

ORIGINAL

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel

Relator,

vs.

Scott Allan Pullins

Respondent,

NO. 10-0851

Before the Board of Commissioners
On Grievances and Discipline
Case No. 09-022

**RESPONDENT SCOTT ALLAN PULLINS' REQUEST TO SUPPLEMENT THE
RECORD**

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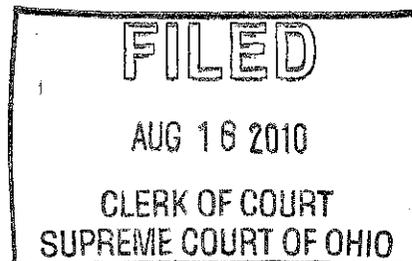
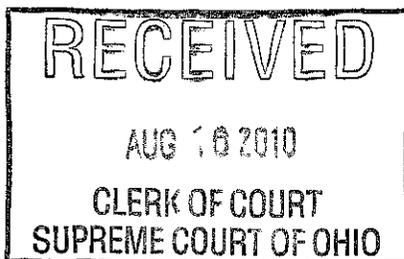
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Respondent – Pro Se

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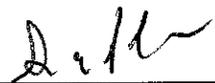
216-226-6996

Counsel for Relator



Now comes the Respondent and requests to supplement the record by the addition of Respondent's Exhibits 174- 187. The exhibits are correspondence received from the Relator and media coverage of this case that has been published after the hearing of the Board of Commissioners on Grievances and Discipline. In addition, the supplement includes three newspaper articles about Robert Broeren, an attorney previously disciplined by this Court. A memorandum in support is included with this request.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

A copy of this document was served upon counsel for the Relator, Michael Murman and Edward Kagels, 14701 Detroit Av., Suite #555 Lakewood, OH 44107-4109, and Jonathan Marshall, Secretary, The Board of Commissioners on Grievances and Discipline, the Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215 via first class, regular mail, this 13th Day of August, 2010.



Scott A. Pullins (0076809)

MEMORANDUM IN SUPPORT

I. EXCEPTIONAL CIRCUMSTANCES EXIST THAT REQUIRE SUPPLEMENTATION OF THE RECORD.

Respondent is fully aware that this Court rarely permits the record to be supplemented in a disciplinary case.

Ohio Sup. Ct. R. Gov't Bar V, which sets forth procedure in the disciplinary process and affords the opportunity for a formal evidentiary hearing before a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court, has no provision for the introduction of evidence in a brief filed in the Ohio Supreme Court or in the oral argument to the Court. Only in the most exceptional circumstances would the Court accept additional evidence at that late stage of the proceedings.

Disciplinary Counsel v. Lentes, 120 Ohio St. 3d 431 (Ohio 2008)

Nonetheless, Respondent respectfully asserts that exceptional circumstances do exist in this case that justify supplementation. Unlike in previous cases, this Respondent fully cooperated with the disciplinary process and provided complete evidence in support of mitigation. One of those factors cited in mitigation was the harm that Respondent has experienced by the overwhelming local media attention to his case that was apparently initiated by the grievant and the Counsel for the Relator. This Court has long recognized excessive media attention as a factor in mitigation in disciplinary cases.

Respondent, who had formerly served Butler County for 12 years, first as county court judge and then as a common pleas court judge in the domestic relations division, testified to other costs of his misconduct and mitigation. He described how his prosecution and the publicity surrounding it had adversely affected his family and his law practice.

Disciplinary Counsel v. Conese, 102 Ohio St. 3d 439, 441 (Ohio 2004)

Respondent's additional exhibits certainly enhance and support the evidence already offered concerning this issue.

II. RESPONDENT'S MEDIA COVERAGE, WHEN COMPARED WITH BROEREN'S IS STRIKING AND ILLUSTRATES THE HARM SUFFERED.

Together with the media coverage previously submitted into evidence, Respondent has had eighteen or more front page local stories written about him and this disciplinary matter. And Respondent is not a public official, a political candidate, or a judge.

At the same time, attorney Rob Broeren, who was sanctioned by this Court, previously served as an Assistant Knox County Prosecutor and now serves as the Assistant City Prosecutor, both public offices. A total of two front page articles were written about Mr. Broeren's misconduct.

Respondent is well aware that life is not fair and media coverage does not even pretend to be fair nowadays. Nonetheless, the contrast between his treatment by the media and Broeren's is striking and helps to illustrate the harm that has been caused by it and the reasons it should be recognized as a factor in mitigation.

Respondent requests that this Court grant his motion to supplement the record. Thank you.

