correspondence from Jane E. Rosien to Christi L. Brown.
19. December 9, 2008 copy of \$200.00 retainer check from Christi L. Brown to Collins Oak Park Chapel and Funeral Services, Inc.

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties this

5 day of January, 2009.

s/Robert B. Fitzgerald (per telephone consent)

ROBERT B. FITZGERALD (#0018462)
Baran, Piper, Tarkowsky, Fitzgerald & Theis
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121 West High Street. Suite 905
P.O. Box 568
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Attorney for Relator



ALAN M. PETROV (#0020283)
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E-Mail: apetrov@gallaghersharp.com
msansalone@gallaghersharp.com
Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the forgoing was served upon the following by regular, U.S. mail on this 5 day of January 2009:

Robert B. Fitzgerald, Esq.
Baran, Piper, Tarkowsky, Fitzgerald & Theis Co., L.P.A.
121 West High Street, Suite 905
P.O. Box 568
Lima, OH 45802-0568
Attorney for Relator

The Certified Grievance Committee for the Allen County Bar Association
c/o Chairman, John M. Leahy
1728 Allentown Road
Lima, OH 45805

The Allen County Bar Association
c/o its President, Mr. Bruce French, Esq.
P.O. Box 839
Lima, OH 45802

The Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Drive, Suite 325
Columbus, OH 43215-7411



ALAN M. PETROV (#0020283)
MONICA A. SANSALONE (#0065143)
GALLAGHER SHARP
Attorneys for Respondent



EXHIBIT

ALLEN COUNTY BAR ASSOCIATION
CERTIFIED GRIEVANCE COMMITTEE
HON. SUMNER E. WALTERS, CHAIRMAN
204 NORTH MAIN STREET
LIMA, OH 45801

GRIEVANCE

Date: 12-27-06
Your name: DR ALI M DAVOUDI DC
Address: 1235 BELLEFONTAINE AVE
LIMA OH 45804
Your telephone number: (Home) (419) 371-4749 (CELL)
(Work) (419) 228-0920

Attorney's Name: CHRISTI L BROWN
Address: 850 BELLEFONTAINE AVE
LIMA OH 45804
Attorney's telephone number: (419) 225-8987

Did you hire this attorney? YES If "yes," date hired: 5-14-04
If "no," was he: (check any that apply):
Court appointed
Attorney for your opponent
Other (explain relationship)

Did you sign a written fee agreement with this attorney? NO
Is this related to your grievance? NO (If yes) Explain your understanding of
the fee agreement:

Have you, or do you intend to filed any complaint with any other disciplinary agency?
PENDING THIS (If yes) Provide the name of the other agency, action taken or intended
COMPLAINANT AND THE RESULTS.
and date filed.

Did the attorney file a lawsuit on your behalf? NOT TO MY KNOWLEDGE.
(If yes) State the case number and court:

Lined area for the grievant's statement.

GRIEVANT'S STATEMENT

State of Ohio, Allen County, ss:

I hereby acknowledge, subject to the penalties for perjury, that the facts represented herein are true and correct to the best of my knowledge and understanding. I further understand that by filing out this form and filing it with the Allen County Certified Grievance Committee, the attorney I have written about may be contacted for his response, and that a copy of this Grievance may be furnished to him. I further understand that the Ohio Supreme Court Rules for the Governance of the Bar, under which rules this Grievance is filed, require that this matter be private and confidential.

[Handwritten Signature]
(Signature)

Date: 12-28-06

SWORN TO BEFORE ME, and subscribed in my presence, this 28 day of December, 2006.

[Handwritten Signature]
Notary Public



HEATHER L. RAKAY
Notary Public, State of Ohio
My Commission Expires 08-18-2011
Recorded in Allen County



BROWN & SAMMET
ATTORNEYS AT LAW

850 Bellefontaine Avenue
Lima, Ohio 45801

Phone (419) 225-8987 Fax (419) 224-2710

Christi L. Brown
Jenny L. Sammet

September 20, 2004

Davoudi Chiropractic
1235 Bellefontaine Ave.
Lima, Ohio 45804

CLB/DM

Re: Davoudi vs. Myers
Case No.: 04 CVI 00478

Dear Mr. Davoudi:

Please find enclosed an Assignment Notice scheduling the above matter for a Judgment Debtors Exam on Wednesday, October 20, 2004 at 11:00 a.m. Please be advised that your attendance is not necessary.

If you should have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,

Christi L. Brown/CLB

Christi L. Brown
Attorney at Law

CLB/lmh
Enclosure

LIMA MUNICIPAL COURT
109 N. UNION ST.
LIMA, OH
(419) 221-5275

EXHIBIT



NOTICE-FAILURE OF SERVICE

DAVOUDI CHIROPRACTIC
OFFICE
1235 BELLEFONTAINE AVE
LIMA, OH 45804

Vs.

Case No.: 04CV100478

CINDI MYERS
7867 RD X
LEIPSIC, OH 45856

TO: DAVOUDI CHIROPRACTIC
OFFICE 1235 BELLEFONTAINE AVE
LIMA, OH 45804

Your service of summons by **CERTIFIED MAIL** upon the following parties has failed due to the following: **UNCLAIMED . PLEASE COMPLETE THE INSTRUCTIONS TO THE CLERK AND RETURN THEM IF YOU WISH TO REQUEST ADDITIONAL SERVICE.**

Name of party and address returned from:

CINDI MYERS 7867 RD X LEIPSIC, OH

Handwritten signature of Pamela Wright in cursive script.

DEPUTY-CLERK

March 1, 2004

INSTRUCTIONS TO CLERK

TO: ROBERT V. HOLMES, CLERK
Lima Municipal Court
109 N. Union Street
P.O. Box 1529
Lima, OH 45801

Please re-issue the summons to the following address:

BY: Ordinary Mail \$4.00 each
 Certified Mail \$6.00 each
 Personal

Dated: 3-3-04 Pam Bower
Signature

3-4-04
Sent ca \$16
#14606 TO HAND DELIVER

\\risc\cmi\pickword\civil\cvphfspl.doc

revised 8.30.01 ms

LIMA MUNICIPAL COURT
109 North Union Street - Hall of Justice
Lima, Ohio 45802
(419) 221-5275

EXHIBIT



ASSIGNMENT NOTICE

DAVOUDI CHIROPRACTIC
OFFICE
1235 BELLEFONTAINE AVE
LIMA, OH 45804

Vs.

Case No.: 04CV100478

CINDI MYERS
7867 RD X
LEIPSIC, OH 45856

TO:

DAVOUDI CHIROPRACTIC OFFICE 1235 BELLEFONTAINE AVE LIMA, OH 45804

Plaintiff(s)

CINDI MYERS 7867 RD X LEIPSIC, OH 45856

Defendant(s)

The above entitled case has been assigned for **SMALL CLAIMS HEARING** on **WEDNESDAY , 04-21-2004 at 09:00AM** in Court Room No. 3 . Motions for Continuance are granted only for good cause shown to the Trial Judge, together with a Journal Entry, signed by both the moving party and opposing counsel 7 days prior to the date shown above.

ROBERT V. HOLMES
Clerk of Lima Municipal Court

By *Pamela Wright*
Deputy Clerk/Bailiff

Dated at Lima, Ohio March 23, 2004 .

(2003)

EXHIBIT
5

Davoudi Chiropractic Office, Inc. EXHIBIT
Dr. A.M. Davoudi, DC DACNB
American Board Certified Chiropractic Neurologist
Board Eligible American Chiropractic Radiologist
Fellow International Academy of Chiropractic Acupuncture
Qualified Electro-Diagnostician
1235 Bellefontaine Ave. Lima, OH 45804
Phone No.: (419) 228-0920 Fax No.: (419) 228-0753

February 3, 2006

Christi Brown
Attorney at Law
850 Bellefontaine Ave.
Lima, OH 45804

Reference: Cindi Myers

Dear Ms. Brown,

As you are aware, you have been handling the above case for my office for nearly two years and unfortunately, we have not heard clear status of this case. I have personally contacted your office two weeks ago and requested for your secretary to drop me a note as to the status and as of today, I have not received such note. I need to know the following:

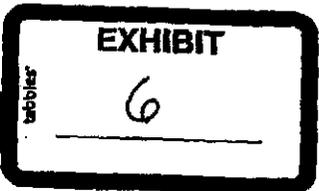
1. If there was an agreement between you and the patient for receiving payment on a regular basis and whether or not this have been kept on.
2. If there is no such agreement what is your next move?
3. If you have been collecting payment why hasn't your office been forwarding the payments to us? In addition, if you continue to receive such payment, but you are awaiting completion before sending the payment this would not be acceptable.

Therefore, please contact me one way or the other and inform me of the status.

Better Health,-

Dr. A.M. Davoudi, DC, DACNB

AMD/pb



Davoudi Chiropractic Office
Dr. A.M. Davoudi, DC DACNB
American Board Certified Chiropractic Neurologist
Board Eligible American Chiropractic Radiologist
Fellow International Academy of Chiropractic Acupuncture
Qualified Electro-Diagnostician
1235 Bellefontaine Ave. Lima, OH 45804
Phone No.: (419) 228-0920 Fax No.: (419) 228-0753

March 31, 2006

Christi Brown
Attorney at Law
850 Bellefontaine Ave.
Lima, OH 45804

Reference: Cindi Myers

Dear Ms. Brown,

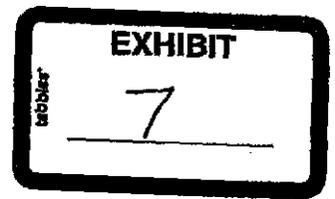
I have referred a case regarding Cindi Myers debt to our office to you on May 14, 2004 for legal means towards collection purposes. You have kept us informed up to the time that you informed my office manager that you began collecting funds from Ms. Myers in an amount of \$75 and etc. in August of 2005. However, since that time for some unknown reason you have not responded/replied back to our request to update your progress. I have personally written twice and called your office twice within the last two months for status and yet you refuse to keep me updated and send the amount that you have collected. I will send this certified and if I do not hear from your office within 2 weeks time I will be forced to presume foul play. I will then file a grievance against your office with Ohio State and the local bar association.

Better Health,

A handwritten signature in dark ink, appearing to read "Dr. A.M. Davoudi". The signature is written over a diagonal line that extends from the top left towards the center of the page.

Dr. A.M. Davoudi, DC, DACNB

AMD/pb



BROWN & SAMMET

ATTORNEYS AT LAW

850 Bellefontaine Avenue

Lima, Ohio 45801

Phone (419) 225-8987 Fax (419) 224-2710

Christi L. Brown

Jenny L. Sammet

June 25, 2004

Davoudi Chiropractic Office

1235 Bellefontaine Avenue

Lima, Ohio 45804

Re: Davoudi vs. Myers

Case No.: 04 CVI 00478

Dear Mr. Davoudi:

Please find enclosed an Assignment Notice scheduling the above matter for a Judgment Debtors Exam on Wednesday, July 14, 2004 at 11:00 a.m. Please be advised that your attendance is not necessary at this time.

