

IN THE SUPREME COURT OF OHIO

AKRON BAR ASSOCIATION,)
57 S. Broadway St.)
Akron, OH 44308)
Realtor,)

CASE NO. 2008-0723

v.)

HARRY J. WITTBROD,)
2213 18th St.)
Cuyahoga Falls, OH 44223)
Respondent.)

RECEIVED
OCT 13 2009
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION TO SHOW CAUSE

Now comes Realtor, by and through counsel, and submits this Motion to Show Cause. The undersigned has recently discovered and hereby represents to the Court that Respondent is in violation of the Decision of this Court entered on July 28, 2009 requiring Respondent to comply with the conditions of Respondent's Ohio Lawyers Assistance Program ("OLAP") contract, including any medical recommendations for medical treatment made by OLAP and to keep the Clerk of this Court, the Akron Bar Association, and the Disciplinary Counsel advised of any change of address where Respondent may receive communications. A copy of said Decision is attached as Exhibit A.

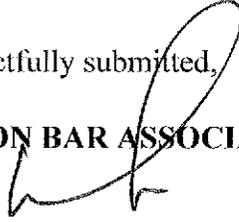
As shown in Exhibit B, attached herein, Respondent has failed to comply with the Decision of the Court in his failure to comply with the conditions of Respondent's OLAP contract and to keep the Clerk of this Court, the Akron Bar Association, and the Disciplinary Counsel advised of any change of address.

FILED
OCT 13 2009
CLERK OF COURT
SUPREME COURT OF OHIO

Wherefore, as Respondent has failed to comply with the Decision of this Court, Realtor respectfully requests this Court to issue an Order that Respondent show cause why he should not be found in contempt for failure to comply with the Court's order of February 5, 2009.

Respectfully submitted,

AKRON BAR ASSOCIATION, REALTOR



William G. Chris (#0006593)
Bar Counsel
57 South Broadway
Akron, Ohio 44308
Telephone No. (330) 253-5007
Facsimile No. (330) 253-2140
E-mail address: wchris@rlblp.com

Attorney for Realtor

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AUG 03 2009

Akron Bar Association

FILED

JUL 28 2009

CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

Case No. 2008-0723

Akron Bar Association,
Relator,
v.
Harry J. Wittbrod,
Respondent.

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

ORDER

The Board of Commissioners on Grievances and Discipline filed its final report in this court on February 24, 2009, recommending that pursuant to Rule V(6)(B)(3) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Harry J. Wittbrod, be suspended from the practice of law for a period of six months, with the entire six months stayed on conditions. Respondent filed no objections to said final report, and this cause was considered by the court. On consideration thereof,

It is ordered and adjudged by this court that pursuant to Gov.Bar R. V(6)(B)(3) and consistent with the opinion rendered herein, respondent, Harry J. Wittbrod, Attorney Registration Number 0066021, last known business address in Cuyahoga Falls, Ohio, be suspended from the practice of law for a period of six months, stayed on the following conditions: (1) respondent comply with the conditions of his Ohio Lawyers Assistance Program ("OLAP") contract, including any recommendations for medical treatment made by OLAP; (2) respondent attend one or more Continuing Legal Education courses on law office management; and, (3) respondent serve a one-year monitored probation pursuant to Gov.Bar R. V(9). It is further ordered that if respondent fails to comply with the terms of the stay or probation, the stay will be lifted, and respondent will serve the entire six-month suspension.

It is further ordered that on or before thirty days from the date of this order, relator shall file the name of an attorney who will monitor respondent during the probation. It is further ordered that at the end of the probationary period, relator file a report with this court indicating whether respondent has complied with the terms of probation including monitoring.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$1,319.66, which costs shall be payable to this court by certified check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order and the matter may be referred to the Attorney General for collection. It is further ordered that if costs are not paid in full on or before 90 days from the date of this order, respondent may be held in contempt and suspended until costs and all accrued interest, are paid in full.

