

IN THE SUPREME COURT OF OHIO

ORIGINAL

CINCINNATI BAR ASSOCIATION,	:	
Relator	:	Case No. 2009-1267
v.	:	
	:	
ROBERT K. LARSON, JR.	:	
Respondent.	:	

RELATOR'S MOTION FOR ORDER TO APPEAR AND SHOW CAUSE

Franklin A. Klaine, Jr. (#0019300)
 The Federal Reserve Building
 150 East Fourth St.
 Cincinnati, OH 45202
 (513) 621-2120 Phone
 (513) 241-8259 Fax
Counsel of Record for Relator

Robert K. Larson Jr. (#0042368)
 810 Sycamore St.
 Fifth Floor
 Cincinnati, OH 45202
 (513) 241-2540 Phone

Respondent

Diane Schneiderman (#0012439)
 9277 Centre Pointe Dr.
 Suite 100
 West Chester, OH 45069
 (513) 870-6013 Phone
 (513) 870-6699 Fax
Co-Counsel for Relator

John H. Burlew (#0023376)
 917 Main Street
 Second Floor
 Cincinnati, OH 45202
 (513) 241-2025 Phone
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Counsel for Respondent

David C. Wagner (#0042356)
 810 Sycamore St.
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 (513) 621-5088 Phone
 (513) 721-8218 Fax
Co-Counsel for Relator

RECEIVED
 MAY 10 2010
 CLERK OF COURT
 SUPREME COURT OF OHIO

FILED
 MAY 10 2010
 CLERK OF COURT
 SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

In Re:	:	
	:	
Robert K. Larson (#0042368)	:	Case # 09-1267
	:	
RESPONDENT	:	
	:	
Cincinnati Bar Association	:	
	:	RELATOR'S MOTION TO
RELATOR	:	APPEAR AND SHOW CAUSE

Relator, Cincinnati Bar Association, hereby moves the Supreme Court of Ohio for an order requiring Respondent, Robert K. Larson, to appear and show cause why he should not be held in contempt for failing to obey this Court's December 30, 2009 order. Respondent has failed to comply with this order, as set out in the memorandum that follows.

Memorandum In Support

Pursuant to this Court's Order of December 30, 2009, Respondent was suspended for two years with one year stayed on conditions. The Court further ordered that "if respondent fails to comply with the terms of the stay and probation, the stay will be lifted and respondent will serve the full two year suspension."

This Court ordered, among other requirements, that Respondent must notify all clients of Respondent's suspension, deliver to all clients any papers or other property pertaining to the client, and refund any fees or expenses that are unearned or not paid, and account for any trust money or property within 30 days from the December 30, 2009 order. Also within 30 days, Respondent was required to file an affidavit with the Clerk of

this Court confirming compliance with that order. *See Exhibit A.*

Since Respondent was suspended, the following clients have contacted Relator. Their affidavits demonstrate Respondent's failure to comply with the Court's order of December 30, 2009. *See Exhibits B, C, D and E.*

The Steven Murphy Affidavit (Exhibit B)

- Mr. Murphy hired Respondent in November, 2009, and paid him \$1,200.
- Respondent spoke to Mr. Murphy on January 8, 2010, but failed to inform Mr. Murphy he had been suspended.
- Mr. Murphy received a letter from attorney Barry Levy, stating he would represent Mr. Murphy. Only upon calling Mr. Levy's office did Mr. Murphy become aware of Respondent's suspension.
- Mr. Murphy has not received a refund of his fees.

The Roxanne Kidwell Affidavit (Exhibit C)

- Ms. Kidwell and her husband hired Respondent in May, 2007, to represent them in a civil rights case and paid him a \$2,000 fee.
- Respondent sent the Kidwells a letter informing them of his suspension, but failed to provide their file or a refund of unearned fees.
- Respondent spoke with Ms. Kidwell on March 9, 2010 and informed her that the April 6, 2010 hearing for Final Entry or Dismissal had been moved to May by attorney Barry Levy. This representation was false.

The Ismail Salaam Affidavit (Exhibit D)

- Mr. Salaam hired Respondent to represent him in a criminal case and paid him \$3,000.
- Respondent failed to inform Mr. Salaam of his suspension. Mr. Salaam became aware of the suspension in January from a fellow inmate.
- Respondent represented to Mr. Salaam that he would continue to work on the case behind the scenes.
- Mr. Salaam did not receive his file or a refund of his fees.