If you should have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,

Christi L. Brown/lmh

Christi L. Brown

Attorney at Law

CLB/lmh

Enclosure



CHRISTI L. BROWN
ATTORNEY AT LAW
850 Bellefontaine Avenue
Lima, Ohio 45801
Phone (419) 225-8987 Fax (419) 224-2710

January 10, 2005

Ms. Cindi Myers
18 E. Cassilly Street
Springfield, Ohio 45504

RE: Davoudi v. Myers, Cindy
Case No: 04 CVI 478

Dear Ms. Myers:

This letter is to confirm our telephone conversation on this date, that commencing on January 21, 2005 and continuing thereafter until the balance is paid in full you will make payments of \$75.00 every two weeks due every other Friday in regards to the above matter. Should this office not receive said payments on or before the following Monday of said due date further action will be taken.

Sincerely,

Christi L. Brown

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION THAT WE OBTAIN WILL BE USED FOR THAT PURPOSE.



CHRISTI L. BROWN

ATTORNEY AT LAW

850 Bellefontaine Avenue

Lima, Ohio 45801

Phone (419) 225-8987 Fax (419) 224-2710

January 10, 2005

Dr. A.M. Davoudi
Davoudi Chiropractic Office
1235 Bellefontaine Avenue
Lima, Ohio 45804

RE: Davoudi v. Myers, Cindy
Case No: 04 CVI 478

Dear Dr. Davoudi:

In regards to the above matter, on this date, I have spoken with Cindy Myers and conducted a Debtor's Examination over the phone. Cindy is currently employed at Internal Medicine Care at 2358 Lakeview Drive, Beavercreek, Ohio phone number 937-429-0607 and is living at 18 E. Cassilly Street, Springfield, Ohio 45504. She also gave me a cell phone number of 419-302-9752

Furthermore Cindy has agreed to make \$75.00 payments every two weeks, commencing on January 21, 2005, to be sent to my office. If she should fail to make the \$75.00 payments then, I will commence garnishment procedures immediately.

Enclosed is a copy of a letter that I have sent to Ms. Myers confirming our agreement. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Christi L. Brown

Enclosure

CHRISTI L. BROWN
ATTORNEY AT LAW
850 Bellefontaine Avenue
Lima, Ohio 45801
Phone (419) 225-8987 Fax (419) 224-2710

April 14, 2006

Dr. A.M. Davoudi
Davoudi Chiropractic Office
1235 Bellefontaine Avenue
Lima, Ohio 45804

RE: Davoudi v. Myers, Cindy
Case No: 04 CVI 478

Dear Dr. Davoudi:

In response to your letter dated March 31, 2006, enclosed please find an accounting of what has been collected and the court costs in regards to the above matter. In regards to the payment of \$75.00, it was an agreement that was made which I documented via a letter to you dated January 10, 2005. See attached.

As you can see, Ms. Myers is very sporadic in her payments. I have enclosed a check in the amount of \$183.93 representing your portion of the amount that I have collected as/of date. See attached detail.

We are in the process of filing both a bank garnishment and a garnishment of personal income. In the future, when we get a payment, I will disburse immediately to you. I was holding the payments as I thought it was not economical to disburse a check every time we collected \$75.00.

If you should have any questions, please do not hesitate to contact me

Sincerely,

Christi L. Brown

Enclosures



CHRISTI L. BROWN
ATTORNEY AT LAW
850 Bellefontaine Avenue
Lima, Ohio 45801
Phone (419) 225-8987 Fax (419) 224-2710

May 31, 2007

Dr. A.M. Davoudi
Davoudi Chiropractic Office
1235 Bellefontaine Avenue
Lima, Ohio 45804

RE: Davoudi v. Myers, Cindy
Case No: 04 CVI 478

Dear Dr. Davoudi:

Pursuant to my letter dated April 14, 2006, I had indicated that I had received \$325.00. In reviewing your file recently, I discovered that I had made a mistake and had received 5 payments of 75.00, for a total of \$375.00. Therefore, the difference being \$50.00 of which 25% is my attorney fees and the remainder is \$37.50.

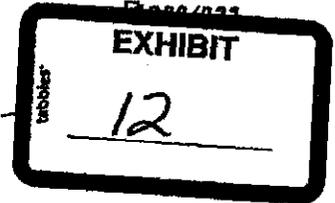
I have enclosed a check of \$37.50 for your portion.

Sincerely,

Christi L. Brown

Enclosures

EXHIBIT



ALLEN COUNTY BAR ASSOCIATION
 WRITTEN REPORT - GRIEVANCE COMMITTEE

- A. COMPLAINT NO. unknown
- B. COMPLAINANT(S): Ali M. Davoudi, DC
- C. ATTORNEY (Subject of Complaint): Christi L. Brown
- D. DATE COMPLAINT RECEIVED: The grievance is dated 12/27/2006 and signed 12/28/2006.
- E. ASSIGNED ATTORNEY AND DATE OF ASSIGNMENT: Walter M. Lawson III received March 12, 2007.
- F. DATE WRITTEN RESPONSE OF ATTORNEY GIVEN TO COMPLAINANT BY INVESTIGATOR.
 April 26, 2007
- G. SUMMARY OF WRITTEN COMPLAINT: Dr. Davoudi hired Ms. Brown on May 14, 2004 to collect money from a former patient. Judgment had already been obtained. Dr. Davoudi feels that Ms. Brown did not adequately pursue the case, did not return his calls, did not respond to his letters, nor did she send him his portion of the money she had collected.

***TO ENSURE ACCURACY OF COMPLAINT NUMBER, PLEASE USE THIS WRITTEN REPORT FORM ONLY.

GRIEVANCE COMMITTEE WRITTEN REPORT
COMPLAINT NO. _____
PAGE TWO

- H. SUMMARY OF DISCUSSION WITH COMPLAINANT: (If complainant not contacted, or unavailable or non-cooperative, please describe efforts made to contact or if applicable, why no contact was attempted.)

Basically as noted above in paragraph G. See my letter dated April 26, 2007 and his response dated May 5, 2007.

Please note that in Dr. Davoudi's certified letter of October 2006, he indicated to Ms. Brown that if he did not hear from her he would file a grievance with this Committee. He re-emphasizes that he was simply expecting a response from Ms. Brown and to provide him with any of his money in her possession.

- I. SUMMARY OF DISCUSSION WITH LAWYER COMPLAINED OF: (Attach any documents or written explanation from the lawyer. If lawyer not contacted or no response received, describe efforts to reach attorney.)

Relative to the responses from Ms. Brown, her letter and attachments of April 6, 2007, my further inquiry of her dated April 26, 2007, and her second response dated May 9, 2007 are attached.

Ms. Brown's initial response was quite brief and resulted in the Committee's opinion in more questions than answers. Ms. Brown's response indicated that she left this matter up to her staff, that there was no follow-up on the collection, that she had not personally talked with Dr. Davoudi, and that she still had \$37.50 of his money in her possession which she would forward immediately. On May 31, 2007 the undersigned called Ms. Brown and asked her to fax me a copy of her letter*

- J. ANALYSIS OF DISPUTE: Specific issues of difference between attorney and complainant:

There appears to be insufficient communication by the attorney with her client and as a matter of fact, in one of Ms. Brown's responses she indicates that she never did talk to him. She thought her staff was handling it with his staff.

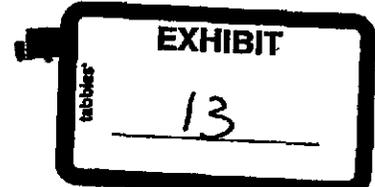
*sending the \$37.50 to Dr. Davoudi which she indicated on May 9, 2007 she would do immediately. She indicated that she had not yet done it but again would do so immediately. On June 1, 2007, I received a copy of Ms. Brown's letter to Dr. Davoudi of May 31, 2007.

GRIEVANCE COMMITTEE WRITTEN REPORT
COMPLAINT NO. _____
PAGE FOUR

N. GENERAL COMMENTS: See recommendation

O. RECOMMENDATIONS: The Committee believes that a letter of admonition should be given to Ms. Brown. We believe that a pattern may exist and that hopefully it can be corrected with direction from the Committee.

WMM Lamm III 6/6/07
CHAIRPERSON
INVESTIGATING PANEL



The Grievance Process

A grievance sent to the Disciplinary Counsel of the Supreme Court of Ohio or to a local bar association's grievance committee will be reviewed to determine whether the grievance alleges a violation of the Code of Professional Responsibility, Ohio Rules of Professional Conduct, and/or Code of Judicial Conduct. If there is evidence that supports the allegation of a violation, the grievance will be investigated. Following the investigation, if substantial, credible evidence is found that a violation has occurred, a formal complaint may be filed with the Board of Commissioners on Grievances and Discipline. A three-member panel of the Board will review the complaint and determine whether probable cause exists to certify it. If the complaint is certified by the Board, a hearing may be held before a different three-member panel of the Board. The panel considers the evidence and makes a recommendation to the full Board of Commissioners. The full Board then makes a recommendation to the Supreme Court of Ohio. The Court has final say on whether to discipline an attorney or judge and what sanction should be administered. A grievance is confidential until the Board certifies it as a formal complaint. A grievance or complaint can be dismissed at any point in the process.

Grievance Form

YOUR NAME: COLLINS J THOMAS 515-462-3789
 Last First MI Phone No.

PERMANENT ADDRESS: 1418 W. Court Avenue
 Street

Winterset Madison Iowa 50273
 City County State Zip Code

WHO ARE YOU COMPLAINING ABOUT?

(Please circle) ATTORNEY or JUDGE

NAME: BROWN CHRISTI L. 419-225-8987
 Last First MI Phone No.

ADDRESS: 850 Bellefontaine Avenue
 Street

Lima Allen OH 45801
 City County State Zip Code

Have you filed this grievance with any other agency or bar association? Yes No

If yes, provide name of that agency and date of filing: _____

Did you receive a response?: Yes No IF YES, PLEASE ATTACH A COPY

Did this attorney represent you? Yes No Type of case: Collection

Date the attorney was hired: 6/29/2006 Does s/he still represent you?: Yes No

Did you pay the attorney a fee/retainer? Yes No If yes, how much?: 200.00

Did you sign a written fee agreement/contract? Yes No IF YES, PLEASE ATTACH A COPY

Has the attorney sued you for fees? Yes No

Have you brought civil or criminal court action against this attorney or judge? Yes No

If yes, provide name of court and case number _____

Result of court action: _____

Name and contact information for attorney currently representing you, if different than attorney about whom you are complaining:

Jane E. Rosien, 223 E. Court Avenue, P. O. Box 67, Winterset, IA 50273 515-462-4912

Does this grievance involve a case that is still pending before a court? Yes No

If yes, provide name of court and case number: Collins Oak Park Chapel & Funeral Services, Inc. vs. Larry D. Beard - Madison County, Iowa, Case No. LACV031464

What action or resolution are you seeking from this office? Help in collecting on judgment (debtor's exam)

WITNESSES:

List the name, address, and daytime telephone number of persons who can provide information, IF NECESSARY, in support of your grievance.

NAME	ADDRESS	PHONE NO.
J. Thomas Collins	1418 W. Court Avenue Winterset, IA 50273	515-462-3789 or 515-468-0250
Jane E. Rosien	223 E. Court Avenue, PO Box 67 Winterset, IA 50273	515-462-4912

FACTS OF THE GRIEVANCE

Briefly explain the facts of your grievance in chronological order, including dates and a description of the conduct committed by this legal professional. Attach COPIES (DO NOT SEND ORIGINALS) of any correspondence and documents that support your grievance.

