

ORIGINAL

IN THE SUPREME COURT OF OHIO

OHIO STATE BAR ASSOCIATION :
:
Relator :
:
v. :
:
JOHN ALLEN, et al. :
:
Respondents :
:
:

Case No. 2004-2150

**MOTION TO SHOW
CAUSE AND FOR
CONTEMPT OF
RESPONDENT
JOHN ALLEN**

**RELATOR'S MOTION TO SHOW CAUSE AND FOR CONTEMPT OF
RESPONDENT JOHN ALLEN**

JEFFREY J. FANGER (0058439)
Fanger & Associates, LLC
600 Superior Ave. E. Suite 1300
Cleveland, OH 44114
(216) 382-0025
(216) 382-0035 Facsimile
jfanger@fangerlaw.com

EUGENE P. WHETZEL (0013216)
General Counsel
Ohio State Bar Association 1700 Lake Shore Drive
Columbus, OH 43204
(614) 487-2050
(614) 487-1008 Facsimile

Counsel for Relator,
Ohio State Bar Association

JOHN ALLEN
c/o Allen & Associates
PO Box 2911
Zanesville, OH 43702

Respondent, Pro Se

FILED
MAY 12 2010
CLERK OF COURT
SUPREME COURT OF OHIO

Now comes Relator, the Ohio State Bar Association, by and through undersigned counsel and hereby moves this Honorable Court for an Order compelling the Defendant John Allen to appear before this Honorable Court and show cause as to why he should not be held in contempt of court for violations of this Honorable Court's Order of December 7, 2005 in *Ohio State Bar Assn. v. Allen*, 107 Ohio St.3d 180, 2005-Ohio-6185.

Relator, the Ohio State Bar Association, and undersigned counsel for Relator, prosecuted the underlying action against the Respondent John Allen.

On December 7, 2005, this Court adopted the recommendation of the Board on the Unauthorized Practice of Law and determined that: (i) "Respondent's (John Allen) unlicensed preparation of legal documents on behalf of others and counseling as to their legal rights constitute the unauthorized practice of law.... Respondent is hereby enjoined from preparing legal documents, providing legal counsel, and engaging in all other acts constituting the unauthorized practice of law." (ii) The Court further adopted the Board's recommendation to impose a civil penalty stating "Respondent flouted our constitutional authority ... to regulate the practice of law and protect the public from interlopers not subject to the ethical constraints and educational requirements of this profession. Though given ample opportunity, respondent refused to cooperate in this process, flagrantly practices law without a license, and causes unsuspecting and vulnerable customers harm by taking their money in exchange for providing inferior services with potentially disastrous ramifications.... Respondent is therefore ordered to pay the civil penalty of \$40,000." *Ohio State Bar Assn. v. Allen*, 107 Ohio St.3d 180, 2005-Ohio-6185.

Pursuant to the Court's records of which Relator requests this Honorable Court to take Judicial Notice of, Respondent has failed to pay any portion of the civil penalty imposed or to make any good faith attempt to make payment toward the civil penalty imposed and therefore should appear and show cause as to why he should not be held in Contempt of this Court's Order. This Honorable Court has previously found Respondent in Contempt for his failure to pay the outstanding fees owed and issued an order *sua sponte* on September 21, 2006 and has certified the case to the Ohio Attorney General for collection on or about August 9, 2007. The amount outstanding continues to be due and owing and unpaid and as of June 2009 was \$52,169.

Furthermore, it has come to Relator's attention that on or about February 10, 2009, Respondent John Allen, in violation of this Court's injunction, engaged in activity that constitutes the alleged unauthorized practice of law. The letter identifying his actions has been attached hereto and marked as exhibit A. The letter cites legal authority, advocates on behalf of a third party the Oregon Sailors Foundation and Sandra Vonderembse and sets forth legal conclusions stating "It will be illegal for you to give the Foundation's money to the IRS..." (See Exhibit A)

The letter also sets forth that Mr. Allen is "counsel of choice for and Incorporator of the Oregon Sailors Foundation." (Emphasis added, Exhibit A) Additionally, under Mr. Allen's signature it indicates "C/o Allen & Associates". Additionally Mr. Allen references phone conversations that he engaged in with respect to this matter. Counsel for National Bank of Oak Harbor, contacted Mr. Allen via telephone on Tuesday, February 17, 2009 and asked if he was a licensed attorney in Ohio. Mr. Allen apparently responded that he was not when directly asked by counsel. (See Exhibit B attached.)

