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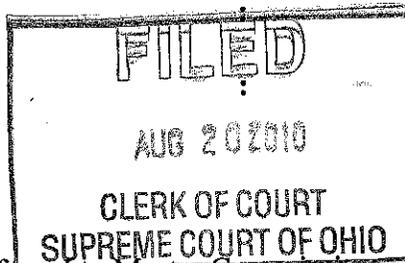
**BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO**

In Re: : **10-1479**

Complaint against : **Case No. 09-070**

Bryan S. Freeman : **Findings of Fact,**
Attorney Reg. No. 0070637 : **Conclusions of Law and**
: **Recommendation of the**
Respondent : **Board of Commissioners on**
: **Grievances and Discipline of**
Cleveland Metropolitan Bar Association : **the Supreme Court of Ohio**

Relator



This matter was referred to Master Commissioner, Judge W. Scott Gwin, on June 24, 2010, by the Secretary of the Board pursuant to Gov. Bar R. V(6)(F)(2) for a ruling on the Relator's motion for default judgment. Master Commissioner Gwin then proceeded to prepare a report pursuant to Gov. Bar R. V(6)(J).

PROCEDURAL HISTORY

Relator received grievances with regard to Respondent's representation of eight clients.

On or about August 11, 2008, Relator received a grievance from Valeasia Harris against Respondent. On August 14, 2008, Relator sent Respondent a letter via certified mail requesting his written response to the grievance filed by Harris. On August 28, 2008, Respondent requested an extension of time to submit his written response. On

September 4, 2008, Relator sent Respondent a second letter, via regular mail, requesting his response by September 18, 2008 to the Harris grievance. Respondent did not respond to the letter. On September 26, 2008, and on September 30, 2008, Relator contacted Respondent's office by telephone, regarding the Harris grievance. Respondent did not return either phone call.

On or about October 6, 2008, Relator received a grievance from Deborah Marshall against Respondent. On October 14, 2008, Relator sent a letter to Respondent via certified mail regarding the Marshall grievance, and requesting his written response by October 28, 2008. The certified mail was returned to Relator. Relator then sent the letter via regular mail and it was not returned. Respondent did not reply to the letter. On October 29, 2008, Relator sent Respondent a second letter via regular mail requesting his response to the Marshall grievance. Neither letter sent via regular mail was returned to Relator, but Respondent did not reply.

On November 5, 2008, Relator received a grievance from Michael G. Sawyer against Respondent, which was referred by the Disciplinary Counsel of the Supreme Court of Ohio. On November 17, 2008, Relator sent Respondent a letter via certified mail regarding the Sawyer grievance. The letter was signed for but Respondent did not reply.

On November 18, 2008, Relator served a subpoena duces tecum to Respondent requiring Respondent to appear at the investigator's offices on November 24, 2008, with documents related to the Marshall and Harris grievances. On November 21, 2008, Respondent requested the deposition be rescheduled to December 2, 2008. Respondent failed to appear and did not provide the requested documents.

On December 23, 2008, Relator received a grievance from Timothy Bruce against Respondent. On December 29, 2008, Relator sent a letter via certified mail regarding the grievance filed by Bruce. On January 9, 2009, Relator sent a letter via certified mail to Respondent regarding the Bruce grievance. Both letters were signed for, but Respondent did not respond to the attempts to contact him.

On or about January 5, 2009, Relator received a grievance from Harold S. Resnick against Respondent, which was referred by the Disciplinary Counsel of the Supreme Court of Ohio. On January 6, 2009, Relator sent Respondent a letter via certified mail requesting his written response to the grievance filed by Resnick. On January 9, 2009, Relator sent another letter via certified mail concerning the Resnick grievance. The letters were both signed for, but Respondent did not reply.

On or about January 7, 2009, Relator received a grievance from Allison Mayle against Respondent. The record does not indicate how Relator initially notified Respondent of the grievance, but Relator's investigator discussed the matter with Respondent at least by April 2, 2009.