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Mt. Vernon attorney faces 3-judge panel today Mansfield News Journal (Ohio) October 13, 2009 Tuesday

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Mansfield News Journal (Ohio)

October 13, 2009 Tuesday

SECTION: NEWS; Pg. NaN

LENGTH: 76 words

HEADLINE: Mt. Vernon attorney faces 3-judge panel today

BYLINE: News Journal staff report

DATELINE: COLUMBUS

BODY:

A Mount Vernon attorney will face a three-judge panel today from the Ohio **Supreme Court's** Board of Commissioners on Grievances and Discipline.

The panel will hear testimony and evaluate evidence to decide if Scott **Pullins** is guilty of notary fraud, forgery, abuse of subpoena power, disrespecting a judge and wrongfully accusing an attorney in another case of committing legal malpractice.

If found guilty, **Pullins** could be disbarred, suspended or reprimanded.

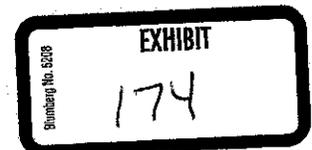
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Terms: "pullins" & "supreme court" (Edit Search | Suggest Terms for My Search)

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Date/Time: Thursday, July 29, 2010 - 6:18 PM EDT



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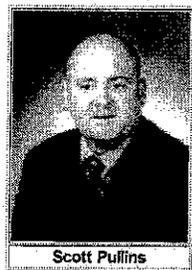
Posted: 10/14/2009 9:28:18 AM [RSS](#) [Bookmark & Share](#)

Pullins' hearing to continue on October 29

By ADAM TAYLOR
KnoxPages Managing Editor

COLUMBUS – The hearing for a Mount Vernon attorney facing a three-judge panel at the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline which began Tuesday will resume on Oct. 29.

Scott Pullins is accused of professional misconduct, including notary fraud, forgery, abuse of subpoena power, disrespecting a judge and wrongfully accusing an attorney in another case of committing legal malpractice.



Scott Pullins

The hearing process is much like a trial. The panel will continue to hear testimony and evaluate evidence when it resumes.

A complaint, filed in February by Special Prosecutor Michael E. Murman, said Pullins unsuccessfully tried to have Knox County Common Pleas Judge Ohio Eyster disqualified by the Ohio Supreme Court from hearing a case where he was seeking a protection order against a member of the Apple Valley Property Owners Association in 2006. In it, Pullins admitted to filing three separate complaints against Eyster with the disciplinary counsel and accused the judge of being biased.

In Ohio, attorneys are forbidden by a code of ethics from making statements about grievances and cannot degrade or make discourteous statements about a judge, Murman argued in the complaint.

Pullins later filed a lawsuit on behalf of his wife and father-in-law against the Apple Valley Property Owner's Association where he forged her signature and notarized the complaint, according to Murman.

It is alleged that sometime later, he issued a subpoena for Eyster's wife in an apparent attempt to have the judge removed from hearing a case Pullins filed against the AVPOA and its general manager, Jeff Harmer.

And in another attempt to have the judge disqualified, the complaint alleges that Pullins filed a document containing false statements about Eyster.

In Ohio, attorneys are forbidden from making disrespectful statements about judges and courts. Pullins issued a statement in February, saying the judge was biased. [Click here to read the statement.](#)

If found guilty of the misconduct charges, Pullins could be disbarred, suspended or reprimanded.

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EXHIBIT
175
Slumberg No. 2208

Mount Vernon News

Pullins' fate in hands of disciplinary board

By Samantha Scoles
November 25, 2009

MOUNT VERNON — The disciplinary case against local attorney Scott Pullins inches closer to closure, but a final ruling may not come until February.

Last month, a three-judge panel heard the case, which charges Pullins with seven counts of professional misconduct.

"The case was heard by a panel that is advising the Supreme Court," said Michael E. Murman, special prosecutor to Disciplinary Counsel, who wrote the complaint against Pullins.

The next step, Murman said, is for the panel to construct a confidential report with a recommendation to the full disciplinary board. The board will meet in December, but Murman questions whether that will be enough time for the panel to review all of the information.

"I know the panel chair likes to have the hearing transcript in hand," Murman said. "It's more likely to have a recommendation in February."

The full board, which consists of 28 members, meets every other month.

"Board meetings are highly confidential and have all the sanctity of deliberation as a jury," he said.

The board, according to Murman, can suggest to dismiss all seven counts against Pullins, or to find that "clear and convincing evidence" was found showing one or more violations.

The written recommendation will then be sent to the Ohio Supreme Court, which makes the final conclusion. After both sides are provided with the ruling, each would then have the opportunity to file written objections to the ruling, Murman said.

Murman said the Supreme Court has around 100 misconduct complaints certified each year. In 2008, 67 disciplinary decisions were handed down. Through Oct. 2, 69 decisions have been made this year.