The Respondent has been previously enjoined by this Honorable Court and has as set forth in this Court's 2005 Order previously "flouted" the Court's authority and "flagrantly" engaged in the unauthorized practice of law (see *Ohio State Bar Assn. v. Allen*). Relator believes based upon the evidence obtained that Mr. Allen is once again engaging in the unauthorized practice of law on behalf of a corporation and said activities are a violation of this Court's prior injunction.

Mr. Allen's letter is designed to impress upon an individual that he is legal counsel for the Oregon Sailors Foundation and Mr. Allen clearly sets forth his interpretation of what is legal and cites case authority in his letter in support of his legal arguments and conclusions. Said activities constitute flagrant violations of this Court's injunction.

Relator now commences a Motion for Contempt of Court against Respondent for violation of the injunction prohibiting him from preparing legal documents, providing legal counsel, and engaging in all other acts constituting the unauthorized practice of law. *Ohio State Bar Assn. v. Allen*, 107 Ohio St.3d 180, 2005-Ohio-6185 (December 7, 2005).

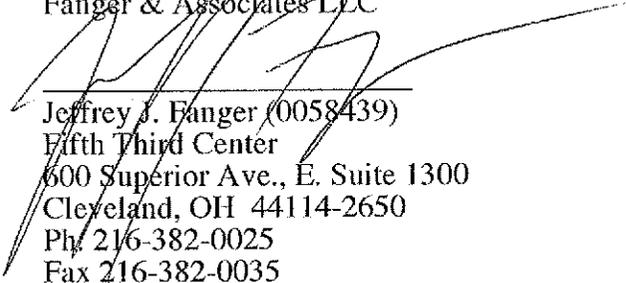
In support of its Motion, Relator has appended the following documents: the February 10, 2009 Letter from Relator John Allen, attached hereto as Exhibit A and incorporated by reference; the letter of Alan R. McKean, Esq. of February 18, 2009, attached hereto as Exhibit B and incorporated by reference; the Affidavit of Jeffrey J. Fanger, attached hereto as Exhibit C and incorporated by reference; a copy of this Court's decision in *Ohio State Bar Assn. v. Allen*, 107 Ohio St.3d 180, 2005-Ohio-6185 (December 7, 2005), attached hereto as Exhibit D and incorporated by reference; Mr. Allen's refusal to respond to the letter of the Ohio State Bar Association's letter of April

27, 2009, attached hereto as Exhibit E and incorporated by reference. And Mr. Allen's response of December 8, 2009 to the Relator's requests for information attached hereto as Exhibit F and incorporated by reference.

By engaging in the Unauthorized Practice of Law in violation of a direct court order, Respondent demonstrates his indifference for the needs of those he has unlawfully served in legal matters, displays a disdain for the integrity of the legal process, and exhibits wholesale disregard for the Court system of the State of Ohio. Relator argues that Respondent has, deliberately and without good cause, failed to comply with the prior Order issued upon him and moves the Court for an Order upon Respondent to appear and show cause why he should not be held in contempt of court.

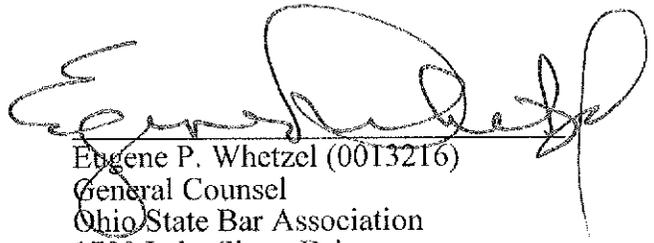
WHEREFORE, Relator Moves this Honorable Court for an Order compelling Mr. Allen to appear before the Court and show cause as to why he should not be held in Contempt for his failure to pay this Court's order of civil damages and for his actions in contravention of this Court's December 7, 2005 Order and for Relator prays for all allowable fees and costs and that an appropriate citation is issued against John Allen, and for such other and further relief as is necessary and proper.