On June 29, 2006, my local attorney, Jane E. Rosien, forwarded documents and a preliminary retainer fee for Ms. Brown's services regarding the collection of a judgment in the case mentioned above. Ms. Rosien and Ms. Brown has spoken by telephone prior to that date and it was understood that Ms. Brown was willing to assist in this regard.

On August 30, 2006, Ms. Rosien wrote to Ms. Brown requesting an update regarding her

progress on this matter. She never received a response to that correspondence. Ms. Rosien personally left messages at Ms. Brown's office requesting an update on September 26, 2006, October 3, 2006 and October 11, 2006. She never received return phone calls after leaving those messages. Again, on October 26, 2006, Ms. Rosien's secretary wrote to Ms. Brown requesting an update regarding the case, or alternatively that she return the Certificate of Transcript, if not yet filed with the local Clerk, and to return my retainer fee, or provide us an update on the case. She never received a reply to that correspondence either. Additionally, Ms. Rosien's secretary call Ms. Brown's office a number of times regarding this matter and never received a response.

On January 30, 2007, Ms. Rosien again wrote to Ms. Brown and requested that she return my \$200 retainer. Additionally, she requested that Ms. Brown provide proof that the Certificate of Transcript had been filed or that the original be returned to us. Again, no reply was received.

At that time I began making phone calls to Ms. Brown's office and leaving messages. I left at least 3 messages, none of which were returned.

The Rules of the Supreme Court of Ohio require that investigations be confidential. Please keep confidential the fact that you are submitting this grievance. The party you are filing your grievance against will receive notice of your grievance and may receive a copy of your grievance and be asked to respond to your allegations.

Signature *Thomas Collins*

Date 8-22-08

FAX

To: Christy Brown
ATTN: Lisa
Fax: 419-224-2710
From: Jane E. Rosien
Subject: Collins Oak Park chapel & Funeral Services, Inc. V. Larry D. Beard
Pages: 14, including cover page
Date: April 28, 2006

Message: Attached are copies of the following documents for your review:

1. Petition filed in Madison County, Iowa, with Exhibits "A" and "B" attached.
2. Judgment Entry;
3. Confession of Judgment;
4. My Attorney Fee Affidavit;
5. Certificate of Transcript (in order for us to transcript this matter to Ohio); and
6. Correspondence to Mr. Beard dated November 28, 2005, with attached amortization schedule.

We believe that Mr. Beard's home address is 419 Wildbrook Lane, Lima, Ohio, and that he is employed by Leap Frog School House. He signed an early letter to Mr. Collins as "Dr. Larry D. Beard, Senior Educational Sales Manager, Leap Frog School House." We found an address in Lima for Leap Frog School House of 306 East Pearl Street, but we don't know if payroll is paid through that office or elsewhere. Mr. Collins will be glad to send you whatever amount you request in order to get started on this matter.

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

John E. Casper
 jcasper@fcrpc.com
 Jane E. Rosien
 jrosien@fcrpc.com
 Leonard M. Flander
 (1934-2002)

Flander, Casper and Rosien, P.C.
 attorneys@fcrpc.com
 223 East Court Avenue
 P. O. Box 67
 Winterset, IA 50273-0067
 Telephone: 515-462-4912
 Fax: 515-462-3392

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

COLLINS OAK PARK CHAPEL
& FUNERAL SERVICES, INC.

CASE NO. **LA-CV031464**

Plaintiff,

vs.

LARRY D. BEARD,
DOB: Unknown

Defendant.

PETITION

FILED
2005 FEB 28 A 9:20
JANICE WEEKS
CLERK OF DISTRICT COURT
MADISON COUNTY IOWA

COMES NOW the Plaintiff and for its cause of action states:

1. The Plaintiff is a corporation organized under the laws of the State of Iowa with its principal place of business in Winterset, Madison County, Iowa.
2. The Defendant, Larry D. Beard, is a resident of Lima, Ohio.
3. On or about March 2, 2004, the Defendant made, executed and delivered to Plaintiff a Statement of Funeral Goods and Services Selected, a copy of which is attached to this Petition as Exhibit "A" and incorporated herein by this reference.
4. Plaintiff has provided all goods and services as specified in the Statement of Funeral Goods and Services Selected.
5. By the terms of the written agreement attached hereto as Exhibit "A", Defendant agreed to pay Plaintiff for services specified in the Statement of Funeral Goods and Services Selected. Defendant has failed and refused to tender performance of his obligation under the agreement attached hereto as Exhibit "A".
6. The total charges for funeral goods and services provided by Plaintiff under the written agreement hereto as Exhibit "A" attached totaled Seven Thousand Seven Hundred Seventy-seven Dollars and Twenty-five Cents (\$7,777.25).

7. Plaintiff has received payment from Homesteaders Insurance in the amount of Two Thousand Sixty Dollars (\$2,060.00).
8. Plaintiff has received payment from United Benefit Society in the amount of One Thousand Dollars (\$1,000.00).
9. Defendant's failure and refusal to perform his obligation under the written agreement attached caused damages to the Plaintiff in the amount of Four Thousand Seven Hundred Seventeen Dollars and Twenty-five Cents (\$4,717.25) plus interest on the unpaid amount at the rate of eighteen percent (18%) per annum commencing May 1, 2004.
10. The Plaintiff has caused to be served upon the Defendant a timely notice of the right to cure the default, a true copy of which notice is attached to this Petition as Exhibit "B" and incorporated herein by this reference.
11. Additionally, as a result of Defendant's failure and refusal to perform his obligation under the written agreement attached hereto, Plaintiff has incurred attorney fees and court costs.

WHEREFORE, Plaintiff demands judgment against the Defendant for compensatory damages in the amount of Four Thousand Seven Hundred Seventeen Dollars and Twenty-five Cents (\$4,717.25) plus interest at the rate of eighteen percent (18%) per annum from May 1, 2004, plus court costs, reasonable attorney fees and such other relief as the Court may deem proper.

FLANDER, CASPER & ROSIEN, P.C.

By



Jane E. Rosien PK#0013723

223 East Court Avenue

P. O. Box 67

Winterset, IA 50273

Telephone: (515) 462-4912

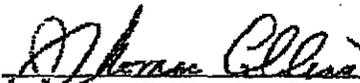
Fax: (515) 462-3392

E-mail: jrosien@fcrpc.com

ATTORNEY FOR PLAINTIFF

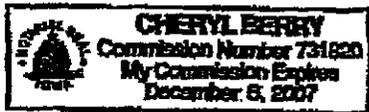
STATE OF IOWA :
: SS
MADISON COUNTY :

I, J. Thomas Collins, being first duly sworn on oath, do hereby depose and state: That I am the president for the Plaintiff in the above-entitled cause; that I am familiar with the facts constituting this cause of action in my capacity as President; that I have read the foregoing Petition and I am familiar with the allegations therein contained and the same are therein contained and the same are true as I verily believe.



J. Thomas Collins, President
Collins Oak Park Chapel & Funeral Home, Inc.

Subscribed and sworn to before me this 24th day of February, 2005.




Notary Public

STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

Collins Oak Park Chapel & Funeral Services

505 East Court Winterset, Iowa 50273

Services for: Guy Michael Beard
Date of Arrangements: March 2, 2004
Date of Death: March 1, 2004
Date of Service: March 5, 2004

Phone: 515-462-1663 Fax: 515-462-1043

ACKNOWLEDGEMENT AND AGREEMENT

I hereby acknowledge that I have the legal right to arrange the final services for the deceased and I authorize this funeral establishment to perform services, furnish goods, and incur outside charges specified on this Statement.

Charges are only for those items that are used. If we are required by law to use any items, we will explain the reasons in writing below.

Terms of Payment

DISCLOSURES

Reason for embalming:

- [] Required by law
[x] Family permission
[] Other

If any law, cemetery or crematory requirements have required the purchase of any items listed, the law or requirement is explained below:

- [x] Outer burial container required by cemetery
[] Outer container required by crematory
[] Other

If payment is not received after 60 days, an unanticipated LATE CHARGE of 1.5% per month (ANNUAL PERCENTAGE RATE OF 18%) on the unpaid balance will be due.

Collins Oak Park Chapel & Funeral Services makes no warranties or representations concerning the products sold herein. The only warranties, expressed or implied, granted in connection with the products sold with this funeral service, are the expressed written warranties, if any, extended by the manufacturers thereof.

Purchaser

Address

City, State & Zip

ACCEPTANCE This funeral establishment agrees to provide all services, merchandise and cash advances indicated on this statement.



Feb 24 05 09:19a Collins Oak Park Chapel 515-72-1043

P.1

Charges for Services, Merchandise and Cash Advancements

Item	Description	#	Unit Price	Cost	Section Total	Running Total
Professional Services						
101	Basic Professional Services		1495.00	1495.00	1495.00	\$ 1495.00
Preparations of the Body						
201	Embalming		600.00	600.00	750.00	2095.00
204	Dress, Casket & Cosmetize		150.00	150.00		2245.00
Directing Services, Staff, Equip. & Use of Facilities						
301	Use of Facility & Staff for Visitation		350.00	350.00	875.00	2595.00
302	Use of Facility & Staff for Service		450.00	450.00		3045.00
800	Setup Fee for Folders		75.00	75.00		3120.00
Automotive Equipment, Services & Charges						
401	Removal & Transfer of Remains		150.00	150.00	575.00	3270.00
402	Use of Funeral Coach		150.00	150.00		3420.00
410	Trans. Charge after 50 Miles	275	1.00	275.00		3695.00
Merchandise						
500	\$41 Desert Champagne 20 ga. Stool		1700.00	1700.00	2908.50	5395.00
600	Wilbert Monticello Burial Vault		950.00	950.00		6345.00
801	Register Book		65.00	65.00		6410.00
803	Service Folders		55.00	55.00		6465.00
Sales Tax - 5% of Merchandise			138.50			
Cash Advancements						
902	Grave Opening		400.00	400.00	1168.75	7003.50
904	Clergy Honorarium		100.00	100.00		7103.50
905	Music Honorarium	2	50.00	100.00		7203.50
907	Certified Copies of Death Certificate	2	10.00	20.00		7223.50
908	Flowers		157.50	157.50		7381.00
910	Lettering Stone		105.00	105.00		7486.00
913	Vault & Tent Setup at Cemetery		240.00	240.00		7726.00
918	Newspaper Obituaries		46.25	46.25		7772.25
	Charles City Obit (3/4/04)		5.00	5.00		7777.25
TOTAL						\$7777.25

 Complete as Selected Incomplete Charges

\$ 7772.25

THIRTY-DAY NOTICE OF DEBT

TO: Larry Beard
491 Wildbrook Lane
Lima, Ohio 45807-1990

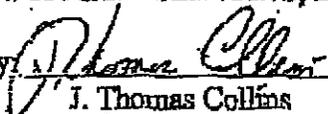
YOU ARE HEREBY NOTIFIED

1. Amount of Debt: \$5,109.39
2. Name of Creditor to whom the debt is owed by you.

Collins Oak Park Chapel & Funeral Services, Inc.
505 East Court
Winterset, IA 50273
3. Unless you, within thirty (30) days after receipt of the Notice, dispute the validity of this debt, or any portion thereof, the debt will be assumed to be valid by the undersigned debt collector.
4. If you notify the undersigned debt collector in writing, within this thirty-day period, that the debt, or any portion thereof, is disputed the debt collector will obtain verification of the debt or a copy of the judgment against you, the consumer, and a copy of such a verification of judgment will be mailed to you, the consumer, by the undersigned debt collector.
5. Upon your written request, within the above thirty-day period, the undersigned debt collector will provide you, the consumer, with the name and address of the original creditor, if it is different from the name and address of current creditor.