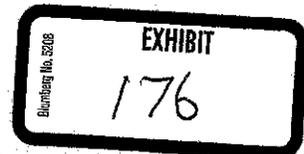
According to the Ohio Constitution, the Supreme Court is charged with the regulation of the practice of law.

"It is for the protection of the public," Murman said. "Other professions, like doctors, nurses or pharmacists, have systems in place to see to those who deviate from acceptable standards. Attorneys and judges are no different."

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Mount Vernon News

Panel recommends Pullins be suspended

By Samantha Scoles
May 13, 2010

MOUNT VERNON — A Mount Vernon attorney who faced multiple counts of professional misconduct could lose his law license indefinitely after the Board of Commissioners on Grievances and Discipline filed its finding Wednesday with the Ohio Supreme Court.

The 28-member panel recommended Scott Pullins be sanctioned with an indefinite suspension after finding he committed more than 35 violations of the Codes of Professional Responsibility, the Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio. The Findings of Fact, Conclusions of Law and Recommendation shows the board believed Pullins acted with a "dishonest and selfish motive" by abusing his position as an attorney to obtain subpoenas to investigate people posting negative remarks about him on the Internet.

"His allegations against judges and prosecutors, and his explanation of his abuse of process, were false and dishonest," the findings stated.

The board, made up of 17 lawyers, seven judges and four lay people appointed by the Ohio Supreme Court, concluded Pullins acted with a pattern of misconduct on multiple offenses for several years. In addition, it found Pullins refused to accept the nature of his misconduct as inappropriate, and stated Pullins' apology to visiting Judge Thomas Curran was simply "lip-service."

"The panel's ability to describe [Pullins'] lack of understanding of the wrongfulness of his acts is almost beyond the power to describe. [His] apology to Curran lacked sincerity," the document stated.

The violations include incidences of making false accusations against a judge; conduct involving dishonesty, fraud, deceit or misrepresentation; conduct adversely reflecting on a lawyer's fitness to practice law; and the requirement to show respect to the court, among others.

"The demeanor and testimony of [Pullins] lead the panel to find that [Pullins] believed his actions were justified and it is the judges and the other individuals, of whom he complains, who are wrong," the document stated.

The final circumstance in the finding showed Pullins' acts of misconduct harmed the reputations of judges, attorneys and lay people.

"Those individuals who had nothing to do with a case and who were subpoenaed, were put under stress and inconvenience. ... The infliction of such distress did not seem to concern [Pullins]," the finding stated.

The panel did find there was a lack of evidence for four different allegations. Those points were dismissed by the panel and not included when making the recommendation.

According to Michael Murman, special prosecutor appointed by the Disciplinary Counsel, a three-member panel heard the original case over two days in October, made a decision based on the law and provided a recommendation to the entire 28 members on April 9.

"They heard the report from the three-member panel and then they deliberated and made an independent decision on their own," Murman said. "They do that in a private, confidential proceeding much like a jury deliberation."

In response to the panel's conclusion to recommend an indefinite suspension, Murman said he is happy.

"I've been interested in what's going on with this case and how our evidence was received," Murman said. "It was the recommendation I made."

For at least one member of the panel, not all of the evidence provided by Murman was conclusive. Judge Joseph Vukovich disagreed with four points. On two separate counts, Vukovich said he could not find that Pullins acted with "dishonestly, fraud, deceit or misrepresentation."

"For support, it is maintained that overzealous representation, abuse of process, and recklessness is not synonymous with [such a violation]," Vukovich said in his statement of dissent.

He defended Pullins, despite his "bizarre behavior," as being "articulate, respectful, cooperative and showed skill at the hearing."

He recommended Pullins be given a two-year suspension with 18 months stayed.

"Judge Vukovich's lengthy dissent reflects more accurately the law and the facts of what happened," said Pullins, who had not read the finding when questioned Wednesday afternoon by the News.

Pullins' own recommendation for sanction was a public reprimand.

"... I recommended that the panel find a number of violations, but clearly not 30," Pullins said. "I believe the Disciplinary Counsel deliberately overcharged me in order to make the situation seem worse than it really is."

According to Murman, the Supreme Court will issue an order to both sides stating the report has been filed. The order will give instructions to file an objection if either party finds issue with the final



recommendation.

Objections will be heard in front of the entire seven-member Ohio Supreme Court. Murman said each side will receive 15 minutes to argue its case and answer questions from the court's justices.

The OSC will then issue a final decision on sanctions against Pullins.

"This is a recommendation from the panel," Pullins said. "The Ohio Supreme Court makes the final decision. My license is still intact. The Ohio Supreme Court frequently overturns recommendations from these panels."