Respectfully Submitted,
Fanger & Associates LLC



Jeffrey J. Fanger (0058439)
Fifth Third Center
600 Superior Ave., E. Suite 1300
Cleveland, OH 44114-2650
Ph 216-382-0025
Fax 216-382-0035
jfanger@fangerlaw.com

Attorney for Relator,
The Ohio State Bar Association



Eugene P. Whetzel (0013216)
General Counsel
Ohio State Bar Association
1700 Lake Shore Drive
Columbus, OH 43204
(614) 487-2050
(614) 487-1008 Facsimile

Counsel for Relator,
Ohio State Bar Association

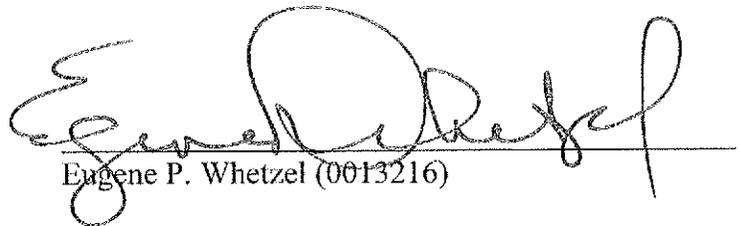
Certificate of Service

I hereby certify that a copy of the foregoing Motion was served upon the following by regular and certified U.S. Mail on this 12th day of May 2010:

John Allen
PO Box 291
Zanesville, OH 43702

and

Michele A. Hall, Esq.
Secretary, Board on the Unauthorized Practice of Law
The Supreme Court of Ohio
65 South Front Street, 5th Floor
Columbus, Ohio 43215-3431



Eugene P. Whetzel (0013216)

APPENDIX

- Exhibit A February 10, 2009 Letter from Relator John Allen
- Exhibit B February 18, 2009 Letter from Alan R. McKean, Esq.
- Exhibit C Affidavit of Jeffrey J. Fanger Counsel for Relator
- Exhibit D *Ohio State Bar Assn. v. Allen*, 107 Ohio St.3d 180, 2005-Ohio-6185 (December 7, 2005)
- Exhibit E Respondent's undated reply to April 27, 2009 Letter of Ohio State Bar Association
- Exhibit F Respondent's Letter to Ohio State Bar Association of December 8, 2009.



Cathy King, Office Manager
National Bank of Oak Harbor
4157 Navarre Ave.
Oregon, Ohio 43616

February 10, 2009

In Re: Oregon Sailors Foundation
Sandra S. Vonderembse, Overseer/Administrator

Dear Ms. King:

As counsel of choice for and Incorporator of the Oregon Sailors Foundation, I am writing this letter to advise you of the ramifications should you take the Foundation's money to satisfy an alleged levy against Dr. Sandra S. Vonderembse.

The money you are holding for the IRS belongs to the Foundation, not Dr. Vonderembse.

It will be illegal for you to give the Foundation's money to the IRS for an alleged debt of Dr. Vonderembse's. See, *Williams v. Boulder Dam Credit Union*, (May, 1998); and *County of San Luis Obispo v. Ashurst*, (1983) 2d Dist.) 146 CA 3d. 380, 194 Cal Rptr. 5.

I strongly urge your legal department to review the above cases and restore the Foundation's account.

I also urge you to contact the IRS to inquire if they will pay for your representation should the Foundation file suit to recover all money, plus treble damages, which you send to the IRS.

If you have already restored the Foundation's account pursuant to our previous telephone conversations, please just keep this letter on file.

Please govern yourself accordingly.

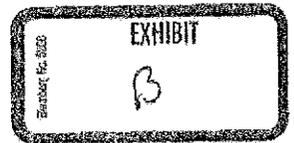
Respectfully,

John Allen
C/o Allen & Associates
PO Box 2911
Zanesville, Ohio 43702

Co: Steve Mariscal, Collection Manager
National Bank of Oak Harbor
147 W. Water Street
Oak Harbor, Ohio 43449-0110

Dr. Sandra S. Vonderembse, Overseer/Administrator
Oregon Sailors Foundation

File



McKEAN and McKEAN

ALAN R. McKEAN
PAMELA A. McKEAN

OF COUNSEL:
MARTIN D. CARRIGAN

ATTORNEYS AT LAW
132 W. WATER STREET
OAK HARBOR, OHIO 43449
www.mckeanandmckean.com

TELEPHONE
(419) 898-3095
FAX
(419) 898-1352

February 18, 2009

Board on the Unauthorized Practice of Law
Supreme Court of Ohio
65 South Front Street, 5th Floor
Columbus, Ohio 43215-3431

Re: John Allen

To Whom It May Concern:

I represent The National Bank of Oak Harbor as its outside counsel. I was admitted to practice law in Ohio in November of 1985. My attorney number is 0031012.