On or about February 9, 2009, Relator received a grievance from Judge Dominick E. Olivito of the Carroll County Court of Common Pleas against Respondent, which was referred by Disciplinary Counsel of the Supreme Court of Ohio. On April 20, 2009, Relator sent Respondent a letter by certified mail, notifying him of Judge Olivito's grievance. Respondent replied the following day, requesting a copy of the grievance, which Relator forwarded to him. Respondent made no further response to Judge Olivito's grievance.

On April 24, 2009, Relator attempted to depose Respondent. Respondent did not

appear for the deposition. Relator telephoned Respondent at his office and on his cell phone, but Respondent did not reply. Respondent never produced the documents listed in the subpoena duces tecum for the deposition.

On or about July 2, 2009, Relator received a grievance from the Honorable Lisa L. Coates of the Stow Municipal Court against Respondent, which was referred by Disciplinary Counsel of the Supreme Court of Ohio. On July 2, 2009, Relator sent a letter via certified mail requesting his response to the grievance filed by Judge Coates. The letter was returned unclaimed.

On July 17, 2009, Relator sent Respondent a notice of intent to file a formal complaint via regular and certified mail, requesting his written response to the draft complaint. The letter sent by certified mail was delivered on August 6, 2009, and the regular mail was not returned to Relator.

On August 17, 2009, a Board Probable Cause panel found probable cause existed for the filing of a formal complaint, and certified the matter to the Board of Commissioners. Notice and a copy of the complaint was sent to Respondent at his law office, but was returned unclaimed. Thereafter, Respondent was served with the notice and complaint on October 30, 2009, by serving them on the Clerk of the Supreme Court of Ohio.

On November 18, 2009, Respondent sent Relator a notice of intent to file a motion for default via regular and certified mail, and requested a response within ten (10) days of the date of the letter. Respondent signed for the certified mail letter and the regular mail letter was not returned to Relator.

Relator filed its motion for default judgment on January 1, 2010. On January 11,

2010, the matter was referred to Master Commissioner W. Scott Gwin for a ruling on the motion for default. However, Respondent then contacted the Board for leave to file an answer. The Board granted Respondent until May 24, 2010, to file his answer. Respondent did not do so, and the matter was referred once more to Master Commissioner Judge W. Scott Gwin.

Respondent's misconduct occurred both before and after February 1, 2007, when the Supreme Court adopted the Ohio Rules of Professional Conduct. Respondent's conduct prior to February 1, 2007 was governed by the Ohio Code of Professional Responsibility.

CASE ONE- MICHAEL G. SAWYER

SAWYER FINDINGS OF FACT

Sawyer retained the firm of Elk & Elk to recover damages for injuries he sustained in a motor vehicle accident. Sawyer agreed Respondent would be jointly responsible for his representation. Sawyer sent his medical records to Respondent on or about September 1, 2006. On March 5, 2007, Respondent filed a complaint in the Court of Common Pleas for Hamilton County, Ohio, designated Case No. A0702082081, styled *Michael G. Sawyer v. Kenneth R. Brown, et al.*

Sawyer did not hear from Respondent for more than a year. In early September of 2007, Sawyer made several attempts to contact Respondent, but Respondent failed to return Sawyer's phone calls. Sawyer then sent Respondent a letter on September 14, 2007, requesting information about the matter and asking Respondent to return his phone calls. Sawyer informed Respondent that his delay in pursuing the matter was causing him problems. The letter was not returned to Sawyer.

On June 17, 2008, Sawyer and Respondent participated in a mediation and Sawyer's case was settled for \$7,170.55. Sawyer told Respondent he would like to have his share of the settlement proceeds within 30 days. On July 21, 2008, Respondent informed Sawyer he would receive a check and settlement documents in the mail shortly. The check and settlement document arrived on August 9, 2008, but were dated July 21, 2008. Sawyer endorsed the check on August 9, 2008, signed the accompanying release, and returned them to Respondent.

During the remainder of August through October, 2008, Sawyer attempted to contact Respondent by telephone, mail, and email, but could not reach him. Respondent answered one email in October. On October 25, 2008, Respondent sent Sawyer a check for the settlement funds. Sawyer alleges he was harmed financially by Respondent's failure to pursue the matter and to follow his instructions. Sawyer asserted Respondent's conduct was emotionally difficult for him.