Mailed this 14th day of October, 2004.

COLLINS OAK PARK CHAPEL
& FUNERAL SERVICES, INC.

By: 

J. Thomas Collins
505 E. Court Avenue
Winterset, IA 50273
Telephone: (515) 462-1663
Fax: (515) 462-1043

CREDITOR

A-73



IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

COLLINS OAK PARK CHAPEL
& FUNERAL SERVICES, INC.,

Plaintiff,

vs.

LARRY D. BEARD,

Defendant.

CASE NO. LA-CV031464

JUDGMENT ENTERED

FILED
2005 APR 11 P 2:45
JANE E. ROSIEN
CLERK OF DISTRICT COURT
MADISON COUNTY IOWA

NOW on this 11th day of April, 2005, this matter comes before the Court upon filing of Defendant's sworn Confession of Judgment in the sum hereafter stated.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Judgment is entered against Defendant, Larry D. Beard, in favor of Plaintiff, Collins Oak Park Chapel & Funeral Services, Inc., in the amount of \$4,717.25, with interest at the rate of 18% per annum from May 1, 2004, and the costs hereof plus attorney fees in the amount of \$280; and execution may issue therefor.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's request for an installment payment plan is approved. Defendant shall make payments as follows: \$500 per month commencing April 15, 2005, and thereafter on the 15th of each succeeding month until December 31, 2005, when all remaining balances shall be paid in full.

JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Approved as to form:

Jane E. Rosien, Attorney for Plaintiff

Larry D. Beard, Defendant.

4-11

received
4/12/05

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

COLLINS OAK PARK CHAPEL
& FUNERAL SERVICES, INC.,

Plaintiff,

vs.

LARRY D. BEARD,

Defendant.

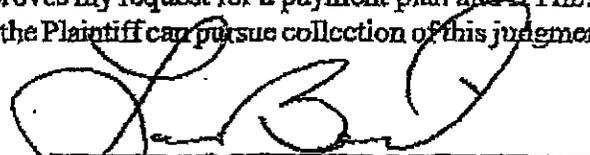
CASE NO. LA-CV031464

FILED
2005 APR 11 P 2:44
JANICE WIEGERS, CLERK
CLERK OF DISTRICT COURT
MADISON COUNTY IOWA

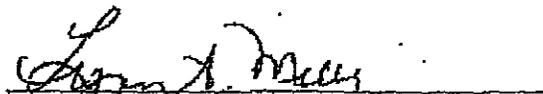
CONFESSION OF JUDGMENT

COMES NOW Larry D. Beard, the above-named Defendant, and states under oath as follows:

1. I am justly indebted to the above-named Plaintiff in the amount of \$4,717.25 plus court costs and attorney fees in the amount of \$280.00.
2. The above-referenced indebtedness arose out of goods and services provided by Plaintiff to Defendant.
3. I desire to and do hereby confess judgment in favor of the Plaintiff, without further action, in the amount of \$4,717.25 with interest from May 1, 2004, plus court costs and attorney fees in the amount of \$280, and authorize the Clerk of Court to enter such judgment against me.
4. I request that the Court enter an installment payment plan allowing me to satisfy this judgment by making payments of \$500 per month commencing April 15, 2005, and on the 15th day of each and every month thereafter until December 31, 2005, when I will pay the unpaid balance of the judgment, court costs and attorney fees in full. I understand that if the Court approves my request for a payment plan and if I miss any of the required payments, that the Plaintiff can pursue collection of this judgment through other means.


Larry D. Beard

Subscribed and sworn to before me by Larry D. Beard on this 4th day of April, 2005.


Notary Public

EDWIN A. BELLE
Notary Public, State of Iowa
My Commission Expires December 31, 2005

CERTIFICATE OF TRANSCRIPT BY JUDGE AND CLERK

FORM 118-H
MATT PARMENT & BRND INC. WATERLOO, IOWA A 284

Iowa Official Form No. 140

STATE OF IOWA, MADISON COUNTY, ss.

I, JANICE WEEKS, Clerk of the Iowa District Court,
in said County, do hereby certify that the foregoing is a true, compared and perfect transcript of judgment

COLLINS OAK PARK CHAPEL & FUNERAL SERVICES INC
VS
LARRY D BEARD

MADISON COUNTY
LACV031464

as the same appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court,
at my office in Winterset, in said County, this 21st
day of July, A. D. 2005


Leisa Imboden Clerk District Court
Deputy

STATE OF IOWA, MADISON COUNTY, ss.

I, J. W. Jordan, one of the Judges
of the Iowa District Court, in the Fifth Judicial District of said State,

composed of the Counties of GUTHRIE, DALLAS, POLK, JASPER, ADAIR, MADISON
WARREN, MARION, ADAMS, UNION, CLARKE, LUCAS, TAYLOR, RINGGOLD,
DECATUR and WAYNE

do hereby certify that Janice Weeks, who has given the preceding
certificate, was, at the time of so doing, the Clerk of the Iowa District Court, in Madison County,
in said District, duly qualified as such, that he is the proper custodian of the records of said Court, and the proper officer
to give such certificate and that the same is in due form of law.

Witness my hand, at Winterset, Iowa, this 21st day of July

A. D., 2005


Judge District Court, Fifth Judicial District

IN ACCOUNT WITH

FLANDER, CASPER AND ROSTEN, P.C.
223 EAST COURT - P.O. BOX 67
WINTERSET, IOWA 50273-0067

Page: 1
03/29/2005
17486-000
STATEMENT NO: 1

COLLINS OAK PARK CHAPEL & FUNERAL SERVICES, INC.
505 E. COURT AVENUE
WINTERSET IA 50273

VS. LARRY BEARD

	HOURS	
02/23/05 Review of statement of Funeral Goods and Services Selected. Preparation of Petition and related documents. Forwarding the same for service on Larry Beard.	1.00	140.00
03/28/05 Review of correspondence from Larry Beard. Telephone conference with Larry Beard. Preparation of Confession of Judgment and Judgment Entry. Forwarding the same to Larry Beard for approval and return.	1.00	140.00
FOR CURRENT SERVICES RENDERED	2.00	280.00
TOTAL CURRENT WORK		280.00
BALANCE DUE		<u>\$280.00</u>

A-78



Flander, Casper and Rosien, P.C.

ATTORNEYS AT LAW
223 EAST COURT AVENUE
P.O. BOX 67
WINTERSET, IOWA 50273-0067

JOHN E. CASPER
jcasper@fcrpc.com

JANE E. ROSTIEN
jrosien@fcrpc.com

LEONARD M. FLANDER
(1934-2002)

Telephone: (515) 462-4912
Fax: (515) 462-3392
E-Mail: attorneys@fcrpc.com

November 28, 2005

Larry Beard
419 Wildbrook Lane
Lima, OH 45807

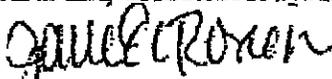
Re: Collins Oak Park Chapel & Funeral Services, Inc. v. Larry D. Beard
(Madison County Case No. LACV031464)

Dear Mr. Beard:

As you will recall, the Judgment Entry entered against you on April 11, 2005, in the above-referenced matter, requires that all amounts due and owing be paid by December 31, 2005. Enclosed is an updated amortization schedule showing the amount that you owe on December 31, 2005, given the history of payments you have made. As reflected on the amortization schedule, you owe \$4,608.27. This is the amount of judgment and interest only. Additionally, you owe \$130 in court costs and \$280 in attorney fees. Those amounts are due and payable no later than December 31, 2005, as well. Consequently, you should forward to Collins Oak Park Chapel payment in the amount of \$5,018.20 no later than December 31, 2005. Upon receiving that payment from you, Tom Collins will file a release and satisfaction in this matter. Thank you in advance for your timely attention to this matter.

Sincerely,

FLANDER, CASPER & ROSTIEN, P.C.



Jane E. Rosien

JER:tlc

enc.

cc: Tom Collins

1/28/2005 Page 1

COLLINS OAK PARK CHAPEL v. LARRY BEARD

Compound Period : Annual

Nominal Annual Rate ... : 18.000 %
 Effective Annual Rate ... : 18.000 %
 Periodic Rate : 18.0000 %
 Daily Rate : 0.04932 %

CASH FLOW DATA

Event	Start Date	Amount	Number	Period	End Date
1 Loan	05/01/2004	4,717.25	1		
2 Payment	04/22/2005	500.00	1		
3 Payment	05/31/2005	500.00	1		
4 Payment	08/09/2005	500.00	1		
5 Payment	12/31/2005	4,608.27	1		

AMORTIZATION SCHEDULE - Normal Amortization

Date	Payment	Interest	Principal	Balance
Loan 05/01/2004				4,717.25
2004 Totals	0.00	0.00	0.00	
1 04/22/2005	500.00	828.17	328.17-	5,045.42
2 05/31/2005	500.00	97.04	402.96	4,642.46
3 08/09/2005	500.00	160.26	339.74	4,302.72
4 12/31/2005	4,608.27	305.55	4,302.72	0.00
2005 Totals	6,108.27	1,391.02	4,717.25	
Grand Totals	6,108.27	1,391.02	4,717.25	



Flander, Casper and Rosien, P.C.

ATTORNEYS AT LAW
223 EAST COURT AVENUE
P.O. BOX 67
WINTERSET, IOWA 50273-0067

JOHN E. CASPER
jcasper@fcrpc.com

JANE E. ROSIEN
jrosien@fcrpc.com

LEONARD M. FLANDER
(1934-2002)

Telephone: (515) 462-4912
Fax: (515) 462-3392
E-Mail: attorneys@fcrpc.com

June 29, 2006

Christi L. Brown
850 Bellefontaine Avenue
Lima, OH 45801

Re: Collins Oak Park Chapel & Funeral Services, Inc. V. Larry D. Beard
(Madison County, Iowa, Case No. LACV031464)

Dear Ms. Brown:

We spoke sometime ago regarding your assistance with the collection of the judgment in the above-entitled matter. In April my secretary faxed you the documents and information we had regarding Mr. Beard. Assuming you are stilling willing to handle the collection of this judgment for us, I am enclosing the following:

1. Original Certificate of Transcript with Judgment Entry attached; and,
2. Our trust account check in the amount of \$200.

When we originally spoke, you asked that I send a check for costs which you estimated to be in the \$150 to \$200 range and that you would bill us for attorney fees. If this understanding is not correct or you require additional funds from us, please advise. Additionally, please advise if you need any other documentation from us.

Thank you in advance for your assistance with this matter.

Sincerely,

FLANDER, CASPER & ROSIEN, P.C.


Jane E. Rosien
JER:tlc
enc.

STATE OF IOWA, MADISON COUNTY, ss.