An indefinite suspension requires a two-year minimum wait before an application of reinstatement can be filed with the Board of Commissioners on Grievances and Discipline. A new three-member panel would be assembled to hear the plea for reinstatement.

"The respondent has the burden of proof by clear and convincing evidence at a hearing that he has the requisite character and fitness, together with the legal skills and knowledge, to be reinstated to the practice of law," Murman said. "There is no presumption that just because he once was a lawyer that he is qualified to be a lawyer again. He'd have the burden to prove it."

Pullins holds faith the OSC will recommend a sanction that is more representative to how he feels the case unfolded. However, if that outcome does not fall in his favor, he is prepared to defend himself for reinstatement.

"If for some reason the Ohio Supreme Court would follow this recommendation, there is no reason why my license would not be reinstated. Attorneys with much more egregious violations than these have had their licenses reinstated and are still practicing today," Pullins said.

Pullins could also be required to reimburse the board for \$6,171.61 in expenses.

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Legal Ethics

Risk-Averse Lawyers Surf Net Into Stormy Ethical Seas

Posted May 13, 2010 5:50 PM CDT

By Martha Neil

An Ohio lawyer is potentially poised to become one of the latest examples of lawyers taken to task for online misbehavior.

Scott Pullins should be suspended indefinitely, an attorney disciplinary board has recommended, for abusing his position as a lawyer to pursue investigations against people who posted negative comments about him on the Internet, reports the Mt. Vernon News.

A dissenting member of the Board of Commissioners on Grievances and Discipline said the recommended sanction in the report it filed yesterday with the Ohio Supreme Court is too severe. Meanwhile, Pullins himself says a reprimand would be appropriate and points out to the newspaper that he is still licensed as a lawyer pending any action by the court. It not infrequently lessens recommended attorney discipline, he adds.

He is among a growing number of lawyers facing actual or potential sanctions due to conduct that perhaps might have gone unnoticed in the past but is now documented online.

"It's not as if lawyers never misbehaved before," writes the National Law Journal. "But now they're making the same old mistakes—soliciting for sex, slamming judges, talking trash about clients—online, leaving a digital trail for bar counsel to follow."

The article cites multiple disputes previously discussed in ABAJournal.com posts.

Among them, Cuyahoga County Common Pleas Court Judge Shirley Strickland Saffold has been linked to anonymous Internet comments about cases to which she was assigned, resulting in her removal from a high-profile serial murder case. (The Cleveland Plain Dealer, which now says a Web moniker she has used is linked to online comments related to her cases on a number of sites, has been sued by Saffold for invasion of privacy.)

Other lawyers were disciplined or fired over social media posts. And even less obvious pitfalls, such as befriending an adverse witness online, could also result in discipline, an ethics opinion suggests.

Outdated ethics rules drafted before social networking sites became ubiquitous may be contributing to the growing number of complaints, since prohibitions may not be clear-cut, some believe. But in the meantime attorneys should perhaps count to 10 ... or 100 ... before hitting the send button, according to partner Michael Downey of Hinshaw & Culbertson, who says the current ethics rules are probably adequate to address the situation.

"They're disclosing confidences, talking about pending matters, they take potshots ... like everyone else," says Downey, the immediate past chairman of the ABA Ethics and Technology Committee, in explaining the problem to the NLJ. For some reason, he says, attorneys abandon their usual lawyerly tendency to be risk-averse when surfing the Web.

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Mount Vernon News

Pullins files lengthy objection

By Samantha Scoles, Mount Vernon News
June 4, 2010 10:31 am EDT

MOUNT VERNON — After the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio handed down a recommendation to indefinitely suspend Scott Pullins' law license, the local attorney has filed a 90-page objection with the Ohio Supreme Court.

The document, filed Thursday, meticulously explains Pullins' position on each of the seven counts of misconduct filed against him and his response to the Board's Filing of Fact submitted to the SCO last month. He quotes case law as well as deposition statements from Knox County Common Pleas Judge Otho Eyster, retired Judge Thomas Curran, as well as his own.

Pullins argues since he was never charged with harassment or abusing the discovery process it would be impossible for him to use his law license to abuse the system or harass individuals.

"As a matter of law and of fact, [Pullins] believes he has shown that he did not either abuse the discovery process or harass or harm any individual," Pullins states in his objection.

In defense of several statements made by Pullins against Eyster, he pleads he had factual and reasonable cause to make the statements. In fact, Pullins argues that such statements aren't required to be true.

"Under Ohio's long-standing case law, an attorney may make a statement without incurring jeopardy, even if the allegation later proves to be false, if it is supported with a reasonable factual basis," Pullins said.