EXHIBIT A

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

It is further ordered that at the end of the probationary period respondent may apply for termination of probation. It is further ordered that respondent's probation will not be terminated until (1) respondent files an application for termination of probation in accordance with Gov.Bar R. V(9)(D); (2) relator files a report with the clerk of the Supreme Court indicating that respondent has complied with the terms and conditions of probation during the probationary period; (3) respondent complies with this order and all other orders issued by this Court; (4) respondent complies with the Rules for the Government of the Bar of Ohio; and (5) this court issues an order terminating respondent's probation.

It is further ordered that respondent shall keep the Clerk, the Akron Bar Association, and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

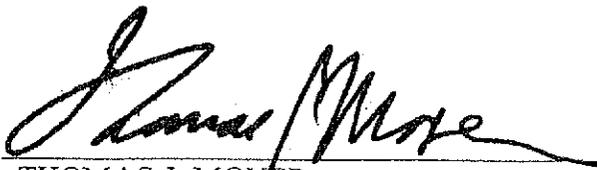
It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed July 28, 09 in Supreme Court case number 08-723

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 28th day of July, 2009

by Tom Ince CLERK OF COURT Deputy


THOMAS J. MOYER
Chief Justice

IN THE SUPREME COURT OF OHIO

AKRON BAR ASSOCIATION,)	
57 S. Broadway St.)	
Akron, OH 44308)	
Realtor,)	CASE NO. 2008-0723
)	
v.)	
)	
HARRY J. WITTBROD,)	EXHIBIT B
2213 18th St.)	
Cuyahoga Falls, OH 44223)	
)	
Respondent.)	

AFFIDAVIT OF JACQUELINE M. FORCINA

The undersigned, having been having been first duly sworn and cautioned in accordance with law, states the following:

1. That my name is Jacqueline M. Forcina, and I am the Grievance Director for the Akron Bar Association.
2. That as the Grievance Director, I am custodian of records of the Certified Grievance Committee of the Akron Bar Association.
3. The following documents, true and accurate copies of which are attached as, are in the records of the Akron Bar Association pertaining to the grievances against Harry J. Wittbrod:

February 23, 2009 letter from Paul A. Caimi of the Ohio Lawyers Assistance Program (OLAP) advising the Akron Bar Association that Harry J. Wittbrod is not in compliance with the contract he entered into with OLAP on October 29, 2008, attached as Exhibit B-1;

August 4, 2009 e-mail from Paul A. Caimi of the Ohio Lawyers Assistance Program (OLAP) advising the Akron Bar Association that Harry J. Wittbrod is not under contract with OLAP attached as Exhibit B-2.

4. These records have been kept in the course of the regularly conducted business activity of the Certified Grievance Committee of the Akron Bar Association. It is the regular practice of the Certified Grievance Committee of the Akron Bar Association to make and keep such documents in the manner in which they appear in the records.
5. That I am familiar with the Decision of the Ohio Supreme Court entered on July 28, 2009, in the case of the Akron Bar Association v. Harry J. Wittbrod, Case No. 08-0723, which required Harry J. Wittbrod to comply with the conditions of his Ohio Lawyers Assistance Program ("OLAP") contract, including any medical recommendations for medical treatment made by OLAP and to keep the Clerk of this Court, the Akron Bar Association, and the Disciplinary Counsel advised of any change of address where he may receive communications.
6. That Harry J. Wittbrod has failed to comply with the July 28, 2009 Decision of the Court by failing to perform any of the aforementioned actions listed in Number 5.

FURTHER AFFIANT SAITH NAUGHT.

Jacqueline M. Forcina
 Jacqueline M. Forcina

STATE OF OHIO)
)
 COUNTY OF SUMMIT)

SUBSCRIBED AND SWORN TO BEFORE ME in my presence on this 7th day of

October, 2009.

Linda M. Foster
 Notary Public

My Commission Expires: April 9, 2011



Linda M. Foster
 Resident Summit County
 Notary Public, State of Ohio
 My Commission Expires:

Ohio Lawyers Assistance Program, Inc.