I, JANICE WEEKS, Clerk of the Iowa District Court, in said County, do hereby certify that the foregoing is a true, compared and perfect transcript of judgment
COLLINS OAK PARK CHAPEL & FUNERAL SERVICES INC MADISON COUNTY
VS LACV031464
LARRY D BEARD

as the same appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in Winterset, in said County, this 21st day of July, A. D. 2005


Leisa Imboden Clerk District Court
Deputy

STATE OF IOWA, MADISON COUNTY, ss.

I, J. W. Jordan, one of the Judges of the Iowa District Court, in the Fifth Judicial District of said State, composed of the Counties of GUTHRIE, DALLAS, POLK, JASPER, ADAIR, MADISON
WARREN, MARION, ADAMS, UNION, CLARKE, LUCAS, TAYLOR, RINGGOLD,
DECATUR and WAYNE

do hereby certify that Janice Weeks, who has given the preceding certificate, was, at the time of so doing, the Clerk of the Iowa District Court, in Madison County, in said District, duly qualified as such, that he is the proper custodian of the records of said Court, and the proper officer to give such certificate and that the same is in due form of law.

Witness my hand, at Winterset, Iowa, this 21st day of July

A. D., 2005


Judge District Court, Fifth Judicial District

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

COLLINS OAK PARK CHAPEL
& FUNERAL SERVICES, INC.,

Plaintiff,

vs.

LARRY D. BEARD,

Defendant.

CASE NO. LA-CV031464

JUDGMENT ENTERED

FILED
2005 APR 11 P 2:45
JANICE HEIKS COURT
CLERK OF DISTRICT COURT
MADISON COUNTY IOWA

NOW on this 11th day of April, 2005, this matter comes before the Court upon filing of Defendant's sworn Confession of Judgment in the sum hereafter stated.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Judgment is entered against Defendant, Larry D. Beard, in favor of Plaintiff, Collins Oak Park Chapel & Funeral Services, Inc., in the amount of \$4,717.25, with interest at the rate of 18% per annum from May 1, 2004, and the costs hereof plus attorney fees in the amount of \$280; and execution may issue therefor.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's request for an installment payment plan is approved. Defendant shall make payments as follows: \$500 per month commencing April 15, 2005, and thereafter on the 15th of each succeeding month until December 31, 2005, when all remaining balances shall be paid in full.



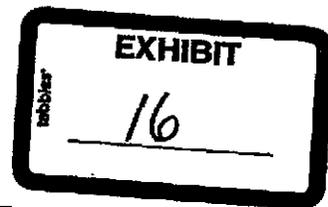
JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Approved as to form:

Jane E. Rosien
Jane E. Rosien, Attorney for Plaintiff

Larry D. Beard
Larry D. Beard, Defendant.

4-11



Flander, Casper and Rosien, P.C.

JOHN E. CASPER
jcasper@fcrpc.com

JANE E. ROSIEN
jrosien@fcrpc.com

LEONARD M. FLANDER
(1934-2002)

ATTORNEYS AT LAW
223 EAST COURT AVENUE
P.O. BOX 67
WINTERSET, IOWA 50273-0067

Telephone: (515) 462-4912
Fax: (515) 462-3392
E-Mail: attorneys@fcrpc.com

August 30, 2006

Christi L. Brown
850 Bellefontaine Avenue
Lima, OH 45801

Re: Collins Oak Park Chapel & Funeral Services, Inc. V. Larry D. Bard
(Madison County, Iowa, Case No. LACV031464)

Dear Ms. Brown:

On June 29, 2006, we sent you documents and information in order to assist in the collection of the judgment in the above-entitled matter. Would you please send us an update on the status of this case.

Sincerely,

FLANDER, CASPER & ROSIEN, P.C.

A handwritten signature in black ink that reads "Jane E. Rosien".

Jane E. Rosien
JER:tlc



Flander, Casper and Rosien, P.C.

JOHN E. CASPER
jcasper@fcrpc.com

JANE E. ROSIEN
jrosien@fcrpc.com

LEONARD M. FLANDER
(1934-2002)

ATTORNEYS AT LAW
223 EAST COURT AVENUE
P.O. BOX 67
WINTERSET, IOWA 50273-0067

Telephone: (515) 462-4911
Fax: (515) 462-3392
E-Mail:attorneys@fcrpc.com

October 26, 2006

Christi L. Brown
850 Bellefontaine Avenue
Lima, OH 45801

Re: Collins Oak Park Chapel & Funeral Services, Inc. V. Larry D. Beard
(Madison County, Iowa, Case No. LACV031464)

Dear Ms. Brown:

On June 29, 2006, we sent you the original Certificate of Transcript with Judgment Entry attached and our trust account check in the amount of \$200. We have written and called several times requesting a status report on this matter, but we have not heard anything from you.

If you have not filed the Certificate of Transcript with your local Clerk, it would be appreciated if you would return it to us together with our retainer. If you have filed the Certificate, it would very much be appreciated if you would update us on the status of this case.

Sincerely,

FLANDER, CASPER & ROSIEN, P.C.

A handwritten signature in cursive script that reads "Terri L. Collins".

Terri L. Collins
Secretary to Jane E. Rosien

Flander, Casper and Rosien, P.C.

JOHN E. CASPER
jcasper@fcrpc.com

JANE E. ROSIEN
jrosien@fcrpc.com

LEONARD M. FLANDER
(1934-2002)

ATTORNEYS AT LAW
223 EAST COURT AVENUE
P.O. BOX 67
WINTERSET, IOWA 50273-0067

Telephone: (515) 462-4912
Fax: (515) 462-3392
E-Mail: attorneys@fcrpc.com

January 30, 2007

Christi L. Brown
850 Bellefontaine Avenue
Lima, OH 45801

Re: Collins Oak Park Chapel & Funeral Services, Inc. v. Larry D. Beard
(Madison County, Iowa, Case No. LACV031464)

Dear Ms. Brown:

On June 29, 2006, we forwarded to you the documents and preliminary retainer fee for your services regarding the collection of the judgment in the above-referenced matter. You and I had spoken by telephone quite some time prior to that date and I understood you were willing to assist in that regard.

On August 30, 2006, I wrote to you requesting an update regarding your progress on this matter. I have never received a response to that correspondence. I personally left messages at your office requesting an update on September 26, 2006, October 3, 2006, and October 11, 2006. I never received return phone calls after leaving those messages. Again, on October 26, 2006, my secretary wrote to you requesting an update regarding the case, or alternatively that you return the Certificate of Transcript, if not yet filed with your local Clerk, and return our client's retainer fee, or provide us update on the case. We never received a reply to that correspondence either. Additionally, I know that my secretary has called your office a number of times regarding this matter and never received a response.

Unfortunately, at this point, my client feels he has no choice but to specifically request that you return to him the monies he forwarded to you back in June 2006, specifically \$200. Additionally, please provide us proof that you have filed the Certificate of Transcript we forwarded to you or return the original Certificate of Transcript to us.

Sincerely,

FLANDER, CASPER & ROSIEN, P.C.

Jane E. Rosien
Jane E. Rosien

JER:hc

cc: J. Thomas Collins

CHRISTI L. BROWN
ATTORNEY AT LAW CLIENTS TRUST ACCOUNT
850 BELLEFONTAINE AVE.
LIMA, OH 46801
(419) 225-8987 FAX (419) 224-2710

56-218-422

5267

DATE ~~December 9, 2008~~

PAY TO THE ORDER OF Collins Oak Park Chapel & Funeral Services \$ 200.00

Two Hundred and no/100 Dollars DOLLARS

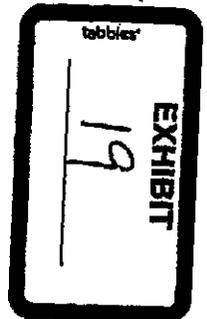


MEMO Return of Deposit

Christi L. Brown

⑆042202196⑆ 0072346203⑈ 5267

A-88



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

In Re:	:	
Complaint against	:	Case No. 08-002
Christi Brown Attorney Reg. No. 0062696	:	Findings of Fact, Conclusions of Law and
Respondent	:	Recommendation of the Board of Commissioners on
Allen County Bar Association	:	Grievances and Discipline of the Supreme Court of Ohio
Relator	:	
	:	

This matter was heard on January 28, 2009, in Columbus, Ohio, before a panel consisting of members David Tschantz of Wooster, Walter Reynolds of Dayton, and Judge Beth Whitmore of Akron, Ohio, Panel Chair (collectively “the Panel”). None of the panel members resides in the appellate district from which this matter arose or served as members of the probable cause panel in this case. Relator was represented by Robert Fitzgerald. Alan Petrov appeared on behalf of Christi Brown, Respondent.

PROCEDURAL AND FACTUAL HISTORY

On February 1, 2008, Relator filed a complaint for disciplinary action based on three separate grievances filed against Brown with the Allen County Bar Association. The parties timely filed a consent to discipline agreement on April 28, 2008. That agreement was recommended by the Panel, but rejected by the Board. Notwithstanding rejection by the Board, the same consent agreement was erroneously presented to the Board at its next meeting and garnered the approval of the Board. The approved consent to discipline was filed with the

Supreme Court of Ohio on August 25, 2008 and assigned SCO No. 08-1689. Upon discovery of the error, the Panel Chair consulted with the Board Secretary and on August 27, 2008, the Board filed a request to withdraw the consent agreement. That request was granted on September 3, 2008, and the matter returned to the Board. A fourth grievance was subsequently filed on October 8, 2008, and an amended complaint was filed on December 16, 2008. All of the misconduct took place between 2005 and 2007 at times when Respondent was a sole practitioner. Respondent has stipulated to the facts and violations, as is more fully set forth in Joint Exhibit 1, and affirmed those stipulations by her testimony at the hearing.

The specific counts are set forth in this opinion, but generally include allegations that Brown failed to exercise reasonable diligence with matters her clients entrusted to her; failed to timely communicate with her clients; and failed to promptly provide an accounting or return funds to her clients as requested. At the hearing, Relator indicated it had dismissed Counts 2 and 3 of the amended complaint. Thus, the hearing addressed Counts 1 and 4 only. The amended complaint asserts violations of DR 6-101(A)(2), DR 6-101(A)(3) and DR 9-102(B); Rules of Professional Conduct 1.1 Competence, 1.3 Diligence, 1.4 Communication, and 1.15 Safekeeping Funds and Property for both Counts 1 and 4. This matter was heard by the Panel on January 28, 2009.

Brown obtained a degree in accounting from Wittenberg University in 1985 and was employed first by Peat Marwick and then by Nationwide Insurance. She worked as an auditor for Peat Marwick and in accounting for Nationwide. She advanced in Nationwide's investment product division to become a manager. Before and during college Brown worked in her father's law firm in Lima, Ohio. She graduated from law school in 1994, was admitted to the bar, and began her practice in her father's firm.

In 2000, Brown moved her practice (a small general practice, with some exposure to collection work) out of her father's firm to an address on Bellefontaine Avenue where she was affiliated with another attorney. When that attorney left, Brown hired an associate who remained with her until 2004. Brown employed secretarial staff and was responsible for training her staff and monitoring their conduct. After the departure of her associate in 2004, Brown was a sole practitioner with a busy practice to manage on her own.

The first grievance is based on misconduct that began in 2005 (Count 1, Davoudi collection matter). The fourth grievance arose out of misconduct that took place in April 2006 (Count 4, Collins collection matter). Each count involves repeated failures by Brown to perform work on her client's behalf after having received a fee for her services and repeated failures to respond to phone calls and letters from her client. Ultimately these grievances were resolved with no financial loss to her clients.

