

IN THE SUPREME COURT OF OHIO

APPEAL FROM
THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE
CASE NO. 09-022

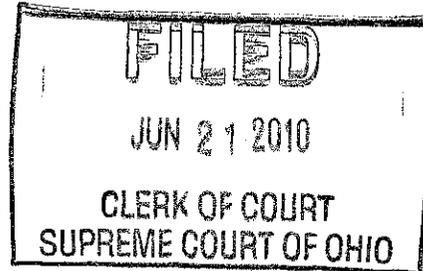
Disciplinary Counsel : Case No. 10-0851

Relator, :

vs. :

Scott Allan Pullins :

Respondent. :



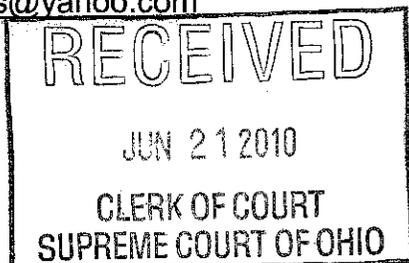
RELATOR'S MEMORANDUM OBJECTING TO
RESPONDENT'S REQUEST FOR REMAND

COUNSEL FOR RELATOR

Michael E. Murman, Esq. (0029076)
Edward G. Kagels, Esq. (0025958)
Office of Disciplinary Counsel of
The Supreme Court of Ohio
14701 Detroit Avenue, Suite 555
Lakewood, Ohio 44107
216-228-6996
216-226-9011 facsimile
murmanlaw@aol.com
edkagels@yahoo.com

COUNSEL FOR RESPONDENT- pro se

Scott A. Pullins, Esq. (0076809)
110 East Gambier Street, 2nd Floor
Mount Vernon, Ohio 43050
740-392-4594
202-330-4594 facsimile
scott@pullinslaw.com
www.pullinslaw.com



IN THE SUPREME COURT OF OHIO

APPEAL FROM
THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE
CASE NO. 09-022

Disciplinary Counsel : Case No. 10-0851
Relator, :
vs. : RELATOR'S MEMORANDUM
Scott Allan Pullins : OBJECTING TO RESPONDENT'S
REQUEST FOR REMAND
Respondent. :

I. THE REQUEST TO REMAND SHOULD BE DENIED
BECAUSE IT IS UNTIMELY AND OUT OF RULE

Gov. Bar R. V (8) (B) establishes the post hearing procedure to object to the report and recommendation of the Board of Commissioners on Grievances and Discipline in an attorney discipline case. Once the court issues its order to show cause all objections to the report of the Board must be filed within twenty (20) days. Respondent's request for remand stating new objections was filed thirty four (34) days after the order, well beyond the time permitted for objections and should be overruled as untimely.

II. THE REQUEST FOR REMAND TO CONSIDER A RECENT
DECISION IS NOT IN COMPLIANCE WITH S. Ct. R. VI(8)

S. Ct. R. VI(8) provides in pertinent part:

... If a relevant authority is issued after the deadline has passed for filing a party's merit brief, that party may file a citation to the relevant authority but shall not file additional argument.

The rule applies to the recent decision cited by respondent as a basis for remand that contains argument, including citations to other cases.

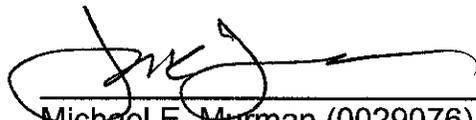
III. THE REQUEST FOR A PSYCHIATRIC EXAMINATION
OF RESPONDENT IS NOT IN COMPLIANCE
WITH GOV. BAR R. V (7) (B) (1) (a)

Neither the majority nor the minority of the panel who heard this discipline case found reason to question the respondent's mental competency and respondent's belated attempt to introduce it does not comply with Gov. Bar R. V (7) (B) (1) (a). Accordingly the request for remand for the purpose of having respondent examined by a psychiatrist is not well taken.

IV. CONCLUSION

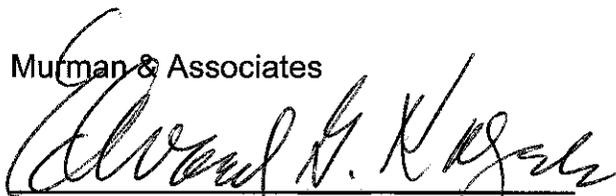
The request for remand should be overruled.

Respectfully submitted,



Michael E. Murman (0029076)
Special Prosecutor to
Office of Disciplinary Counsel
The Supreme Court of Ohio
14701 Detroit Avenue, Suite 555
Lakewood, Ohio 44107
Telephone 216-228-6996
Facsimile 216-226-9011

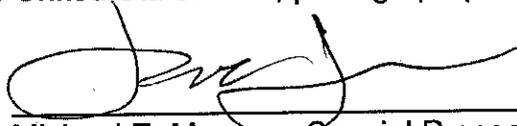
Murman & Associates



Edward G. Kagels (0025958), Of Counsel
14701 Detroit Avenue, Suite 555
Lakewood, Ohio 44107
Telephone 216-228-6996
Facsimile 216-226-9011

CERTIFICATE OF SERVICE

A copy of the foregoing Relator's Memorandum Objecting to Respondent's Request for Remand was served upon Respondent Scott A. Pullins, Esq., 110 East Gambier Street, P.O. Box 1186, Mount Vernon, Ohio, 43050 and on Jonathan Marshall, Esq., Secretary, The Board of Commissioners on Grievances and Discipline, The Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431 this 18 day of June, 2010, by regular United States Mail, postage prepaid.



Michael E. Murman, Special Prosecutor to
Disciplinary Counsel