

ORIGINAL

IN THE SUPREME COURT OF OHIO

CINCINNATI BAR ASSOCIATION :

Relator. :

Case No. 2003-1109

v. :

JONI ELIZABETH STATZER :

Respondent. :

RESPONDENT'S REPLY TO RELATOR'S MOTION TO STAY

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In Re:

Joni E. Statzer (0067179)

:

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:

Cincinnati Bar Association

:

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RELATOR'S MOTION TO STAY

Now Comes Respondent, and does hereby state that she is in Total Opposition of the Relator's Motion to Stay, and would ask that this Honorable Court Deny said Motion, and Grant Respondent's Petition for Reinstatement, for the following reasons laid out in this Memorandum.

FACTUAL SITUATION OF "WARRANT"

There is no "outstanding Warrant," as of today's date. The Prosecutor's Office has taken this to the Grand Jury and Instructed them to Ignore an Indictment. This has been completed. (See Attached Exhibit #1) No one can provide information as to the underlying facts of this six year old matter, and all of this is in the process of being expunged from all records.

MEMORANDUM IN SUPPORT

In 2003, Respondent had False and Malicious allegations made against her by a former employee, which lead not only to a Bar Investigation, but also a meritless prosecution of the Respondent in the Felony Court of Law. The Respondent was found **not guilty** by the Honorable Judge Ann Marie Tracey. The Judge went on to state on the record that Relator's/Prosecutor's witness Jennifer Wullenweber was one of the most dishonest or unbelievable witness' that was ever in her Courtroom. This statement was even printed in an article in the Cincinnati Enquirer/Post.

Further, and just as important, Respondent was found not guilty in the proceedings, brought by the Cincinnati Bar Association, by the appointed discipline board she sat in front of. At the tail end of all these proceedings, Relator, was clearly angry that their case had no merit, and Relator then made it personal against Respondent. Relator brought another allegation that Respondent had somehow been misleading or intimidating while deposing her accuser, in this matter.

Ms. Wullenweber, who had made these allegations against Respondent, was lying. Not only to the Bar, but to the Grand Jury. During a deposition, Respondent was trying to get to the truth, and in trying to do so, cautioned Ms. Wullenweber that if she continued lying in the deposition, charges could be brought against her. Respondent then lay down some cassette tapes in order to make Ms. Wullenweber think that the previous conversations had been

recorded, and that she should "testify honestly," and consistently with the truth. When she saw the tapes, she then changed her testimony from her previous lie, and did testify honestly.

Respondent had no other way to employ this witness to tell the truth. And although at the time, Respondent did not realize that using this method to obtain a true testimony was not acceptable, Respondent has since been corrected and sanctioned for her mistake. Respondent served her time for her error, has paid over \$7,000.00 in fines, late fees, and costs, and has not had any other trouble personally or professionally in the past 7 years.

Although the violation was categorized under DR 1-102 (A) (4), prohibiting conduct involving dishonesty and fraud, at the time Respondent in no way meant to be dishonest, and was only trying to extract the truth from someone that was out to ruin Respondent's career. Even though Respondent was found **not guilty**, the incident has scared and changed Respondent's life forever. Respondent left the practice of law, and lost a great marriage, because of the extreme mental anguish this caused. Eventually, Respondent even left the state of Ohio, and has been hurt beyond belief at the situation that she went through. Respondent has served more than her time for this incident.

Now, upon applying for reinstatement, almost 7 years later, all of a sudden a 6 year old Warrant shows up at Respondent's address in Idaho, sent by the Same Bar Association, and the same Attorney, Mr. Hollensworth, that headed up this malicious prosecution of Respondent in the original case that was before this Court in 2003. Relator is now trying to directly imply to this Court that Respondent somehow was trying to dodge or leave town to avoid this Warrant. This assertion made by Relator is utterly false, and totally misleading.

On **May 21, 2010**, when Respondent was retrieving her mail, she received a copy of this Warrant attached to Relator's Motion. Respondent **1)** Immediately called the Hamilton County's Sheriff's Office. Respondent left her phone number and information for Det. Rarrick to return her call. A Sergeant Lindner called Respondent back approximately 20 minutes later. This call was prompted because he recognized Respondent's name, as he has worked with her ex-husband for over 20 years.

The Sergeant looked into this matter, and called Respondent back, again for the second time, stating that he could find no file or information about this case. Said he was shocked, and had **"never heard anything"** about this or any situation pertaining to Respondent. **2)** Respondent asked the Sergeant directly if she should come to Cincinnati right away. The Sergeant told Respondent **"no,"** that this was the first he had ever heard of this, and if needed he would have Det. Rarrick call Respondent. To date, Respondent has heard from no-one at the Hamilton County Sheriff's Office, or from anyone regarding this matter, and immediately hired A Cincinnati Attorney to try to find out the details.

3) Respondent has contacted the felony warrant division of the Hamilton County Sheriff's Department, and has left all of her information. No one could tell her about this **"pending"** warrant, and stated they would call her back. No one to date has ever called, or written her about this matter.