The Bank received the enclosed letter dated February 10, 2009, signed by a John Allen who states in the letter, "As counsel of choice for and Incorporator for the Oregon Sailors Foundation . . ." On Tuesday, February 17, 2009, I spoke with him at phone number: 740-588-0238 and I asked if he was a licensed attorney in Ohio. He responded "no." Accordingly, I bring this matter to your attention.

If you have any questions, please do not hesitate to contact me at your convenience.

Very truly yours,

Alan R. McKean

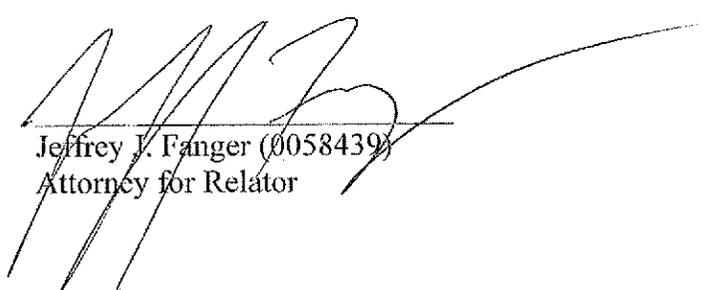
MDC:ch

Enclosure

Respondent had engaged in the unauthorized practice of law in Ohio.

7. Affiant says that based upon the evidence attached hereto and marked as Exhibit A and B, Respondent is continuing to engage in the Unauthorized Practice of Law in contravention of this Court's Order as set forth in *Ohio State Bar Assn. v. Allen*, 107 Ohio St.3d 180, 2005-Ohio-6185 (December 7, 2005) and that said actions constitute good grounds for Respondent to be found in contempt of the prior Order of this Court, namely the injunction upon him from engaging in any act constituting the unauthorized practice of law.
8. Affiant finally says that John Allen, by engaging in the Unauthorized Practice of Law in violation of a direct court order, demonstrates his indifference for the needs of those he has unlawfully served in legal matters, displays a disdain for the integrity of the legal process, and exhibits wholesale disregard for the Court system of the State of Ohio.
9. Affiant respectfully requests this Honorable Court grant Relator's motion.

FURTHER AFFIANT SAYETH NAUGHT.


Jeffrey J. Fanger (0058439)
Attorney for Relator

STATE OF: OHIO
COUNTY OF: CUYAHOGA

Before me, the undersigned, a Notary Public in and for said State and County, personally appeared the above named Jeffrey J. Fanger, and acknowledged the signing thereof, and that such signing was freely and voluntarily performed under oath, for the use and purposes therein mentioned.

IN TESTIMONY WHEREOF, I hereunto signed my name and affixed my official seal, this 4th day of May 2010.


Notary Public

BARBARA LEE MILLER, Attorney At Law
Notary Public - State of Ohio
My commission has no expiration date.
Section 147.03RC



Eugene P. Whetzel (0013216)
General Counsel
Ohio State Bar Association
1700 Lake Shore Drive
Columbus, OH 43204
(614) 487-2050
(614) 487-1008 Facsimile

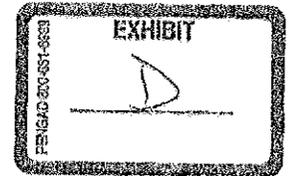
Attorney for Relator,
The Ohio State Bar Association

Certificate of Service

I hereby certify that a copy of the foregoing Motion was served upon the following by regular and certified U.S. Mail on this _____ day of May 2010:

John Allen
PO Box 291
Zanesville, OH 43702

Eugene P. Whetzel (0013216)
Attorney for Relator



107 Ohio St.3d 180
Ohio State Bar Assn. v. Allen

OHIO STATE BAR ASSOCIATION v. ALLEN.

[Cite as Ohio State Bar Assn. v. Allen, 107 Ohio St.3d 180, 2005-Ohio-6185]

2005-Ohio-6185

Unauthorized practice of law - Preparing legal documents for others and giving legal advice without license to practice law - Practice enjoined - Civil penalty imposed.

(No. 2004-2150 - Submitted July 26, 2005 - Decided December 7, 2005.)

ON FINAL REPORT by the Board on the Unauthorized Practice of Law of the Supreme Court, No. UPL 03-04.