The Johnny Fetters Affidavit (Exhibit E)

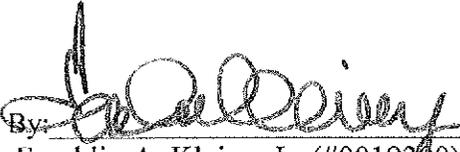
- In September, 2009, Respondent undertook to represent Johnny Fetters on a charge of operating a vehicle under the influence. Mr. Fetters paid Respondent \$250 at that time. Subsequently, Mr. Fetters was charged with driving while under suspension.
- On or about March 17, 2010, Mr. Fetters met with Respondent in his office to discuss representation on both charges. Respondent quoted Mr. Fetters a fee of \$1,250.
- On or about April 3, 2010, Mr. Fetters paid Respondent \$400 to represent him at an April 22, 2010 trial on both charges.
- At no time did Respondent inform Mr. Fetters that he was suspended. Mr. Fetters was informed of Respondent's suspension by subsequent counsel.

As of May 17, 2010, Respondent has failed to file an affidavit confirming his compliance with this Court's Order; this should have been filed no later than January 29, 2010. Moreover, as demonstrated above, Respondent has not complied with numerous aspects of the Court's Order.

WHEREFORE, based upon the foregoing, Relator hereby moves the Supreme Court of Ohio to issue an order requiring Respondent to appear and show cause as to why he should not be held in contempt for failing to obey this Court's December 30, 2009 order. It is further requested that the Court vacate its previous order imposing a two-year suspension, with one year stayed, and impose an actual two-year suspension and such other sanctions as the Court finds proper.

Respectfully submitted,

CINCINNATI BAR ASSOCIATION

By: 

Franklin A. Klaine, Jr. (#0019300)

Federal Reserve Building

150 E. Fourth St.

Cincinnati, OH 45202

Phone: (513) 621-2120; Fax: (513) 241-8259

Diane Schneiderman (#0012439)

9277 Centre Pointe Dr., Suite 100

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Phone: (513) 870-6013; Fax: (513) 870-6699

David C. Wagner (#0042356)

810 Sycamore St., 3rd Floor

Cincinnati, OH 45202

Phone: (513) 621-5088; Fax: (513) 721-8218

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Relator's Motion for Order to Appear and Show Cause was mailed by first class U.S. mail, postage prepaid, to John H. Burlew, Counsel for Respondent, 917 Main Street, Second Floor, Cincinnati, OH 45202, on this 18th day of May, 2010.



Edwin W. Patterson III (#0019701)

General Counsel
Cincinnati Bar Association
225 East Sixth St., 2nd Floor
Cincinnati, OH 45202
Phone (513) 699-1403
Fax (513) 381-0528

DEC 30 2009

The Supreme Court of Ohio

CLERK OF COURT
SUPREME COURT OF OHIO

Case No. 2009-1267

Cincinnati Bar Association,
Relator,
v.
Robert K. Larson,
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 July 13, 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, Robert K. Larson, be suspended from the practice of law for a period of two years with eighteen months stayed on conditions. Respondent filed no objections to said final report, and this cause was considered by the court. On consideration thereof,

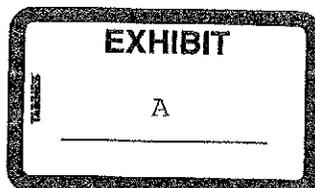
It is ordered and adjudged by this court that, pursuant to Gov.Bar R. V(6)(B)(3) and consistent with the opinion rendered herein, respondent, Robert K. Larson, Attorney Registration Number 0042368, last known business address in Cincinnati, Ohio, be suspended from the practice of law for a period of two years with the last year stayed on the following conditions: (1) respondent shall commit no further misconduct; (2) in addition to the requirements of Gov.Bar R. X, respondent shall complete 12 hours of Continuing Legal Education training in law-office, caseload, and time management; and, (3) respondent shall complete one year of monitored probation pursuant to Gov.Bar R. V(9) under the auspices of a lawyer appointed by relator. It is further ordered that if respondent fails to comply with the terms of the stay and probation, the stay will be lifted and respondent will serve the full two-year suspension.

It is further ordered that the respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

It is further ordered that the respondent is hereby divested of each, any, and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, the respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1), and from receiving, disbursing, or otherwise handling any client trust funds or property.



It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$5,309.61, 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 respondent may not apply for reinstatement until costs and all accrued interest, are paid in full.