In her testimony, Brown acknowledged that before 2004, she was so busy that she was not returning phone calls or paying attention to matters. As a consequence she received a letter from the local bar association expressing its concerns. (Tr. 52) The record does not make clear what, if anything, was done to address those concerns in 2004. In any event, in January 2008 Brown agreed to an informal monitoring arrangement with an attorney with more than 20 years experience in the community. After one meeting, Brown never contacted him again. Brown's father, with 30 years experience, was available for help. Brown did not solicit his help.

At the time of the hearing, Brown was practicing law in association with another attorney. Brown testified that she felt having a colleague as a sounding board and to call upon for assistance was improving her financial position through office sharing, and that it also reduced her level of stress. (Tr. 64) Her present colleague has been very supportive of Brown

during the disciplinary proceedings. Brown's present colleague is anticipating retirement in the near future.

Respondent is married and has three sons. Her husband was present during the hearing and did not testify. He does not work outside the home and is involved in his sons' soccer activities as a coach and father. One of her sons had medical problems that demanded much of Respondent's time. These problems are now resolved.

As noted by Relator in its opening statement, Respondent's degree in accounting and employment with Peat Marwick and Nationwide, demonstrate that she understands the importance of attention to detail and, we note, the need for independent motivation and responsibility as well. However, though she admitted timely knowledge of the need to act for her clients and of the necessity to respond to their communications, Respondent offered no explanation for why she neglected their cases.

Respondent's present practice is focused on family and juvenile law, including paternity, custody, divorce, dissolution, child support, and guardian ad litem work. (Tr. 59) She also does some estate planning and minor traffic matters, in addition to some civil and collections work.

Respondent's demeanor at the hearing was very emotional. The proceedings clearly took a toll and Respondent frequently required time to compose herself. She spoke tearfully of her regret and the loss of respect among her colleagues and in the community. She also spoke of colleagues who, hearing of her difficulties, spoke words of encouragement.

FINDINGS OF FACT

COUNT 1 – Ali M. Davoudi, D.C.

Ali M. Davoudi, D.C., engaged Respondent in May 2004 to assist him with a debt collection case stemming from his patient's unpaid chiropractic bills. Respondent initiated work

on the case, scheduled a debtor's examination, and ultimately established a payment plan whereby the debtor was to pay Respondent \$75.00 every other week starting in January 2005. (Tr. 66) Respondent's records revealed she received five payments from the debtor between February 2005 and February 2006 (two payments on February 17, 2005; one payment July 20, 2005; one payment December 7, 2005; and the last payment on February 2, 2006). During that same time, Respondent failed to issue Davoudi any portion of the funds obtained by her collection efforts, nor did she have any plan or practice for doing so in a timely manner.

Davoudi sent Respondent a letter on February 3, 2006, indicating he had left a phone message for her the previous month requesting a status of his case. He indicated he had not received a return call from Respondent or any correspondence on his case since January 2005. (Ex. 5) He requested she inform him of the status of his case and release to him his portion of any funds collected to date. Respondent admitted that she received the letter and his phone message, but did not respond to either.

Davoudi sent a second letter on March 31, 2006, with the same requests, also noting that he would file a grievance against her unless she responded. On April 14, 2006, Respondent informed Davoudi in writing of her collection efforts to date and issued him a check for \$183.93, his percentage of the portion of the funds she had collected at that point. She noted in her letter that she had not forwarded the funds because she did not think it was economical to issue him a check every time she received money from the debtor, based on the debtor's sporadic and irregular payments. She promised to send funds to Davoudi in the future, should she receive any more payments from the debtor, but the debtor never sent any additional payments. (Ex. 10) Respondent also indicated she would initiate garnishment proceedings. However, she did not do so, nor did she initiate any further communication with Davoudi.

Davoudi filed a grievance against Respondent on December 28, 2006, alleging that she failed to pursue his case, respond to his calls or letters, and refused to make an accounting of or relinquish the funds she collected on his behalf. Prof.Cond.R. 1.1, 1.3, and 1.15.

On May 31, 2007, Respondent realized she had made a mathematical error in calculating Davoudi's portion of the funds collected, so she sent him a letter noting the error and enclosing a check for \$37.50.

At the hearing, Respondent admitted she neglected Davoudi's case and offered the following explanation when questioned on direct examination:

Q. Looking at these matters retrospectively from today's vantage point, can you explain to the panel why you stopped working on Dr. Davoudi's matter and why you never started working on the Collins matter?

A. I think, on Dr. Davoudi, I thought that my secretary was doing some more follow-up than I guess what was really being done, but it's still my responsibility. It's still my follow-up that should have been done, and I should have taken responsibility for and I should have answered the phone calls and I should have answered the letters.

Q. Do you have any explanation as to why you didn't answer the letters and why you didn't return the phone calls?

A. I think I knew I was doing wrong and it was easier to do something else than it was to address these situations.

Q. By doing "something else," what do you mean?

A. Some other work, another file.

Q. Avoiding the problem?

A. Avoiding the problem.

Q. But for whatever reason [you] did not deal with it?

A. That's correct.

(Tr. 70-71)

COUNT 4 – J. Thomas Collins

In April 2006, an Iowa attorney, Jane Rosien, contacted Respondent about collecting on a judgment for one of her clients, J. Thomas Collins. Respondent accepted Collins's case and received the necessary documents from Collins's attorney to begin her collection efforts on April 28, 2006. (Tr. 43-44) On June 29, 2006, Rosien sent Respondent additional documentation and a \$200 retainer. Respondent testified she did not recall being aware at that point that she had received Collins's retainer, but admitted when she received further correspondence from him requesting a status on the case, she was aware he had sent a retainer to her. (Tr. 46)

On August 30, 2006, Rosien sent Respondent a letter requesting a status on Collins's case. At the hearing, Respondent testified she knew she had not done anything on the case, but that she did look at the file at that point. She further testified, however, that she did not respond to Collins's letter, nor did she do any work on his case. (Tr. 46-47)

On October 26, 2006, Rosien sent Respondent another letter indicating she "had written and called several times requesting a status report on this matter, but we have not heard anything from you." Rosien requested Respondent return Collins's documents to her if they had not been filed, along with the client's retainer, or to call and update her and Collins with a status on his case. (Tr. 48) Respondent admitted she did not return the documents or the retainer, nor did she respond to Rosien's letter.

On January 30, 2007, Rosien sent a third letter to Respondent outlining her attempts to contact Respondent as to a status on Collins's case. The letter recites three dates that phone messages were left for Respondent, and outlines the written correspondences she sent as well.

Rosien requested the return of Collins's retainer and his documents. Respondent admits she "ignored those [phone] messages and did not respond[,]" nor did she return the requested retainer or documents until December 10, 2008, after Collins filed his grievance.

On August 22, 2008, Collins filed a grievance against Respondent alleging client neglect and failure to return client funds. Prof. Cond. R. 1.3 and 1.15.

When asked on direct examination to explain her neglect in the Collins matter Respondent referred to her explanation regarding the Davoudi misconduct:

Q. With regard to the Collins matter, what --- looking retrospectively, what is the explanation?

A. I believe the explanation is the same [as in Davoudi]. When the money first came in, I was not aware of it. I believe when I got the second letter, I was like, oh, what do I do now? I haven't filed that. I need to file it and didn't do it.

Q. You did something else?

A. Yes. (Tr. 71)

As noted earlier, Respondent testified that in January 2008 the Allen County Bar Association provided her with the name of another attorney with whom she could establish an "informal, voluntary" mentoring arrangement. She met with the mentor attorney, Dale Vandemark, once that month. Though he offered to serve as a mentor and a resource to Respondent should she have any questions or problems in the future, she never contacted him after their initial meeting. Additionally, Respondent testified she never reached out to her father, a retired attorney, or any of the attorneys at the firm where she had worked before going into solo practice.

Respondent testified that, until 2004, she had shared office space with an attorney;

however, from 2004 until recently, she was the only attorney in her office. (Tr. 30-31) She felt that contributed to a more hectic and stressful professional atmosphere because she lacked a colleague to confide in or to discuss legal matters with her. She has since relocated her office and is sharing space with an experienced attorney who is acting as a mentor to her. Respondent believes that having another attorney in her office will aid in easing not only the financial burden of solo practice, but also the isolation she felt in the past.

Additionally, Respondent testified she has already implemented office procedures to help manage her workflow, including establishing a paper based tickler system to aid her and her administrative staff in keeping current on her client's needs:

Q. Please explain to the panel what your--what you are doing to impose some discipline on yourself.

A. It's kind of a work in progress, I think, with the move to--with the move to Marie's office. Certainly we've reorganized our files, have identified the files that we need to work on. We've also done like a paper list of the files that we have and what we need to do and what we need to work on at this point in time.--I hope to somehow come up with a system, and I've been working with my secretaries on this because also I'm going to want them to be involved in it. ... One of my secretaries has created an Excel spreadsheet that hopefully will work as far as that tickler system and trying to get a handle on that. (Tr. 72-73)

In addition to the tickler system, Respondent testified that she is keeping her Fridays appointment-free so she can meet with her staff to go over cases that are identified through the tickler system and perform the necessary work. When questioned by the panel, Respondent admitted that she has never completed any courses dealing with office management or time management. (Tr. 97) Respondent uses a Palm Pilot primarily for her calendar, but acknowledges that she needs to use it also as a task manager. She has no electronic case management software in her office, and, based upon her testimony in the Collins matter she is

not aware, and was not kept aware, of incoming communications from clients. For example in the Collins case, Respondent's staff apparently received the retainer and the documents necessary to initiate collection, but Respondent remained ignorant of the retainer and therefore failed to initiate action.

CONCLUSIONS OF LAW

Based upon the exhibits, stipulations, and the record of the hearing, the Panel finds by clear and convincing evidence that Respondent has committed the following violations of the Code of Professional Responsibility before February 1, 2007, and the Ohio Rules of Professional Conduct after February 1, 2007, in regard to both counts:

DR 6-101(A)(3) neglect of an entrusted legal matter and Prof. Cond. R. 1.3 reasonable diligence and promptness;

DR 9-102(B)(1) prompt notification of a client of the receipt of his funds, securities, or other properties and Prof. Cond. R. 1.15(d) safekeeping of funds and property * * * where "[u]pon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client or a third person, confirmed in writing, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or person is entitled to receive. Upon request by the client or third person, the lawyer shall promptly render a full accounting regarding such funds or other property."¹

¹ In the parties "Stipulated Violations" to Count One and Count Four, they have misquoted the language of Prof. Cond. R. 1.15. Instead, they have language quoted from Comment 5 to Prof. Cond. R. 1.1. Thus, we have included the relevant language from Prof. Cond. R. 1.15(d) that correspond to Respondent's conduct in these cases.