SAWYER CONCLUSIONS OF LAW

Respondent's conduct with regard to the Sawyer matter has violated the following provisions of the Ohio Code of Professional Responsibility:

DR 6-101(A)(3) [neglecting a legal matter entrusted to him].

Respondent's conduct with regard to the Sawyer matter violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.3 [failing to act with reasonable diligence and promptness in representing a client];

Prof. Cond. R. 1.4(a)(3) [failing to keep the client reasonably informed about the status of the matter];

Prof. Cond. R. 1.4(a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client].

CASE TWO-DEBORAH MARSHALL

MARSHALL FINDINGS OF FACT

Deborah Marshall retained the law firm of Friedman, Domiano & Smith to recover damages for injuries she sustained in a fall on May 24, 2005. On or about November 30, 2005, Respondent sent Marshall a letter advising her he would be involved in the case. Respondent filed a complaint in the Court of Common Pleas for Cuyahoga County on July 20, 2007. The case was designated Case No. CV-07-627694, styled *Deborah Marshall v. Goldberg Companies, Inc., et al.*

On or about June 6, 2008, Respondent and Marshall participated in a mediation, and the case settled for \$10,000.00 plus up to \$5,000.00 for reimbursement of medical bills. Respondent submitted \$2,961.00 of the qualifying medical bills for reimbursement, but failed to submit an additional \$1,736.15 of qualifying medical bills for reimbursement.

Marshall alleges she made at least six attempts to contact Respondent by telephone, but was unable to reach him, and he did not return her phone calls. On September 22, 2008, Marshall complained to the law firm of Friedman, Domiano & Smith that Respondent had not returned her calls for two months. On October 7, 2008, she again complained to Friedman, Domiano & Smith.

On October 14, 2008, Respondent returned her phone call and informed Marshall he was waiting for some medical bills. Marshall requested her settlement funds, but Respondent stated he did not have the funds. Marshall stated it was not a pleasant

conversation. She then complained again to Friedman, Domiano & Smith, and requested the law firm pay her and then pursue Respondent for collection. Eventually, Friedman, Domiano & Smith sent her two checks totally \$11,068.18, representing the funds due Marshall after the payment of the medical bills. In a letter to Friedman, Domiano & Smith, Respondent stated he had discussed the matter with Marshall in a pleasant conversation.

Marshall alleges she was harmed financially by the delay in pursuing the matter and by Respondent's failure to submit the additional \$1,736.15 of medical bills for reimbursement. She stated Respondent's conduct was emotionally difficult for her.

MARSHALL CONCLUSIONS OF LAW

Respondent's conduct with regard to the Marshall matter began in October, 2005, but Relator does not allege any misconduct prior to February 1, 2007, when the Ohio Rules of Professional Conduct became effective. The events of which Marshall grieved occurred in the latter half of 2008.

Respondent's conduct with regard to the Marshall matter violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.3 [failing to act with reasonable diligence and promptness in representing a client];

Prof. Cond. R. 1.4(a)(3) [failing to keep the client reasonably informed of the status of the matter]; and

Prof. Cond. R. 1.4(a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client].

CASE THREE – VALEASIA HARRIS

HARRIS FINDINGS OF FACT

In or about February 2006, Valeasia Harris retained Respondent to recover damages resulting from injuries she sustained in a motor vehicle accident in December, 2005. In December 2007, Respondent filed a complaint in the Court of Common Pleas for Cuyahoga County, designated Case No. CV-07-644311, styled *Valeasia Harris v. Carla R. Kochalko, et al.*

Respondent did not advise Harris he had failed to obtain good service on some of the defendants in the case, and did not inform her he was going to dismiss her case before he did so. Harris alleges throughout Respondent's representation, both before and after he dismissed her case, she made several attempts to contact him by telephone, but was unable to reach him. Respondent also failed to respond to her request to promptly deliver her case file to her. Harris alleges she was harmed financially by Respondent's delay in pursuing the matter, and his conduct was emotionally difficult for her.