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

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

It is further ordered that on or before 30 days from the date of this order, respondent shall:

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

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

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

It is further ordered that on or before 30 days of the date of this order respondent shall surrender the attorney registration card for the 2009/2011 biennium.

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. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence of Ohio which govern access to court records.

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, to respondent's last known address.

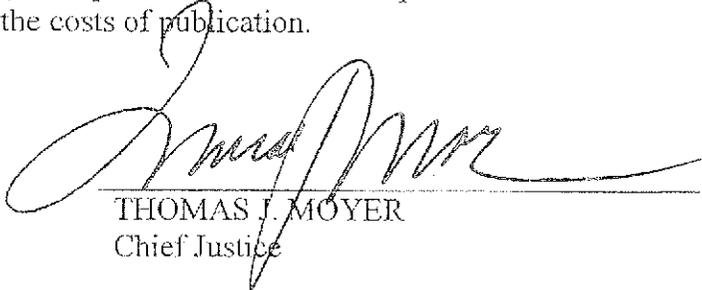
It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed December 30, 2009 in Supreme Court case number 2009-1267.

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 30th day of Dec., 2009.

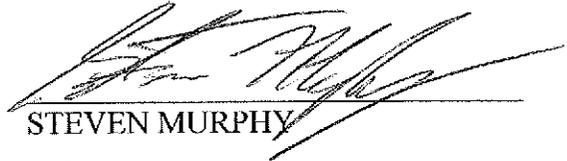
CLERK OF COURT

by W. J. [Signature], Deputy

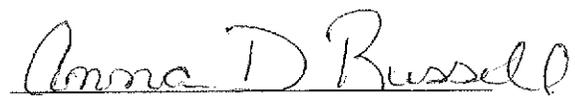

THOMAS J. MOYER
Chief Justice

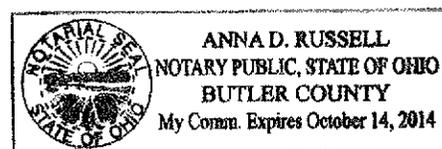
3. Mr. Larson reached me by telephone on Tuesday, January 12, 2010 to ask what had happened at the hearing. He told me that the court date had been pushed back, and that either he did not know the new date or it had not been scheduled. He did not advise me that he had been suspended from the practice of law.
4. On Wednesday, January 13, 2010, I received a letter from an attorney named Barry Levy, whose address is in the same building as Mr. Larson's. The letter informed me that my hearing had been scheduled for February 8, 2010, and that Mr. Levy would represent me. I was confused by this letter, since I do not know Mr. Levy, and attempted to call him to ask what this was about. I finally reached someone in his office, who told me that Mr. Larson had been suspended from the practice of law for one year, and that Mr. Levy would be taking over his cases.
5. I have not received any refund from Mr. Larson for the fees I paid him.

FURTHER AFFIANT SAYETH NAUGHT.


STEVEN MURPHY

Sworn and subscribed in my presence this 2 day of Feb, 2010.


Notary Public



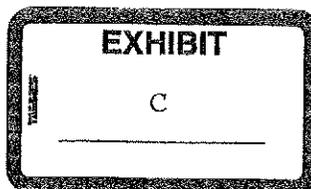
**BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF THE SUPREME COURT OF OHIO**

In re	:	
	:	
CINCINNATI BAR ASSOCIATION	:	
	:	Case No. 2009-1267
Relator	:	
	:	
v	:	
	:	<u>AFFIDAVIT OF</u>
ROBERT K. LARSON, JR.	:	<u>ROXANNE KIDWELL</u>
	:	
Respondent.	:	

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

I, Roxanne Kidwell, residing at 2899 Jonrose Ave, Cincinnati, Ohio 45239, having been duly cautioned and sworn, hereby state as follows:

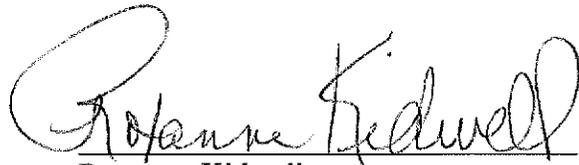
1. On May 25, 2007, my husband, Ronald Kidwell, and I engaged Robert K. Larson, Jr. to represent us in a civil rights case against the City of Cincinnati, which was to be filed in Federal Court.
2. Mr. Larson instead filed the case against the Hamilton County Sheriff's Office in Hamilton County Common Pleas Court, Case No. A0905210, on May 27, 2009. However, he first informed us that the matter had been filed in Federal Court before admitting that it had been filed in County Court. Mr. Larson has taken no further action in this matter since that time.