MITIGATION AND AGGRAVATION

The parties did not stipulate to any mitigation. The Panel notes, however, that Respondent has no prior disciplinary record and was not driven by dishonest or selfish motives. Respondent made restitution to both clients, though she did so only after Davoudi's second written request and Collins filing a grievance. BCGD Proc. Reg. 10(B)(2)(a), (b), (c). Further, the Panel notes that Respondent was a cooperative participant in this disciplinary proceeding and appears sincerely remorseful for her conduct. BCGD Proc. Reg. 10(B)(2)(d). Relator proffered testimony at the hearing that the judgments for both clients remain intact and are collectable, so her clients were not harmed by her conduct. Additionally, Respondent testified that she is now sharing office space with an experience attorney who is serving as a mentor to her, she has reduced her workload, and she implemented a tickler system with her administrative staff to help her identify cases that require her attention. BCGD Proc. Reg. 10(B)(2)(h)

The parties did not stipulate to any aggravating factors in this case. The Panel notes, however, that Respondent was the subject of four grievances before the Allen County Bar Association, and while two of those were dismissed, the remaining two include multiple offenses and evidence a disturbing pattern of client neglect, a lack of diligence in timely responding to client issues, and the untimely return of client funds. BCGD Proc. Reg. 10(B)(1)(c) and (d). Furthermore, Respondent failed to return either client's funds until there was a threat, or the actual filing, of a grievance.

By her own admission, Respondent began having difficulties in her practice as early as 2004, yet when the bar association also brought this to her attention at that time, she apparently did nothing to get matters in hand. She did not search out appropriate CLE courses, nor turn to others for assistance. Granted, she had a busy practice and a household to manage, including for

a period of time, a son with medical problems who required hospitalization. Instead, for whatever reasons, she let matters slide. Thus her professional difficulties compounded and the various grievances were filed. The panel cannot help but believe there is more to this story. How a person trained in the details of accounting and who had a successful career as an accountant before turning to the law, fails to have adequate management controls in place puzzles the panel. Of further concern is the fact that when offered an experienced mentor in 2004, she failed to respond positively. To say, as does Respondent, that when confronted with an acknowledged error, she copes by moving on to do something else signifies a deeper problem.

RECOMMENDED SANCTION

Relator filed a hearing brief in which Respondent stipulated to the sanction of a public reprimand. Relator directed the Panel to *Cleveland Bar Assn. v. Freeman* (2002), 95 Ohio St.3d 117, among other cases, for consideration in determining Respondent's sanction based on her pattern of client neglect. In that case, Freeman faced a two-count complaint representing grievances from two different clients, both of whom alleged he failed to respond or communicate with them in a timely manner, in violation of DR 6-101(A)(2) (handling a legal matter without adequate preparation) and DR 6-101(A)(3)(neglect of a legal matter). In the first count, Freeman was representing a client in a Chapter 7 bankruptcy proceeding where he successfully had her debts discharged, with the exception of her government-guaranteed student loan. Based on a recent change in the bankruptcy laws, there were three similar student loan cases pending before the same judge presiding over his client's case, so Freeman elected to wait to file an adversary proceeding attempting to discharge the debt until those cases were decided. Approximately one year later, after the pending student loan cases were decided, Freeman determined his client would not prevail on her claim. However, he failed to ever notify her of his decision until after

she filed a grievance against him.

The second grievance lodged against Freeman stemmed from his representation of a husband and wife in a Chapter 13 bankruptcy proceeding. The parties discussed filing an adversary proceeding against the couple's mortgage lender over a long-standing dispute related to insurance proceeds. Freeman filed the adversary proceeding, but concluded he could not support the claims he had set forth in the complaint, despite his client's insistence otherwise. Freeman failed to adequately or fully communicate his need for additional documentation to support the complaint to his clients. Additionally, once the bankruptcy court dismissed the proceeding, he failed to timely inform his clients of the dismissal. The parties stipulated that Freeman violated DR 6-101(A)(2) because he handled a legal matter without adequate preparation and that he failed to fully cooperate with the investigation of the second grievance complaint, in violation of Gov.Bar.R. V(4)(G). The parties agreed to the stipulated sentence of a public reprimand. The Board adopted the panel's recommendation, as did the Supreme Court.

The Panel, however, finds the case *Dayton Bar Assn. v. Sebree*, 96 Ohio St.3d 50, 2002-Ohio-2987, more representative of the case at bar. In that case, Sebree agreed to represent a client in a breach of contract action related to home improvements. For months after accepting the case, he failed to respond to numerous phone calls from his client and failed to update her on the status of her case. Months later, Sebree contacted the client to obtain additional funds to file the action, which he eventually did, but then took over four months to perfect service upon the defendant. Sebree's client filed a grievance while he was trying to perfect service. The Relator investigating the grievance recommended the client seek new counsel as a counterclaim had been filed and Sebree was not actively engaged in the case.

A second grievance was filed against Sebree by a client he was representing in a

collection matter. Sebree failed to respond to the client's numerous requests for a status on her case and further, took no action to prosecute her claim, nor could he locate the client's file when requested. Sebree admitted he "had overscheduled himself, was busy, and was not taking new clients *** [and] he did not return [the client's] inquiries because he did not realize that she was an existing client." *Sebree*, at ¶3. Sebree ultimately located the client's file and refunded her retainer and filing fees.

In determining an appropriate sanction, the parties agreed that Sebree's conduct was "indicative of an overall pattern that suggests [he] needs assistance, guidance and counseling in regard to his time and practice management skills." *Sebree*, at ¶6. The hearing panel and the Board adopted the recommendation of the parties who agreed Sebree be suspended from practice for six months, stayed upon his attendance at a seminar on office- and time-management skills for lawyers. Additionally, Sebree agreed to have his office practices and management skills monitored and reviewed by a representative of relator for a minimum of one year or longer, if necessary, and to act on any recommendations made by relator's monitor during that period. The Supreme Court likewise adopted the recommended sanction of a six month suspension, conditionally stayed upon the terms outlined by the parties.

Except for the length of the sanction, we consider the *Sebree* case more representative of the problems afflicting Respondent in this case. Like Sebree, Respondent is facing multiple grievances which stemmed from a pattern of neglect, rather than an isolated incident. She testified to having a busy and active practice. She further admits that she knew she had neglected the clients and their matters in the cases underlying this disciplinary action, but stated "it was easier to do something else than it was to address these situations." Respondent's local bar association offered her the assistance of a mentor, yet she failed to take advantage of that

resource at any time. Additionally, while we respect Respondent's contention that her affiliation with another practitioner will likely assist her in her daily struggles of solo practice and provide her with guidance, we, too, note that the practitioner is "hoping to retire" and will be exiting the field of private practice. Thus, it is unclear to us what long term network Respondent has in place should she undoubtedly face similar stresses of practice in the future. Respondent expressed with sincerity her desire to continue to serve as a solo practitioner, so in light of the Panel's concerns, we reject the recommended sanction for a public reprimand. Instead we find that Respondent should be suspended from the practice of law in Ohio for one year, all stayed, on the following conditions:

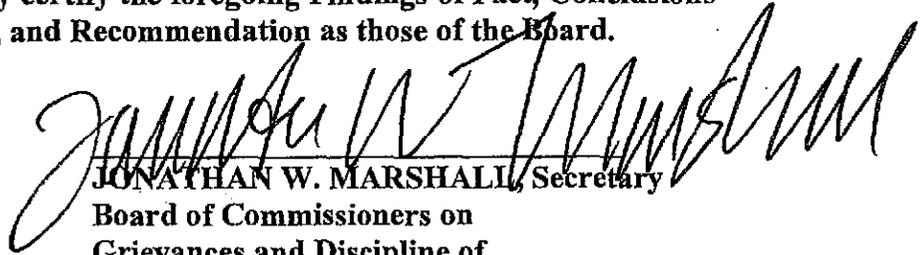
1. Respondent complete 12 hours of law-office management CLE. Such instruction should cover office organization, time/task management, and basic software aids for case management.
2. Respondent submit to a stress management assessment by OLAP and enter into any follow up contract deemed necessary by OLAP.
3. Respondent participate in a two year mentoring program similar to the one previously offered by the Allen County Bar Association.
4. Respondent commit no further misconduct.

BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on June 12, 2009. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel and recommends that Respondent, Christi Brown, be suspended from the practice of law for one year with the entire year stayed upon the conditions contained in the panel report. The Board further

recommends that the cost of these proceedings be taxed to 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**

The Supreme Court of Ohio

JUL 15 2009

CLERK OF COURT
SUPREME COURT OF OHIOAllen County Bar Association,
Relator,

Case No. 2009-1230

v.

Christi Lee Brown,
Respondent.

ORDER TO SHOW CAUSE

The Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio has filed a final report in the office of the clerk of this court. This final report recommended that pursuant to Rule V(6)(B)(3) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Christi Lee Brown, Attorney Registration Number 0062696, be suspended from the practice of law for a period of one year with the entire year stayed upon the conditions contained in the panel report. The board further recommends that the costs of these proceedings be taxed to the respondent in any disciplinary order entered, so that execution may issue. Upon consideration thereof,

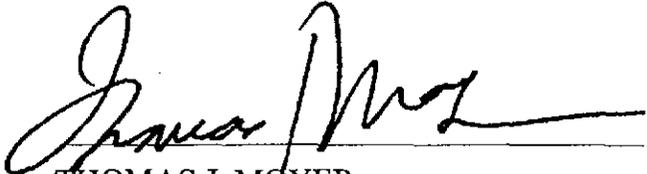
It is ordered by the court that the respondent show cause why the recommendation of the board should not be confirmed by the court and the disciplinary order so entered.

It is further ordered that any objections to the findings of fact and recommendation of the board, together with a brief in support thereof, shall be due on or before 20 days from the date of this order. It is further ordered that an answer brief may be filed on or before 15 days after any brief in support of objections has been filed.

After a hearing on the objections or if no objections are filed within the prescribed time, the court shall enter such order as it may find proper which may be the discipline recommended by the board or which may be more severe or less severe than said recommendation.

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 and further that unless clearly inapplicable, the Rules of Practice shall apply to these proceedings.

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 Office of Attorney Services.



THOMAS J. MOYER
Chief Justice

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Disciplinary Counsel v. Forbes*, Slip Opinion No. 2009-Ohio-2623.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2009-OHIO-2623

DISCIPLINARY COUNSEL v. FORBES.

**[Until this opinion appears in the Ohio Official Reports advance sheets,
it may be cited as *Disciplinary Counsel v. Forbes*,
Slip Opinion No. 2009-Ohio-2623.]**

Attorney misconduct — Engaging in conduct that adversely reflects on fitness to practice law — Six-month suspension, stayed on condition.

(No. 2008-2103 — Submitted March 11, 2009 — Decided June 11, 2009.)

ON CERTIFIED REPORT by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 07-096.

Per Curiam.

{¶ 1} Respondent, George L. Forbes of Cleveland, Ohio, Attorney Registration No. 0010716, was admitted to the practice of law in Ohio in 1962. In 2007, he was convicted on four misdemeanor charges of filing a false financial-disclosure statement in violation of R.C. 102.02(D) and two misdemeanor charges of accepting gifts of such character as to influence the performance of his duties as a public official in violation of R.C. 102.03(E).

{¶ 2} The Board of Commissioners on Grievances and Discipline recommends that we publicly reprimand respondent, based on findings that he violated DR 1-102(A)(6) by engaging in conduct that adversely reflects on his fitness to practice law. We accept this finding of professional misconduct; however, respondent's convictions warrant a more exacting sanction than the board recommended. To deter lawyers who work as public officials from violating R.C. 102.02(D) and 102.03(E) and to safeguard the public, we order a six-month suspension of respondent's license to practice, with the suspension stayed on the condition that respondent refrain from further misconduct.