HARRIS CONCLUSIONS OF LAW

Respondent's conduct with regard to the Harris matter occurred both before and after February 1, 2007. Respondent's conduct prior to February 1, 2007 violated the following provision of the Code of Professional Responsibility:

DR 6-101(A)(3) [neglecting a legal matter entrusted to him].

Respondent's conduct after February 1, 2007 violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.3 [failing to act with reasonable diligence and promptness in representing a client];

Prof. Cond. R. 1.4(a)(1) [failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules];

Prof. Cond. R. 4(a)(2) [failing to reasonable consult with a client about the means by which the client's objectives are to be accomplished];

Prof. Cond. R. 1.4(a)(3) [failing to keep the client reasonably informed about the status of the matter]; and

Prof. Cond. R. 1.4(a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client].

CASE FOUR – TIMOTHY M. BRUCE

BRUCE FINDINGS OF FACT

On October 17, 2005, Timothy M. Bruce retained the Schiff Law Offices to recover damages for injuries received in a motor vehicle accident. The parties signed a contingent fee contract. Thereafter, Schiff assigned Respondent to represent Bruce. On October 15, 2007, Respondent filed a complaint in the Court of Common Pleas for Cuyahoga County, designated Case No. CV-07-638765, styled *Timothy Bruce v. Lois Schmidt, et al.* On August 27, 2008, the case was settled for \$27,500.00.

On or about September 1, 2008, Bruce signed an initial closing statement, which was also signed by Schiff and Respondent. The closing statement listed eight health-care providers whom Respondent would pay from the proceeds of the settlement. However, shortly after the settlement, several of the health care providers advised Bruce they had not been paid. On September 16, 2008, Bruce requested Respondent to pay the health-care providers, and not to "haggle" about the bills so Bruce could get his creditors "off

his back.”

As of November 24, 2009, Respondent had failed to pay any of the eight health-care providers listed on the closing statement. Two additional medical bills which should have been included in the initial closing statement were not included, and those two providers are seeking reimbursement directly from Bruce. Bruce alleges he was harmed financially by Respondent’s failure to pursue the matter and to follow his instructions, and Freeman’s conduct has been emotionally difficult for Bruce.

BRUCE CONCLUSIONS OF LAW

Respondent’s conduct with the regard to the Bruce matter began in October, 2005, but the misconduct occurred after Bruce settled his case in August 2008. Respondent’s conduct with regard to the Bruce matter violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.4 (a)(2) [failing to reasonably consult with the client about the means by which the client’s objectives are to be accomplished];

Prof. Cond. R. 1.4 (a)(3) [failing to keep the client reasonably informed about the status of the matter];

Prof. Cond. R. 1.4 (a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client]; and

Prof. Cond. R. 1.15(d) [failing to promptly notify and deliver to the client or a third person any funds or property that the client or third person is entitled to receive and failing to promptly render a full accounting regarding the funds or property].

Relator also alleges a violation of Prof. Cond. R. 1.4 (a)(1) [failing to promptly inform the client of any decision or circumstance with respect to which the client’s

informed consent is required by these rules] but the evidence does not support a violation.

CASE FIVE –HAROLD S. RESNICK

RESNICK FINDINGS OF FACT

In June, 2008, Harold S. Resnick retained Respondent to recover damages resulting from injuries he sustained in a motor vehicle accident. After Respondent failed to return several phone calls, Resnick retained another attorney in early 2009. Resnick made several attempts to have Respondent deliver his file to him, but Respondent failed to comply. Eventually, Respondent delivered the file to Resnick on or about March 16, 2009. Resnick alleges he was harmed by Respondent's failure to pursue the matter, failure to communicate with him, and failure to promptly deliver his file to him. He also alleges Respondent's conduct was emotionally difficult for him.

RESNICK CONCLUSIONS OF LAW

Respondent's conduct with regard to the Resnick matter began after February 1, 2007. Respondent's conduct with regard to the Resnick matter violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.3 [failing to act with reasonable diligence and promptness in representing a client];

Prof. Cond. R. 1.4 (a)(2) [failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished];

Prof. Cond. R. 1.4 (a)(3) [failing to keep the client reasonably informed about the status of the matter];

Prof. Cond. R. 1.4(a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client]; and

Prof. Cond. R. 1.15(d) [failing to promptly notify and deliver to the client or a third person any funds or property that the client or third person is entitled to receive, and failing to render a full accounting regarding such funds or other property].