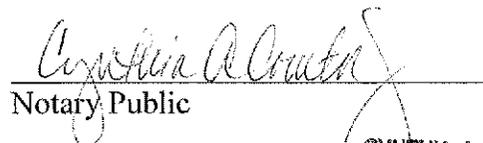
3. We have paid Mr. Larson \$2,000.00 in advance to represent us in this case. A receipt for \$600.00 of the \$2,000.00 is attached hereto as *Exhibit A*.
4. On January 30, 2010, we received a letter from Mr. Larson stating that he had been suspended from the practice of law. The letter did not mention the status of our case, our case file, or the money that we had paid him. A copy of this letter is attached hereto as *Exhibit B*.
5. To date, we have not received a copy of our case file or a refund of any fees paid to Mr. Larson.
6. On February 2, 2010, we spoke with Mr. Larson by telephone. Mr. Larson informed us that he was going to set up an appointment for us with attorney Barry Levy. We heard nothing further from Mr. Larson and calls to Mr. Levy were not returned.
7. In February, 2010, we contacted Mr. Larson by telephone. On February 8, 2010 Mr. Larson came to our home.
8. Mr. Larson confronted us about the fact that we had contacted the Cincinnati Bar Association regarding his representation of us. I explained to him that I had done so out of fear for the status of our lawsuit.
9. Mr. Larson then promised to provide us with a list of attorneys who would be willing to take our case for no fee. He said he would be in contact with us within a few days. I felt that his offer was a "trade-off" in exchange for us not pursuing disciplinary action against him through the Cincinnati Bar Association. At no time did he did not mention the status of our case.

8. On March 9, 2010, we again contacted Mr. Larson by telephone because we had learned that our case was scheduled for a Final Entry or Dismissal on April 6, 2010.
9. Mr. Larson stated that this was incorrect. He stated that Barry Levy had gotten the court date changed to May, 2010. He asked that we be patient with him and he would get us a list of attorneys who would take our case for no fee by Monday, March 15, 2010.
10. To date, the date of the final hearing in Hamilton County Common Pleas Court has not been changed from April 6, 2010. We have not received a new, no-fee attorney from Mr. Larson. We have not received a refund of any fees paid to Mr. Larson or an itemized billing statement.

FURTHER AFFIANT SAYETH NAUGHT.


Roxanne Kidwell

Sworn and subscribed in my presence this 26th day of March, 2010.


Notary Public

My commission expires _____

CYNTHIA A. COURTRIGHT
Notary Public, State of Ohio
My Commission Expires 09-20-2012

7/27/07

Raymond
A. ...

EXHIBIT
A

ROBERT K. LARSON, JR.

810 SYCAMORE STREET
FIFTH FLOOR
CINCINNATI, OHIO 45202

OFFICE (513) 241-2540

FAX (513) 579-8703

January 27, 2010

Mr. Ronald Kidwell
2899 Jonrose Avenue
Cincinnati, Ohio 45239

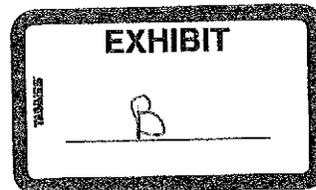
Dear Mr. Kidwell:

As I have notified you telephonically, please be advised that at this time my license to practice law in the state of Ohio has been suspended for the period of one year. Accordingly, I am disqualified from representing you on this matter.

It will be necessary for you to seek new counsel in this matter. If you need assistance in doing this, I will provide you with names of attorneys you may contact.

Sincerely,

Robert K. Larson

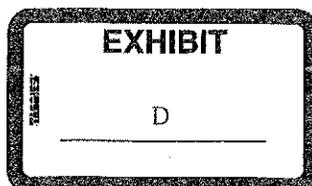


RKL/pal

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

Being duly sworn, Affiant Ismail Salaam, states as follows:

1. I currently reside at the Hamilton County Justice Center.
2. My mother met with Mr. Larson in September 2009, and paid him a percentage of his \$3,000 fee. The balance was paid to Mr. Larson in early October 2009.
3. Mr. Larson informed me that he would officially become my lawyer at my October 5, 2009 hearing.
4. The case was continued through December, 2009. I made numerous attempts to contact Mr. Larson. In January, a fellow inmate informed me that Mr. Larson had been suspended from the practice of law. Mr. Larson had not informed me of his suspension.
5. When I finally reached Mr. Larson, he told me that another lawyer would be representing me, but that he would continue to handle the case behind the scenes.
6. Attorney Barry Levy showed up at my next court hearing for Mr. Larson but had no knowledge of my case.
7. I have not received a refund of my fee from Mr. Larson.