4) Respondent also contacted, by phone, and also through a letter, the Identity Salon where an incident, or this incident, was supposed to have taken place. No one could tell respondent any information regarding this matter, and Respondent has heard nothing back as a

result of her letter. This was a salon that Respondent frequented for over twenty (20) years, and was close friends with the owner and many employees for that entire period.

5) Most Important is the fact that, In 2004, when this warrant was supposedly issued, Respondent had a marital residence and a physical law office at the address listed on the Warrant. Which to this date, Respondent's ex-husband, a Hamilton County Deputy Sheriff, still resides.

6) Respondent was married to a Hamilton County Deputy at the time this Warrant was issued. Respondent was Counsel of Record for multiple Deputies from the Hamilton County Sheriff's Office, many who contacted her all throughout 2004. Respondent appeared in Hamilton County Court well after the time of this Warrant. No one served her, or approached her about a warrant. Respondent was a well known attorney, visible, and active. And while Respondent did eventually move her residence, she has been back to Cincinnati tens of times, and physically present in court with multiple Hamilton County Deputy's, including her ex-husband.

7) Respondent did not permanently move from the address listed on the Warrant until many months after the July date. Further, respondent has physically been in the Hamilton County Sheriff's office for both personal and professional visits many times since 2004, and no one ever approached her, or informed her that a warrant needed her attention.

So, for Relator to infer to this Court that Respondent left town because of this, is completely wrong and misleading. Respondent did not leave Cincinnati permanently until February of 2005.

8) This "warrant" that no one seems to have an answer for, was never brought to an indictment. If this charge had any validity at all, it would have been taken in front of the Grand Jury, and an Indictment would have been handed down. It was not. Now, six years later, Respondent cannot even obtain any information as to the facts of this allegation, nor who initially brought it against her. And now the allegations have been totally dismissed.

Relator has obviously known of this matter, but has never brought it to the attention of anyone until now, especially the Respondent's attention. They have conveniently waited until Respondent made an effort to actively practice again. This behavior can not be allowed. Relator has a responsibility to process and act upon concerns in a "timely manner." No person can be expected to effectively respond to an allegation that is over six years old. Further, if Respondent had been actively practicing law when this type of allegation came in, Respondent's license would not have been taken from her. Instead, a criminal proceeding would have gone forward, and facts would have been proven or disproven.

Then, Relator would have a basis to act. We still live in America where the presumption of innocence exists, even in the worst of situations. Why would Relator require punishment for some alleged action that supposedly occurred six years prior, and make Respondent suffer as if she were found guilty of this matter, and make Respondent prove her innocence to Relator, that has clearly already handed down their punishment/conviction in this matter.

Six years ago, the law was such that just anyone could swear out a warrant on someone, and make an accusation for whatever reason. That has now been changed. This is no longer allowed, and for exactly reasons exhibited in this case. Respondent/Accused cannot even get a

phone call back from any agency or party that has anything to do with this warrant.

Respondent hired a well known Cincinnati Attorney, and with one phone call, he was able to get this entire matter dismissed, and was assured by the Prosecutor that a case of this nature should have never been filed, and would never be filed in that manner under new guidelines.

When Respondent made the Motion for Reinstatement to the Court, she had not seen this Warrant. Respondent has made more than good faith attempts, she has made deliberate attempts to contact all persons involved, to resolve this, and has received no answers.

Finally, The Cincinnati Bar, and the two Attorneys listed on this Petition are the ones who sent a copy of this Warrant to Respondent, and only gave her only five (5) days to respond. Which Respondent did. The Relator told Respondent that he would contact her, he has not. Further, this Relator told this Honorable Court that they themselves had given all of the Respondent's personal information to the Felony Warrant Division of the Hamilton County Sheriff's Office. Still Respondent has heard nothing from either the Relator, or the Sheriff's Department.

Respondent is more than willing to fly to Ohio, to appear personally in front of this Honorable Court to answer all questions regarding this matter. But to withhold reinstatement at this time is not justified. Respectfully allow Respondent to be reinstated. This matter has been disposed of by the Prosecutor's Office, there is no longer a Warrant, and this entire situation is in the process of being expunged from all records.

THEREFORE: Respondent Respectfully asks that this Court acknowledge that Respondent has made current all CLE's required, Paid in Full the Fine and Dues required in the

original case, and met all other requirements needed to have her fully reinstated to the practice of Law, leading to this Court's re-issuance of her Ohio license.

Respectfully Submitted,

JONI E. WOODBURN, Respondent

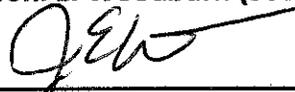


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondent's Reply to Relator's Motion to Stay, was mailed by first class U.S. mail, postage prepaid, to Edwin W. Patterson, William E. Clements, and Robert Hollensworth, at the addresses listed on Relator's Motion, on this the 17th day of June, 2010.

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RESPONDENT'S EXHIBIT #1

Attachment not scanned