Relator also alleges a violation of Prof. Cond. R. 1.4(a)(1) [failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules] but the evidence does not support a violation.

CASE SIX – ALLISON MAYLE

MAYLE FINDINGS OF FACT

Allison Mayle contacted the law firm of Friedman, Domiano & Smith to recover damages for injuries she sustained in a fall on July 1, 2005. Friedman, Domiano & Smith referred her to Attorney Marvin Schiff, of the Schiff Law Offices. On January 23, 2006, Mayle retained the Schiff Law Offices and signed a contingent fee contract.

On June 1, 2007, Respondent filed a complaint in the Court of Common Pleas for Stark County, designated Case No. 2007-CV-02300, styled *Allison M. Mayle v. DOTS LLC, et al.* On or about February 25, 2008, Respondent settled her case for \$15,000.00, and notified Mayle of the settlement on or about February 29, 2008. Respondent sent her a letter confirming the settlement and enclosing a release of claims. There was also a copy of the settlement check.

Mayle asserts Respondent was obligated to pay the Ohio Department of Job and Family Services \$4,775.47 of her settlement for reimbursement of Medicaid payments made on her behalf. She was also informed that Respondent was obligated to pay Medicare an unknown amount of the settlement payments.

After settlement, Mayle attempted several times to contact Respondent by

telephone, but was often unable to reach him. Respondent did not return any of her phone calls. Mayle asserts she called Respondent about once a week for three years, and resorted to calling from different phones, sometimes successfully.

Eventually, Mayle complained to the law firm of Friedman, Domiano & Smith, asserting Respondent had not returned her calls for more than three months, and she had not received the proceeds of the settlement. Mayle asserts she was harmed by Respondent's failure to pursue her matter, failure to communicate with her, and failure to promptly deliver her funds. She alleges his conduct was emotionally difficult for her.

When discussing the matter with Relator's investigator, Respondent stated he was working with Attorney Steven Paffilas of the U.S. Department of Justice regarding the Medicare lien. When the investigator contacted Paffilas, he learned Respondent was not working with Paffilas and there was nothing in Mayle's file to indicate Respondent ever contacted the Department of Justice regarding Mayle.

MAYLE CONCLUSIONS OF LAW

Respondent's conduct with regard to the Mayle matter began in January 2006, but Relator makes no allegations of misconduct prior to February 1, 2007. Respondent's conduct with regard to the Mayle matter violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.3 [failing to act with reasonable diligence and promptness in representing a client];

Prof. Cond. R. 1.4 (a)(2) [failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished];

Prof. Cond. R. 1.4 (a)(3) [failing to keep the client reasonably informed about the

status of the matter];

Prof. Cond. R. 1.4 (a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client]; and

Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation].

Relator also alleges a violation of Prof. Cond. R. 1.4 (a)(1) [failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules] but the evidence does not support a violation.

CASE SEVEN – LAURA L. MARKEY

MARKEY FINDINGS OF FACT

Laura L. Markey contacted the law firm of Elk & Elk to represent her in an action against Belmont Properties, Inc. and others for injuries she had received. Elk & Elk referred her to Attorney Marvin Schiff of the Schiff Law Offices, who in turn referred her to Respondent. On December 24, 2007, Respondent filed a complaint in the Court of Common Pleas for Cuyahoga County, Ohio, designated case no. CV07-645372, and styled *Laura L. Markey v. Belmont Properties, Inc., et al.*

On October 15, 2008, Markey received a letter on the letterhead of "The Freeman Law Office, LLC," from Lucy Higgins, who identified herself as Respondent's assistant. The letter stated Respondent had "recently" participated in a pre-trial relative to her case, during which the court had set another pretrial date of December 15, 2008. Certified copies of the appearance docket for the Cuyahoga County Court of Common Pleas show there was a case management conference on June 19, 2008, and there is no indication Respondent did not participate. A pretrial set for October 6, 2008 was cancelled and the

case was transferred to Carroll County Common Pleas Court on July 29, 2008. A certified docket sheet from Carroll County Court of Common Pleas shows Respondent did not appear for the pre-trial scheduled in Carroll County on October 15, 2008. Respondent offered no excuse and did not seek a continuance of the pretrial. Nothing on either court's docket sets any hearing for December 15, 2008.