Per Curiam

{¶ 1} On March 29, 2004, relator, Ohio State Bar Association, charged in a second amended complaint that respondent, John Dale Allen, last known address in Pleasantville, Ohio, had individually and while doing business as Freedom Trust engaged in the unauthorized practice of law by counseling clients and preparing legal pleadings for filing in Ohio courts. Respondent answered the complaint, admitting that he has never been an attorney admitted to the practice of law or been granted active status or certified to practice law in the state of Ohio pursuant to the Supreme Court Rules for the Government of the Bar. He denied all other allegations. Respondent also counterclaimed, asserting mainly that the relator had no authority to file charges against him and that the Board on the Unauthorized Practice of Law lacked jurisdiction to consider relator's complaint.

{¶ 2} Five members of the board heard the cause on October 21, 2004. After refusing to answer relator's interrogatories and failing to appear in response to more than three subpoenas commanding him to appear for his deposition, respondent also did not attend the hearing. Upon consideration of the pleadings and evidence, the board dismissed respondent's counterclaims and made findings of fact, conclusions of law, and a recommendation.

{¶ 3} Denise Flagg, who had lived with respondent in 2002 and 2003, testified as to how he earned money during those years. According to Flagg, fees from preparing legal pleadings and giving legal advice about the documents he provided were respondent's only source of income. Flagg also quoted respondent as having said, "[T]here is no such thing as a license to practice law in the State of Ohio," apparently to explain why he did not think he needed a license to practice law.

171

{¶ 4} Flagg testified that respondent would sometimes tell her that he was going to prepare legal documents for some customers and would then give the papers to them in front of her. She also heard respondent advise his customers on occasion about pleadings that he had prepared and the ensuing court proceedings. In fact, after respondent moved out of her home, Flagg said that customers continued to call asking for respondent's legal assistance.

{¶ 5} Flagg identified three divorce complaints, some with accompanying documents, that respondent had prepared for customers in domestic-relations cases. In at least one of these cases, respondent had been paid a fee. Flagg also testified that respondent prepared at least one trust document for a customer.

{¶ 6} Based upon the evidence presented, the board concluded that respondent's actions constituted the unauthorized practice of law. The board recommended that we issue an order enjoining respondent from engaging in the unauthorized practice of law. Relator advocated the imposition of a \$10,000 civil penalty pursuant to Gov.Bar R. VII(8)(B). The board, however, recommended a \$40,000 penalty - \$10,000 for each of the four proven cases of practicing law without a license - because of respondent's repeated transgressions and his demonstrated disrespect for relator and the board.

{¶ 7} Section 2(B)(1)(g), Article IV of the Ohio Constitution confers on this court original jurisdiction over the practice of law and all matters related to the practice of law. "The unauthorized practice of law is the rendering of legal services for another by any person not admitted to practice in Ohio * * *." Gov.Bar R. VII(2)(A). With limited exceptions not at issue here, "the practice of law is not limited to appearances in court, but also includes giving legal advice and counsel and the preparation of legal instruments and contracts by which legal rights are preserved." *Cleveland Bar Assn. v. Misch* (1998), 82 Ohio St.3d 256, 259, 695 N.E.2d 244; see, also, *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 28, 1 O.O. 313, 193 N.E. 650.

{¶ 8} Respondent's unlicensed preparation of legal documents on behalf of others and counseling as to their legal rights constitute the unauthorized practice of law. We therefore adopt the board's findings of fact, conclusions of law, and recommendation. Respondent is hereby enjoined from preparing legal documents, providing legal counsel, and engaging in all other acts constituting the unauthorized practice of law.

{¶ 9} We also adopt the recommendation to impose an additional civil penalty. Respondent flouted our constitutional authority, delegated in part to relator and the board, to regulate the practice of law and protect the public from interlopers not subject to the ethical constraints and educational requirements of this profession. Though given ample opportunity, respondent refused to cooperate in this process, flagrantly practiced law without a license, and caused unsuspecting

182

and vulnerable customers harm by taking their money in exchange for providing inferior services with potentially disastrous ramifications. Gov.Bar R. VII(8)(B)(1) through (5). Pursuant to Gov.Bar R. VII(19)(D)(1), respondent is therefore ordered to pay the civil penalty of \$40,000. Judgment accordingly.

MOYER, C.J., RESNICK, PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL and LANZINGER, JJ., concur.

Eugene P. Whetzel, Bar Counsel, Fanger Law Offices, and Jeffrey J. Fanger, for relator.

OH

Ohio St.3d



APR 30 2009

April 27, 2009

Mr. John Allen
PO Box 291
Zanesville, OH 43702

Dear Mr. Allen:

Enclosed is a copy of my March 4, 2009, letter to you. Please respond on or before May 13, 2009.