"Under the objective standard, an attorney may still freely exercise free speech rights, and make statements supported by a reasonable basis, even if the attorney turns out to be mistaken," Pullins quoted from the Office of Disciplinary Counsel v. Gardner (Ohio 2003).

Pullins was permitted to practice law in the state of Ohio on Nov. 10, 2003, but did not begin to practice until May 2005. He contends many of the charges filed against him with the Board of Grievances were in regard to cases from his first year as a lawyer. Pullins admits to making rookie mistakes in some of these cases but does not feel he should be reprimanded for inexperience.

"[Pullins] was a new lawyer appearing in his first cases. In doing so he made mistakes that greatly angered the local judge, who refused to forgive him. Judges are required to be 'patient, dignified, and courteous to parties and their lawyers even in the most difficult circumstances'," Pullins stated.

If upheld, Pullins believes the recommendation "will lead to great uncertainty for Ohio's legal system."

According to the document, Pullins argues he is the only victim in these proceedings.

"The only person's reputation that has been harmed by [Pullins'] actions has been [Pullins]," he stated. "[Pullins] has repeatedly admitted to multiple instances of misconduct. [Pullins] asks this court to sanction him based upon the evidence and the law."

If the Supreme Court of Ohio does not agree with Pullins' original request for a public reprimand, he believes a six-month suspension, fully stayed, would be appropriate.

Michael Murman, special prosecutor assigned by the disciplinary council, will have 15 days to file his response to Pullins' objections after which a hearing in front of the Supreme Court of Ohio will be scheduled to allow both sides 15 minutes each to state their case. The final ruling will come from the SCO.

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Ohio Supreme Court to decide Pullins' fate / MOUNT VERNON NEWS

Mount Vernon News

By Samantha Scoles

June 12, 2010 7:15 am EDT

MOUNT VERNON — With the Board of Commissioners on Grievances and Discipline's objection answer filed, the Ohio Supreme Court will now decide the fate of local attorney Scott Pullins.

Last month, the board recommended Pullins' law license be suspended indefinitely after finding he was in violation of misconduct including dishonesty, fraud, deceit and misrepresentation.

Pullins filed a 90-page objection with the court on June 3, ultimately suggesting a stayed suspension would be a more accurate conclusion to the grievance process.

Michael Murman, representing the disciplinary counsel, said in his answer filed Thursday, that, taken independently, each incident would not warrant the board's attention; however, "the number of occurrences, and the persistent misconduct of [Pullins] that is the [most significant part] of this matter and warrants an indefinite suspension."

In discussing the history of the case, Murman cites an oral sworn statement given by Pullins in 2008, where Pullins admits to being an inexperienced attorney, that he was under a great amount of stress and had issues with his psychiatric medications. In his statement, according to Murman, Pullins said he believed his psychiatric care, along with his contract with the Ohio Lawyers Assistance Program, would prevent him from conducting himself in the behavior that resulted in the investigation.

The OLAP provides confidential advice, assists with interventions, treatment plans and aftercare services for judges, attorneys and law students who suffer from substance abuse, dependency and addiction, and mental health concerns.

Murman states the board's recommendation is "appropriate and necessary" and should be upheld by the Ohio Supreme Court.

The next step in the process is to bring the objections to the court, where the seven judges will listen to each side's argument, limited to 15 minutes each, and make a final ruling.

If the sanction remains an indefinite suspension, Pullins will be required to wait two years before filing an application of reinstatement. His plea would then be heard by a three-member panel.

Pullins also faces reimbursement of \$6,171.61 to the board for expenses.

In other court news, an appeal by Pullins with the Court of Appeals of Ohio, Fifth District, Knox County in the case of Kathryn Elliott Pullins, et al, v. Jeff Harmer, et al, was denied earlier this week.

The case involved Elliott Pullins' dismissal from the Apple Valley Property Owners Association's board of directors after she refused to recuse herself from board discussions on a lawsuit that involved her father.

She had also requested access to specific AVPOA financial records. Ultimately, the Knox County Court of Common Pleas found her dismissal from the board was invalid and confirmed she did, in fact, have the right to look through financial documents, although it was later determined the employment records Elliott Pullins requested were confidential.

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EXHIBIT

180

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Pullins asks for mental evaluation, reconsideration

By ADAM TAYLOR
KnoxPages Managing Editor

COLUMBUS – Attorney Scott Pullins is asking the Ohio Supreme Court to send his disciplinary case back to the Board of Commissioners on Grievances and Discipline and to order a psychiatric evaluation to determine his competency to practice law.

Pullins filed a memorandum yesterday, asking the court to put off disciplining him after a special prosecutor made reference to Pullins' psychological condition at the time he is alleged to have committed a pattern of misconduct between 2006 and 2009.