46 Chagrin Plaza, # 106, Cleveland, Ohio 44022 * 1-800-618-8606 * Local: 440-338-4463 * www.ohiolap.org * Fax 440-338-1151

Columbus Office:
SCOTT R. MOTE, JD
EXECUTIVE DIRECTOR
800-348-4343

Cincinnati Office:
PATRICK J. GARRY, J.D.
ASSOCIATE DIRECTOR
513-623-9853

Cleveland Office:
PAUL A. CAIMI, J.D., LCDC-III, ICADC
ASSOCIATE DIRECTOR
800-618-8606

STEPHANIE KRZMARICH, MSW, LISW, CCDC-I
CLINICAL DIRECTOR (800-348-4343)

MEGAN R. ROBERTSON, MSW, LSW
CLINICAL ASSOCIATE (800-348-4343)

February 23, 2009

PERSONAL AND CONFIDENTIAL

Kathryn Belfance, Esq.
Akron Bar Association Grievance Committee
1 Cascade Plaza, Ste. 2100
Akron, OH 44308

Re: Harry Wittbrod

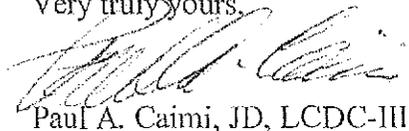
Dear Ms. Belfance:

Pursuant to your request, this letter will confirm that Harry Wittbrod is not in compliance with the contract he entered into with the Ohio Lawyers Assistance Program, Inc. ("OLAP") on October 29, 2008. I am faxing you this information pursuant to the written and executed Authorization Mr. Wittbrod provided to me and OLAP to disclose information to you.

Should you have any further questions, you may direct them to Mr. Wittbrod.

Thank you for your attention to this matter.

Very truly yours,



Paul A. Caimi, JD, LCDC-III

cc. Harry Wittbrod

This information has been disclosed to you from records whose confidentiality may be protected from disclosure by ORC SECTION 5122.31, which prohibits making any further disclosures of information without the specific and informed release of the patient, his or her authorized representative, or as otherwise permitted by law. A general authorization for release of information is NOT sufficient for this purpose.

EXHIBIT B-1

Jackie Forcina

From: Paul Caimi [pcaimi@windstream.net]
Sent: Tuesday, August 04, 2009 2:55 PM
To: jackief@akronbar.org
Cc: Scott R. Mote
Subject: Harry Wittbrod, Esq.

Dear Ms. Forcina,

In response to your email of August 3, 2009 inquiring as to the status of Harry Wittbrod, Esq., please be advised that Mr. Wittbrod is not under contract with the Ohio Lawyers Assistance Program, Inc.

Should you have any further questions, please contact Mr. Wittbrod directly.

If you need a letter confirming this e-mail, please e-mail me.

Thanks for all you do.

Very truly yours,

Paul A. Caimi

Paul A. Caimi, JD, LCDC-III, ICADC
Attorney at Law, Alcohol and Drug Counselor
Associate Director
Ohio Lawyers Assistance Program, Inc.
46 Chagrin Plaza, #106
Cleveland, Ohio 44022
800-618-8606
local: 440-338-4463
fax: 440-338-1151

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by HIPPA legislation (45 CFR Parts 160 & 164) and/or by Ohio RC Sec. 5122.31, which prohibit making any further disclosures of the information without the specific and informed release of the patient/client, his or her authorized representative, or as otherwise permitted by law. A general authorization for release of information is NOT sufficient for this purpose. If you are not the intended recipient or the person responsible for delivering this email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please notify the sender by replying to this email and then delete the email from your computer.

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.392 / Virus Database: 270.13.43/2280 - Release Date: 08/04/09 05:57:00



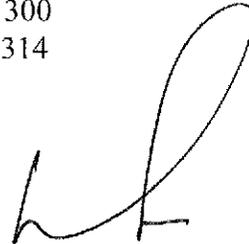
EXHIBIT B-2

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the forgoing Complaint and Certificate was sent by Regular U.S. Mail, postage prepaid, the 9th day of October, 2009 to:

Attorney Harry J. Wittbrod
2213 18th St.
Cuyahoga Falls, OH 44223

Attorney Matthew W. Oby
Counsel for Respondent
Oldham Kramer
195 S. Main St., Ste. 300
Akron, OH 44308-1314



William G. Chris (#0006593)
Bar Counsel
57 South Broadway
Akron, Ohio 44308
Telephone No. (330) 253-5007
Facsimile No. (330) 253-2140
E-mail address: wchris@rlbllp.com

Attorney for Realtor