Sincerely,

Eugene P. Wheelzet
General Counsel

EPW/pkh

Enclosures

cc: Chair, Unauthorized Practice of Law Committee (w/encl.)

Used for Cause: Foreign Immunity Act (as amended) and Amendment XI to the Constitution of the United States





OHIO STATE BAR ASSOCIATION
EST. 1910

March 4, 2009

Mr. John Allen
Allen & Associates
Zanesville, OH 43702

Dear Mr. Allen:

This office is counsel to the Unauthorized Practice of Law Committee of the Ohio State Bar Association. In such capacity, we recently received certain materials which potentially indicate that you and Allen & Associates may be engaged in the unauthorized practice of law in Ohio. At this point, these are merely claims and, obviously, no determination has been made as to their factual accuracy. Nonetheless, we have determined that a file should be opened in this matter and an investigation initiated. As part of that investigation, we are enclosing for your review copies of the materials which were provided to us and we are requesting your response concerning them.

Please provide me with your written response on or before March 18, 2009.

Sincerely,

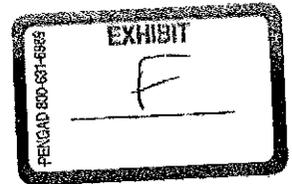
Eugene P. Wheeler
General Counsel

EPW/th

Enclosures

cc: Chair, Unauthorized Practice of Law Committee

Handwritten: Led under for cause; Foreign Lawyer (as USC 1600) and the United States; Unauthorized Practice of Law; The Ohio State Bar Association



Ohio State Bar Association
P.O. Box 16562
Columbus, Ohio 43216-6562

December 8, 2009

Attention: Eugene P. Whetzel
General Counsel

Dear Mr. Whetzel:

I am in receipt of your letter of March 4, 2009 (copy attached).

I apologize for not responding before now, but I am an extremely busy man and your letter was not a priority business or personal matter.

As you may or may not know, I have studied the law as an educational supplement for over 26 years and my knowledge is equal to or greater than a *Juris Doctor*.

You state in your letter that "we recently received certain materials which potentially indicate that you and Allen & Associates may be engaged in the unauthorized practice of law in Ohio."

I demand to know WHO sent you these "materials" and WHO has made any type of claim against me.

I have done some extensive research regarding your letter and I'm attaching the results of that research as Exhibits to this letter.

Exhibit A is a brief overview concerning the "practice of law" in Ohio. I checked with the Secretary of State's Office and they told me that there was no Certificate of Oath of Office for Eugene P. Whetzel on file with the Secretary. Can you explain that? If you have a license to practice law, please provide me with a true and correct copy of it.

Exhibit B is information from the Office of Disciplinary Counsel's website. Interestingly, it allows for grievances against ONLY lawyers and judges.

Exhibit C is the flow chart of the disciplinary process. Once again, it allows for grievances against ONLY a judge or attorney.

I have also checked Title 47 of the Ohio Revised Code which is entitled "Occupations -- Professions" and there is nothing in that Title that pertains to private people contracting with one another regarding one's private affairs.

I cannot for the life of me figure out why you wrote your March 4, 2009 letter to me. Your letter is nothing but harassment for something that is none of your business and it is an invasion of my privacy as well as others.

In conclusion, if you and your "associates" do not cease and desist your illegal activities against me, I shall file for damages and injunctive relief in a court of competent jurisdiction.

You have ten (10) days to comply.

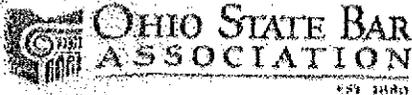
Sincerely,



John Allen
P.O. Box 2911
Zanesville, Ohio 43702

Attachments

Cc: Secretary of State
Dept. of Commerce
Disciplinary Council
File



March 4, 2009

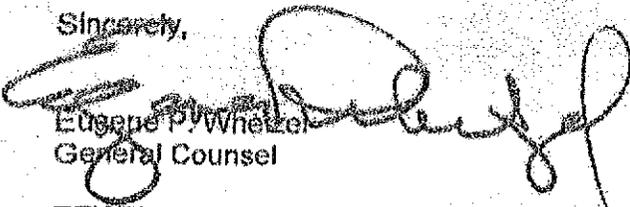
Mr. John Allen
Allen & Associates
Zanesville, OH 43702

Dear Mr. Allen:

This office is counsel to the Unauthorized Practice of Law Committee of the Ohio State Bar Association. In such capacity, we recently received certain materials which potentially indicate that you and Allen & Associates may be engaged in the unauthorized practice of law in Ohio. At this point, these are merely claims and, obviously, no determination has been made as to their factual accuracy. Nonetheless, we have determined that a file should be opened in this matter and an investigation initiated. As part of that investigation, we are enclosing for your review copies of the materials which were provided to us and we are requesting your response concerning them.