Pullins' memorandum accuses Special Prosecutor Michael Murman of misinterpreting the law and wrongfully influencing the outcome of the disciplinary investigation.

He quoted Murman's assertion that Pullins "was under stress and was having difficulty with his psychiatric medications when most of the questionable conduct occurred."

That, he argues, means Murman acknowledges his behavior "may not warrant the severe sanction that he previously recommended." The Board of Commissioners on Grievances and Discipline has recommended Pullins law license be suspended indefinitely.

In a response filed last week, Murman wrote that the conduct standing alone may not warrant a severe sanction, but points out the amount of time, number of occurrences "and the persistent conduct" of Pullins warrants an indefinite suspension.

Supreme Court justices were expected to schedule a hearing on the disciplinary allegations in the near future, but must first rule on Pullins' request. He stands accused of notary fraud, abuse of the discovery process and public disrespect of a judge.

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Burlington No. 528

EXHIBIT

181

http://www.mountvernonnews.com/local/10/06/17/pullins-asks-for-p

Mount Vernon News

Pullins asks for psych evaluation

By Samantha Scoles

June 17, 2010 10:19 am EDT

MOUNT VERNON — Before the Ohio Supreme Court could set a hearing date to hear objections to the Board of Commissioners on Grievances and Discipline, attorney Scott Pullins requested the case be remanded, or sent back, to the board.

Following disciplinary council Michael Murman's reference to Pullins' mental health in his objection answer, Pullins is now seeking an order for a psychiatric examination that would "determine his mental condition to practice law, his present mental condition, and his mental condition at the time of the alleged misconduct."

He has also requested the remand because the Court of Appeals of Ohio, Fifth District, Knox County denied Pullins' appeal in the case of Kathryn Elliott Pullins, et al., v. Jeff Harmer, et al. Pullins contends Murman relied on an "erroneous matter of law" from the case.

"[Murman] essentially adopted the position of the defendants in a case that was in the midst of litigation. That position was categorically rejected..." Pullins said.

Pullins' third and final argument for remand is Murman's stance that Pullins' individual actions did not show cause for alarm.

"This directly contradicts [Murman's] summation and conduct throughout these proceedings for which the majority of the panel heavily relied upon," Pullins said.

He also stated Murman "repeatedly characterized [him] as a paper terrorist."

In his answer, Murman did state the individual offenses would not raise red flags, but went on to say "the number of occurrences, and the persistent misconduct of [Pullins] that is the [most significant part] of this matter and warrants an indefinite suspension."

Pullins feels the three reasons, independently and collectively, are more than enough cause to send the case back to the board for further action.

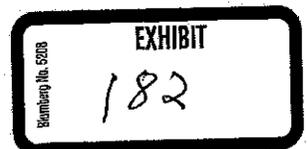
The board issued a recommendation of an indefinite suspensions for various acts of misconduct on Pullins' behalf last month.

Pullins also filed a request for judicial notice in regard to the Elliott v Harmer case.

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Mount Vernon News

Supreme Court issues four rejections to Pullins

By Samantha Scoles

July 21, 2010 10:49 am EDT

MOUNT VERNON — The Ohio Supreme Court has rejected four of Scott Pullins' requests in his objection to a recommended indefinite suspension. The ruling also catapults the case closer to a conclusion.

The court denied Pullins' request the case be remanded back to the Board of Commissioners on Grievances and Discipline. Pullins argued Michael Murman, counsel for the board, introduced Pullins' mental state, information not previously released in case documents filed with the OSC.

"[Pullins] was under stress, and was having difficulty with his psychiatric medications when most of the questionable conduct occurred," Murman wrote.

The request for judicial notice of a failed appeal with the Knox County Court of Appeals was also denied.

On June 28, Pullins filed a motion requesting the court to strike Count 4 of the disciplinary action and place sanctions on Murman for frivolous action.

Count 4 references Pullins' issue of subpoenas on a case that was suspended. Pullins concluded any potential for misconduct was previously investigated resulting in no action.

All four matters were rejected by the court.

Along with his ruling, Chief Justice Eric Brown ordered the case be scheduled for oral argument.

When asked if he thought he was filing too many motions or requests, Pullins told the News via e-mail he did not believe that to be the case.

"No, I would like to keep my license and the Court needs to know that this process has been unfair and misleading from the beginning," Pullins said.

"The fact that if I am disciplined as Mr. Murman has requested, then no attorney in the county is safe," Pullins said in a later submitted statement.