{¶ 3} Relator, Disciplinary Counsel, charged respondent in a one-count complaint with having violated DR 1-102(A)(6) of the former Code of Professional Responsibility. A panel of board members heard the case and made findings of fact and conclusions of law. A majority of the panel recommended that respondent receive a public reprimand; a dissenting panel member recommended a six-month suspension of respondent's license to practice. The board adopted the panel's findings of misconduct and the majority's recommendation.

{¶ 4} The parties have not objected to the board's report.

Misconduct

{¶ 5} Respondent was appointed in 1995 to the board of the Bureau of Workers' Compensation Oversight Commission, an administrative agency created that year as a consequence of reorganization in the Bureau of Workers' Compensation ("BWC"). He was also appointed to the oversight commission's investment committee, which regularly met to review BWC staff recommendations for potential investment consultants and money managers in accordance with BWC investment policy. Respondent remained on the commission until his resignation in 2005.

{¶ 6} As a member of the commission from 1995 through 2005, respondent was required under R.C. 102.02(A) to file with the Ohio Ethics Commission annual financial-disclosure statements. The parties stipulated that in filing financial-disclosure statements for these years, respondent knowingly failed to disclose sources of meal and travel expenses and to disclose creditors to whom he owed more than \$1,000 as follows:

{¶ 7} 1. “Clarke Blizzard and/or Mr. Blizzard’s affiliated companies, such as American Express and Northwinds Marketing as a source of gifts, meals, and/or travel expenses for the calendar years 1997 through 2004. The value of the gifts, meals, and/or travel was in excess of \$6,000.”

{¶ 8} 2. “Patrick White of Great Lakes Capital Partners as a source of travel expense for the calendar years 2003 and 2004.”

{¶ 9} 3. “The BWC as a source of travel expense for the calendar years 1995 through 2004, despite continuously applying for and receiving reimbursement expenses related to BWC business.”

{¶ 10} 4. “Creditors, including JP Morgan Chase, Citibank, and American Express for calendar years 1998 through 2005.”

{¶ 11} At the time respondent received these gifts and loans, Blizzard, companies with which Blizzard was affiliated, and White were performing investment-related services for or soliciting investment-related business from the BWC. On July 3, 2007, the Franklin County Prosecutor’s Office charged respondent with the four violations of R.C. 102.02(D), which prohibits any person from knowingly filing a false financial-disclosure statement. At the same time, the prosecutor charged the two violations of R.C. 102.03(E), which prohibits any public official or employee from soliciting or accepting “anything of value * * * that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties.”

{¶ 12} On July 5, 2007, respondent pleaded guilty to the four R.C. 102.02(D) charges and no contest to the two R.C. 102.03(E) charges. He was convicted of all six misdemeanors and sentenced the same day to 30 days in jail, with the sentence suspended. Respondent was also placed on probation for one year, ordered to pay \$6,000 in restitution to the BWC, fined \$6,000, and ordered to perform 60 hours of community service. He complied with the terms of his sentence, prompting the court to terminate his probation in November 2007, almost eight months early.

{¶ 13} The board found that respondent's acts and omissions in violation of R.C. 102.02(D) and 102.03(E) constituted conduct that adversely reflected on his fitness to practice law and thus contravened DR 1-102(A)(6). We agree that respondent committed this misconduct.

Sanction

{¶ 14} When imposing sanctions for attorney misconduct, we consider relevant factors, including the duties the lawyer violated and sanctions imposed in similar cases. *Stark Cty. Bar Assn. v. Buttacavoli*, 96 Ohio St.3d 424, 2002-Ohio-4743, 775 N.E.2d 818, ¶ 16. In making a final determination, we also weigh evidence of the aggravating and mitigating factors listed in BCGD Proc.Reg. 10. *Disciplinary Counsel v. Broeren*, 115 Ohio St.3d 473, 2007-Ohio-5251, 875 N.E.2d 935, ¶ 21. Because each disciplinary case is unique, we are not limited to the factors specified in the rule but may take into account "all relevant factors" in determining what sanction to impose. BCGD Proc.Reg. 10(B).

{¶ 15} Respondent's illegal acts reflected poorly on the legal profession and disserved the public interest. The often quoted rule in *Cleveland Bar Assn. v. Stein* (1972), 29 Ohio St.2d 77, 81, 58 O.O.2d 151, 278 N.E.2d 670, sets the standard:

{¶ 16} "One of the fundamental tenets of the professional responsibility of a lawyer is that he should maintain a degree of personal and professional integrity

that meets the highest standard. The integrity of the profession can be maintained only if the conduct of the individual attorney is above reproach. He should refrain from any illegal conduct. Anything short of this lessens public confidence in the legal profession—because obedience to the law exemplifies respect for the law.”

{¶ 17} In recommending a public reprimand, the board relied on *Disciplinary Counsel v. Taft*, 112 Ohio St.3d 155, 2006-Ohio-6525, 858 N.E.2d 414, in which Ohio’s then governor received a public reprimand after pleading no contest to, and being convicted on, four misdemeanor counts of filing false financial-disclosure statements in violation of R.C. 102.02(D). In that case, evidence suggested that the governor had not specifically intended to conceal the names of benefactors who had paid for certain golf-related expenses and items. *Id.* at ¶ 6, 11. Moreover, in that case, many factors militated in favor of a lighter sanction, including the fact that the parties had stipulated to a public reprimand, in a consent-to-discipline agreement, the respondent had a previously unblemished career in public office, he had paid fines, he had repaid benefactors, and he had made a public apology in accordance with the sentencing court’s order. *Id.* at ¶ 7, 10.

{¶ 18} As the dissenting panel member in this case observed, however, respondent was not convicted on only the four counts of filing a false financial-disclosure statement. He was also convicted on two counts of accepting gratuities offered to curry favor and obtain substantial and improper influence in the performance of his duties as a public official—the very crime that the R.C. 102.02(D) reporting requirement is in force to prevent, *Taft*, 112 Ohio St.3d 155, 2006-Ohio-6525, 858 N.E.2d 414, ¶ 4. Of respondent’s no-contest plea to R.C. 102.03(E), the dissent aptly reasoned:

{¶ 19} “A lawyer cannot be allowed to admit the allegations of a criminal complaint in his criminal case and then disavow or explain away that admission in his disciplinary case. Once a lawyer enters a plea of guilty (or, I believe, no

contest) to a criminal charge, the facts that formed the basis for that charge are established and indisputable for purposes of any ensuing disciplinary proceeding, and the lawyer cannot explain them away, as Mr. Forbes and his attorneys tried to do in this disciplinary proceeding. *Cincinnati Bar Assn. v. Powers* [119 Ohio St.3d 473, 2008-Ohio-4785, 895 N.E.2d 172, ¶ 22].”

{¶ 20} Respondent conceded that he should have reported the following: (1) over \$6,000 in meals and travel from Clarke Blizzard and affiliated entities, (2) three short private-plane trips, valued at \$3,300, from Patrick White, (3) travel reimbursement from BWC, and (4) various credit card charges over \$1,000. But his defense attorney testified as a witness and persuaded a majority of panel members that the actual monetary value of the gratuities amounted to far less than the ethics-commission investigation seemed to substantiate. In particular, a majority of the panel did not believe that Blizzard, who had been convicted of felony bribery for his dealings with the BWC’s former chief financial officer, had spent at least \$22,400 in travel and entertainment expenses for respondent. The defense attorney also persuaded a majority of the panel to believe that respondent was not in a position to nor did he steer work to either White or Blizzard.

{¶ 21} The dissenting panel member was not so convinced. Citing respondent’s acknowledgement that he, along with other members of the oversight committee, had approved American Express, with whom Blizzard was affiliated, to manage up to \$800 million in BWC funds, the dissenter accepted respondent’s pleas to criminal conduct as conclusive:

{¶ 22} “Based on these facts, I believe the panel should reject Mr. Forbes’ assertion that the gifts, meals, and travel Mr. Blizzard and Mr. White bestowed on him had no substantial or improper influence over him. His no contest plea and conviction simply belie any such suggestion. * * *

{¶ 23} “Moreover, far from accepting Mr. Forbes’ proffered attempt to explain away his no contest plea and conviction, I would treat his attempt to

explain it away as an *aggravating* factor that, coupled with the fact he was convicted of two more offenses than Governor Taft, justifies a more severe sanction. At the very least, I believe Mr. Forbes' attempt to explain away his two additional convictions constitutes a refusal to acknowledge the wrongful nature of his conduct. BCGD Proc.Reg. 10(B)(1)(g)."

{¶ 24} We agree. "[A] disciplinary proceeding is not an appropriate forum in which to collaterally attack a criminal conviction." *Bar Assn. of Greater Cleveland v. Chvosta* (1980), 62 Ohio St.2d 429, 430, 16 O.O.3d 452, 406 N.E.2d 524. The judgment entries of respondent's convictions conclusively establish his guilt of the charged offenses. Accord *Disciplinary Counsel v. McAuliffe*, 121 Ohio St.3d 315, 2009-Ohio-1151, 903 N.E.2d 1209, ¶ 23. And to the extent that respondent attempts to minimize his culpability, he fails to acknowledge it and thereby exhibits the aggravating feature set forth in BCGD Proc.Reg. 10(B)(1)(g).

{¶ 25} But after weighing the mitigating features of respondent's case, we do not impose the six-month actual suspension advocated by the dissenting member of the panel. The board found five of the seven mitigating factors listed in BCGD Proc.Reg. 10(B)(2) and nothing to weigh against him. Agreeing with the stipulations, the board found the factors in sections 10(B)(2)(a), (c), (d), (e), and (f) of the rule to be present in this case: absence of prior disciplinary record, full and free disclosure to the disciplinary board and cooperative attitude toward the disciplinary proceedings, restitution to the Bureau of Workers' Compensation, positive character and reputation evidence, and imposition of other penalties.

{¶ 26} Respondent has a long history as a prominent attorney and defender of civil rights in Cleveland, including serving as president of the NAACP. He served on Cleveland City Council for 26 years, for the last 18 as council president. He has further contributed greatly to the Cleveland area throughout his lifetime and received numerous awards for his commitment to the community.

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{¶ 27} We see little chance that respondent will repeat the ethical mistakes committed in this case. But he compromised his duties to the public and the legal profession, and thus, a six-month suspension from practice, with the suspension stayed on the condition of no further misconduct, is appropriate.

{¶ 28} We therefore suspend respondent from the practice of law in Ohio for six months; however, the suspension is stayed on the condition that respondent refrain from further acts and omissions constituting professional misconduct. If respondent fails to comply with this condition, the stay will be lifted and respondent will serve the six-month suspension.

{¶ 29} Costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., and LUNDBERG STRATTON, O'CONNOR, LANZINGER, and CUPP, JJ., concur.

PFEIFER and O'DONNELL, JJ., dissent and would publicly reprimand the respondent.

Jonathan E. Coughlan, Disciplinary Counsel, and Joseph M. Caligiuri, Assistant Disciplinary Counsel, for relator.

Chester, Willcox & Saxbe, L.L.P., Charles Rockwell Saxbe, and Joseph C. Pickens; and Clarence Rogers, for respondent.