Please provide me with your written response on or before March 18, 2009.

Sincerely,



Eugene P. Wneize
General Counsel

EPW/th

Enclosures

cc: Chair, Unauthorized Practice of Law Committee

Practice of law cannot be licensed by any state/State. It is an occupation of common right.

STATE OF OHIO

Attorney Oath of Office and the Bar Association

Every attorney must be admitted to practice by order of the Ohio Supreme Court and file an Oath of Office with the Secretary of State stating that upon admission shall take an oath to support the Constitution of the United States and the Constitution of the State of Ohio and to faithfully discharge the duties of an Attorney at Law to the best of one's knowledge and ability.

A certificate of the oath shall be endorsed upon licensure. There are no attorneys licensed in Ohio. All the attorneys that were asked could not produce a certificate to verify License. At best, an attorney can only produce a Bar membership card that is privately issued by the Bar Association and possibly a letter of acknowledgement from the State Supreme Court.

The Ohio State Bar Association was listed with the Ohio Secretary of State as a Registered Trade Name on October 23, 1984 (Registration Number RN80167). The expiration date is October 23, 2014.

The Ohio State Bar Foundation is a nonprofit corporation. (Corp number 222866). The Foundation was incorporated on April 23, 1951 with an "active" status which expires August 25, 2013.

The UNITED STATES SUPREME COURT stated a long time ago that "The practice of Law CAN NOT be licensed by any state/State." This was so stated in a case named *Schwartz v. Board of Examiners*, 353 U.S. 238, 239 United States Reports. Another case which bore this out was *Sims v. Aherns*, 271 S.W. 720 (1925).

In this case the opinion of the court was that "The practice of Law is an occupation of common right." A state supreme court may only issue a CERTIFICATE, not a license. A CERTIFICATE gives no power to anyone to practice Law as an OCCUPATION, nor to do BUSINESS as a LAW FIRM.

A state bar association, if one exists, is a "PROFESSIONAL ASSOCIATION." The "STATE BAR" card is NOT a LICENSE. The card is a "UNION DUES CARD" like the Actors Union, Painters Union, Electricians union etc. There is no association, not even DOCTORS, who issue licenses. All licenses are issued by the state or local municipal corporations.

Also, see Corpus Juris Secundum (CJS), Volume 7, Section 4, Attorney & client:

The attorney's first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. Clients are also called "wards" of the court in regard to their relationship with their attorneys. After you have read the foregoing, ask your attorney to see a copy of "regarding Lawyer Discipline & other rules." Also Canons 1 through 9.

Exhibit A

Office of Disciplinary Counsel

Note: Some links on this page open in a new browser window .

CONTACT INFORMATION

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

Business Hours: 8 a.m. - 5
p.m.
Phone: 614.461.0256
Toll Free: 800.589.5256
Fax: 614.461.7205

Disciplinary Counsel:
Jonathan E. Coughlan

Grievances Against Lawyers and Judges
Frequently Asked Questions
Filing a Grievance

Exhibit
B

Gov.Bar Rule V (Disciplinary Procedure)

Disciplinary Process Flowchart

Rules and Regulations Governing Procedure on Complaints and Hearings

Ethics and Conduct Rules for Ohio Judges and Attorneys

- **Rules of Professional Conduct (Effective Feb. 1, 2007)**
- **Code of Professional Responsibility (Superseded Feb. 1, 2007)**
- **Rules for the Government of the Bar of Ohio**
- **Code of Judicial Conduct**
- **Rules for the Government of the Judiciary of Ohio**
- **Judicial Candidate Information**

Clients' Security Fund

Ohio Ethics Commission

Ohio Lawyers Assistance Program

Provides assistance to Ohio attorneys with alcoholism, substance abuse, addictive behavior problems.

Board on the Unauthorized Practice of Law

 PDF files may be viewed, printed, and searched using the free Acrobat® Reader
Acrobat Reader is a trademark of Adobe Systems Incorporated.