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August 5, 2008

PERSONAL AND CONFIDENTIAL
VIA FACSIMILE (216-226-9011) AND FIRST-CLASS MAIL

Michael E. Murman, Esq.
Murman & Associates
14701 Detroit Avenue, Suite 555
Lakewood, OH 44107

Re: *Disciplinary Counsel v. Scott A. Pullins, Esq.*
Our File Nos. A7-0684, A7-0778

Dear Mr. Murman:

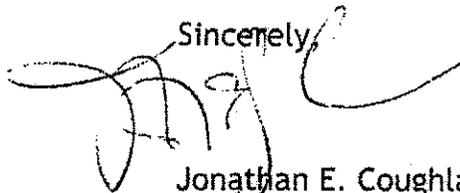
I am writing to confirm that you have agreed to act as a special prosecutor for the Office of Disciplinary Counsel of the Supreme Court of Ohio in the above-referenced matters.

1. Scope of Services as Special Prosecutor

You have agreed to act as a special prosecutor for the Office of Disciplinary Counsel of the Supreme Court of Ohio. As you know, pursuant to Gov. Bar R. V (3)(B), the Disciplinary Counsel shall investigate allegations of misconduct by judges or attorneys and initiate complaints as a result of investigations. I understand that by agreeing to act as special prosecutor, you have agreed to review our investigative files in the above-referenced matters and to independently determine what action, if any, is warranted in these matters. I understand that you will contact the grievants and any other relevant individuals in the above-referenced matters as a part of your investigation into this matter.

If you have any questions, do not hesitate to contact either me or Stacy Solochek Beckman.

Sincerely,



Jonathan E. Coughlan
Disciplinary Counsel

JEC:ss



Mount Vernon News

Assistant prosecutor faces possible suspension

MOUNT VERNON — Knox County Assistant Prosecutor Robert Broeren is facing a possible six-month suspension of his law license by the Ohio Supreme Court. The possible suspension stems from several counts of professional misconduct that occurred while defending a client in a private practice debt-collection case in 2004.

According to court documents, the Board of Commissioners on Grievances and Discipline has determined that Broeren violated four provisions of the Code of Professional Responsibility, and has accused him of conduct involving dishonesty, fraud, deceit or misrepresentation, neglect of a legal matter entrusted to him, failure to promptly deliver property to a client and failure to cooperate.

In Tuesday's session of the Supreme Court of Ohio, Broeren's attorney, Phillip Lehmkuhl of Mount Vernon, stated that Broeren fully admits to the charges of failing to promptly turn over client files and failing to cooperate with the disciplinary investigation.

Before Broeren began work in January 2005 as a full-time assistant to the Knox County prosecutor, he worked as a private litigator. In 2003 he was hired by William Lubin to represent New York-based PMR Products in a lawsuit filed by Selective Med Components of Mount Vernon. Selective Med was suing PMR for \$2,100 in a dispute regarding allegedly defective merchandise and nonpayment.

A statement released by the disciplinary board claims Broeren neglected to advise his client of a scheduled trial date until it was too late for the client to attend, and subsequently failed to notify the client that a \$2,100 judgment had been entered against him. The statement also reports Broeren later sent the client a copy of a back-dated letter that purported to have notified the client about the judgment and alerted him to a debtor's collection conference at which neither the client nor Broeren had appeared, resulting in an additional \$500 fine against the client.

Ohio Supreme Court Justice Paul E. Pfeifer said, "[The board's] conclusion that [Broeren] backdated a couple of letters to make his situation seem better once he's under the gun here is what's troubling."

Justice Maureen O'Connor said, "To me, there's a complete pattern here of [Broeren] ignoring for whatever reason [his client] and not responding ... and then voilà, he comes up with two letters to bring to this hearing that are supposed to explain everything."

Lehmkuhl defended Broeren's behavior by citing that Lubin was a difficult client, and pointing to Broeren's recent diagnosis of Attention Deficit Disorder.

"This is a classic manifestation of ADD," said Lehmkuhl. "He didn't pay attention to what he was doing. A classic symptom."

According to court documents, Broeren was diagnosed with ADD on April 7, 2006, has been placed on medication for that condition and has responded well to it. Broeren's prescribing doctor found that the ADD probably has had an effect on Broeren's ability to practice law, but did not report that ADD specifically contributed to his misconduct in this manner.

In the disciplinary board's brief to the court, the panel found several mitigating and aggravating factors. The board pointed out that Broeren has no disciplinary record, no pattern of misconduct, this was an isolated incident and out of character for the defendant, and Broeren's client in this matter was very difficult and uncooperative at times.

"There doesn't seem to be much dispute that he had a bad client and sooner or later every lawyer faces that and it can frequently lead to trouble," said Pfeifer.