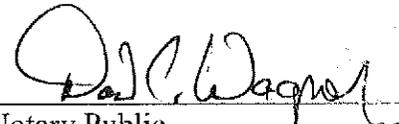


FURTHER AFFIANT SAYETH NAUGHT.



ISMAIL SALAAM

Sworn and subscribed in my presence this 9th day of April, 2010.



Notary Public

DAVID C. WAGNER, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03

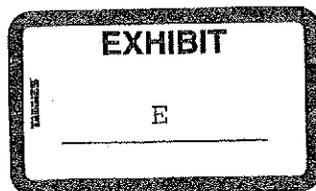
**BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF THE SUPREME COURT OF OHIO**

In re	:	
	:	
CINCINNATI BAR ASSOCIATION	:	
	:	Case No. 2009-1267
Relator	:	
	:	
v	:	
	:	
ROBERT K. LARSON, JR.	:	<u>AFFIDAVIT OF</u>
	:	<u>JOHNNY FETTERS</u>
	:	
Respondent.	:	

STATE OF OHIO)	
)	SS:
COUNTY OF HAMILTON)	

I, Johnny Fetters, residing at 527 Flatt Terrace, Cincinnati, Ohio 45232, having been duly cautioned and sworn, hereby state as follows:

1. In September of 2009 I retained Robert K. Larson, Jr. to represent me in Hamilton County Municipal Court on a charge of Operating a Vehicle Under the Influence.
2. Mr. Larson quoted me a fee of \$750, of which I paid him \$250.
3. Subsequently, I missed my court date and a bench warrant was issued for my arrest.
4. On January 27, 2010, I was charged with Operating a Motor Vehicle Under an OVI Suspension. I was referred back to the Hamilton County Municipal Court for both this new charge and the previous OVI charge.



5. On March 17, 2010, I met with Mr. Larson in his office to discuss my pending OVI case and to retain him on my new Driving Under Suspension case.

6. Mr. Larson indicated that the fee for both cases would now be \$1,250.

7. On April 3, 2010, I made a payment of \$400 for Mr. Larson's representation of me at my April 22, 2010 trial date on both matters. A receipt for \$400 is attached as *Exhibit A*.

8. On April 21, 2010, Mr. Larson phoned me to inform me that he was giving my case to attorney Barry Levy as he couldn't take any cases.

9. On April 22, 2010, neither Mr. Larson, nor Mr. Levy appeared on my behalf. Instead, a third attorney Mr. Jason Henekes appeared indicating that Mr. Levy was tied up in another court room and that Mr. Henekes would be handling my case.

10. Also on April 22, 2010, I learned for the first time from my appointed counsel that Mr. Larson had been suspended from the practice of law effective December 31, 2009. At no time during my previous conversations with Mr. Larson had he informed me that he had been suspended from the practice of law.

11. At no time did I receive a certified letter from Mr. Larson informing me that he had been suspended from the practice of law.

12. Following the unsatisfactory resolution of my cases on April 22, 2010, I confronted Mr. Larson about his suspension, his failure to inform me of such, and the substandard representation that I felt I received from an attorney that I had never met before April 22, 2010. Mr. Larson had no response other than to indicate that he would have Barry Levy get back with me.

FURTHER AFFIANT SAYETH NAUGHT.

Johnny Fellers
Johnny Fellers

Sworn and subscribed in my presence this 13 day of May, 2010

Laura R. Doyle
Notary Public

My commission expires MAY 20 2012



LAURA R. DOYLE
Notary Public, State of Ohio
My Commission Expires
May 20, 2012

RECEIPT

DATE	4/3/10	No. 370703
RECEIVED FROM	Johnny Fetters	
		\$400-
<input type="radio"/> FOR RENT	DOLLARS	
<input checked="" type="radio"/> FOR	ROD LAYSON (retaining fee)	
ACCOUNT		
PAYMENT		
BAL. DUE		
<input type="radio"/> CASH		
<input type="radio"/> MONEY ORDER		
<input type="radio"/> CHECK		
<input type="radio"/> CREDIT CARD		
FROM		
TO		
BY	D. Meiners	