DISCIPLINARY PROCESS

Grievances can be made about a judge or attorney to the Disciplinary Counsel or a certified grievance committee of a local bar association. If either of those bodies finds that the grievance has probable cause, a formal complaint is drafted. It then moves to a probable cause panel of the Board of Commissioners on Grievances & Discipline, which determines if there is probable cause. If the panel determines that there is probable cause, the formal complaint becomes public and is filed with the Board of Commissioners on Grievances & Discipline. Hearings are then conducted by the board and if it finds a violation, a recommendation is made to the Supreme Court of Ohio. The Supreme Court of Ohio makes the final decision as to findings of misconduct and issues an appropriate sanction.

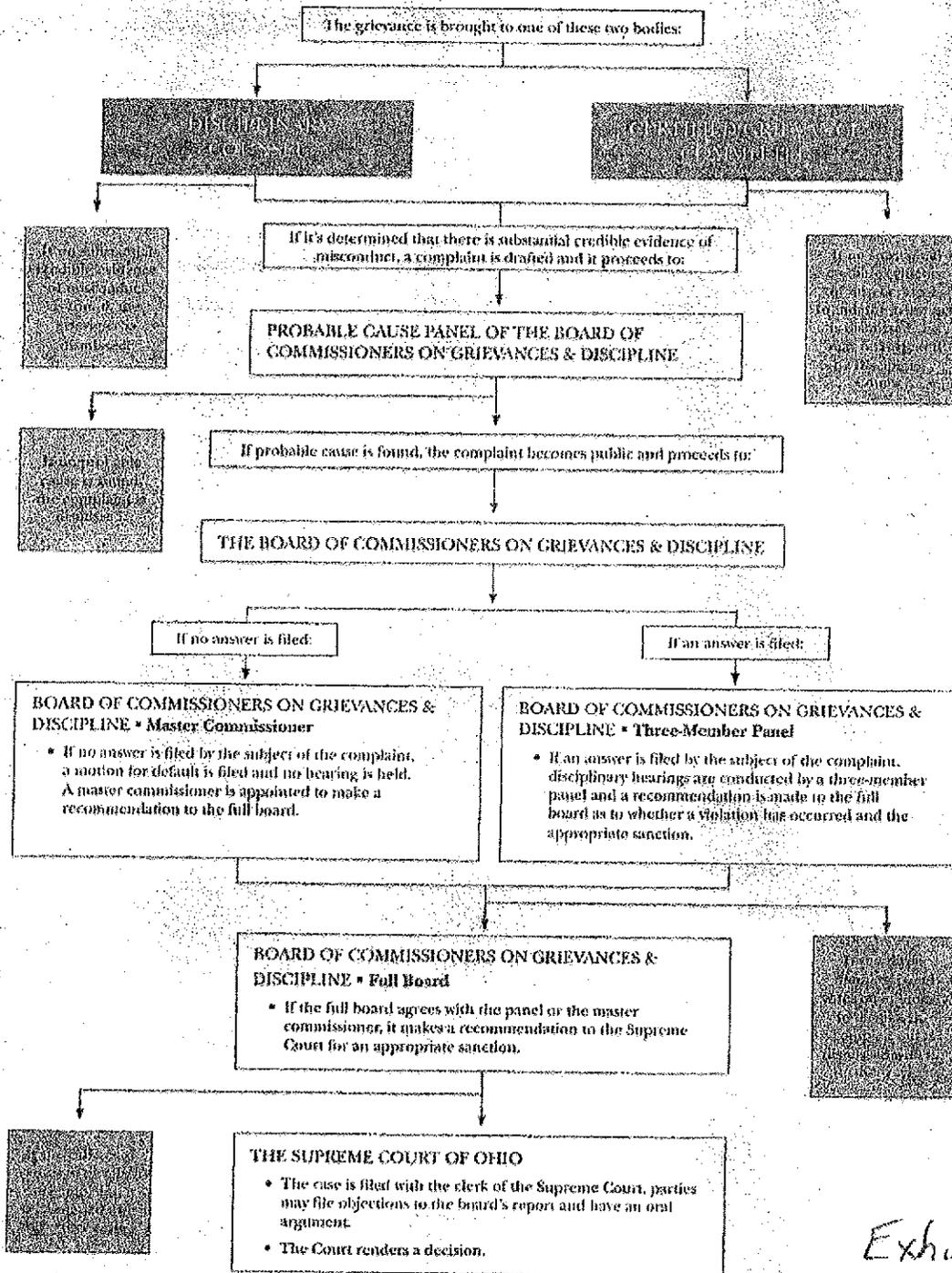


Exhibit
C