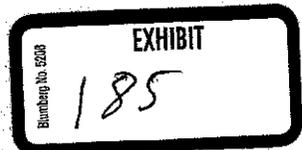
The board also documented that Broeren was initially uncooperative with the disciplinary process, he failed to acknowledge the wrongfulness of some of his conduct, he had a selfish motive when he refused to return the client's file until receiving his fee, and he submitted exhibits and testimony during the disciplinary hearing that the panel found to be false.

As an alternative to the board-recommended six-month license suspension and court costs, Lehmkuhl offered up that Broeren pay the \$1,000 in sanctions his negligence caused his client, and accept a reprimand or stayed license suspension.

No date has been released as to when the Ohio Supreme Court will render its decision in the matter.

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Attorney has license suspended

MOUNT VERNON — Knox County Assistant Prosecutor P. Robert Broeren has been suspended from practicing law for six months, according to court documents. In a decision issued this morning, the Ohio Supreme Court ruled that Broeren had committed professional misconduct while working as a private attorney in 2004.

Related

[Assistant prosecutor faces possible suspension](#)

According to Knox County Prosecutor John Thatcher, Broeren learned of the decision at 9 a.m. this morning and immediately tendered his resignation.

“He won’t be doing any legal work of any kind and he will abide by the court’s decision,” said Thatcher.

Thatcher said that even though the official date of Broeren’s resignation is Nov. 1, he won’t be in any courtroom or in the prosecutor’s office. Broeren will officially be using up his vacation time.

The opinion issued by the court states that Broeren was found guilty of conduct involving fraud, deceit, dishonesty or misrepresentation, neglect of an entrusted legal matter, and failure to promptly deliver property of a client.

In a statement from the State Board of Commissioners on Grievances and Discipline, Broeren was accused of violating several provisions of the Code of Professional Responsibility while defending a client in a 2004 debt-collection case. According to the board, Broeren neglected to advise his client of a scheduled trial date until it was too late for the client to attend, and subsequently failed to notify the client that a \$2,100 judgment had been entered against him. The board also said Broeren later attempted to cover this up by sending the client a back-dated letter supposedly informing him of the judgment against him.

In a hearing before the Ohio Supreme Court in July, Broeren’s attorney, Phillip Lehmkuhl of Mount Vernon, argued that Broeren’s misconduct in this matter was merely a condition of his Attention Deficit Disorder and not a deliberate attempt to cover up any wrongdoing. According to court documents, Broeren was diagnosed with ADD on April 7, 2006, and has been placed on medication for his condition.

“It’s a high standard when you become a lawyer and I don’t think that people realize that,” Thatcher said. “You’re held to a higher standard because you’re a professional.”

Broeren began work as a full-time prosecutor in January 2005. He has a wife and two daughters and has been practicing law in Ohio since 1998. Lehmkuhl said he was disappointed with the ruling.

Read more later in The News and online at mountvernonnews.com.

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Mount Vernon News

Broeren appointed assistant law director

By Kenesha Beheler
July 14, 2009

MOUNT VERNON — The city of Mount Vernon recently appointed Rob Broeren as assistant city law director, not a new position for the city. Last year, the city had two part-time positions and in the past year city officials made the position one full-time position.

"This is not new, we've had this position in the past," said City Council President John Booth. "[Broeren] will be assisting the law director and whatever he needs. A lot of it will be court time because the law director is also the city prosecutor ... and he will come to city council meetings if the law director can't be there."

The assistant law director will earn a salary of \$50,638.

"We need an assistant law director," said Mayor Richard Mavis. "Just like everything else, the responsibility is growing, and as far as I can tell, there is plenty of work for two people."

Broeren has experience in government, previously working as Knox County's assistant prosecutor.

"So now that Rob is on board, it's only been a few months, but in my personal opinion, we need an assistant prosecutor," said Mavis. "Being law director has a pretty large field of activities, mainly being advisor to administration and council. He also has to be responsible for all the prosecution that goes on in the court, plus advising all the elected officials and department heads, so it's a big job."

Being a city official is a demanding position and places precedence on the need for fast interpretation of the law.

"If I get a code and start reading and I need an interpretation, I like to get my answers quick. [Law director Bill Smith] is a researcher and has longevity with the city; that has been helpful. At the same time, he has such a wide variety of activities of which he is responsible for, and the assistant can provide that kind of support that he needs," said Mavis.

"I think Bill has done a good job of providing the council with information ... but he needs support and he has been successful in choosing effective people [to work alongside him]," said Mavis.

"I talk to [Smith] pretty frequently and we talked [recently] about a couple of areas of the code that I felt I needed to have some definition on. I depend on his legal advice frequently. He gets a lot of questions from the council and David Glass works with him, as well as Terry Scott," said Mavis.

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