Respondent did not respond to Belmont Properties' interrogatories and requests for production of documents. The judge assigned to the case in Carroll County was Dominick E. Olivito, Jr., who states Respondent did not appear for the pre-trial conference on October 8, 2008. On December 22, 2008, after attempting to contact Respondent, the court sustained Belmont Properties' motion to dismiss the action without prejudice. Markey alleges she was harmed by Respondent's failure to pursue the matter.

MARKEY CONCLUSIONS OF LAW

Respondent's conduct with regard to the Markey matter began in late 2007. Respondent's conduct with regard to the Markey matter violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.3 [failing to act with reasonable diligence and promptness in representing a client];

Prof. Cond. R. 1.4(a)(2) [failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished];

Prof. Cond. R. 1.4(a)(3) [failing to keep the client reasonably informed about the status of the matter];

Prof. Cond. R. 1.4(a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client];

Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and

Prof. Cond. R. 8.4(d) [conduct prejudicial to the administration of justice].

Relator also alleges a violation of Prof. Cond. R. 1.4(a)(1) [failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules] but the evidence does not support a violation.

CASE EIGHT – SARA NATALI TIMOCH

TIMOCH FINDINGS OF FACT

Judge Lisa L. Coates of the Stow Municipal Court, alleges she was assigned case number 2008TRC15267, in which Sara Natali Timoch was charged with operating a vehicle while under the influence, driving under suspension, and failure to control. The DUI was her third offense within six years. The offenses occurred on November 19, 2008. On December 1, 2008, at a pre-trial, Respondent, representing Timoch, advised the prosecutor and the judge he would be filing a motion to suppress before the scheduled trial date of January 7, 2009. No motion to suppress was filed. On January 7, 2009, the court granted Respondent's request for a two-week continuance, and re-scheduled the trial for January 26, 2009. On January 26, 2009, at the time scheduled for the trial, Respondent called the court stating that he had been in a car accident, and he requested another continuance of the trial date. The court granted the request and set the trial date for February 9, 2009. Judge Coates states Respondent never established he could not appear for the trial because of a car accident.

On February 9, 2009, neither Respondent nor his client appeared for trial. The court issued a bench warrant for Timoch's arrest. On February 25, 2009, Timoch turned

herself in to the court, informing the court Respondent never apprised her of the February 9th trial date. The court recalled the bench warrant and set another trial date for March 9, 2009.

On March 9, 2009, Timoch appeared for her trial, but Respondent failed to appear. Because Timoch was facing mandatory jail time, the court granted her request for a continuance so she could retain new counsel. The court then issued a show-cause order for Respondent to appear March 17, 2009.

On March 17, 2009, Respondent appeared late for the show-cause hearing, and agreed to pay the Village of Boston Heights restitution for cost of the prosecutor's time in appearing for several missed court dates, as well as for overtime for the police officers who had been called as witnesses for the prosecution. He agreed to pay within two weeks, but failed to do so. On May 14, 2009, the prosecutor filed a motion to compel Respondent to pay the court-ordered sanction. The court set a hearing date for June 1, 2009, but Respondent failed to appear for the hearing. Judge Coates asserted that Respondent's failure to appear for trial and for his own hearings was prejudicial to the administration of justice.

TIMOCH CONCLUSIONS OF LAW

Respondent's conduct with regard to the Timoch matter began in late 2008. Respondent's conduct with regard to the Timoch matter violated the following Rules of Professional Conduct:

Prof. Cond. R. 1.3 [failing to act with reasonable diligence and promptness in representing a client];

Prof. Cond. R. 1.4 (a)(2) [failing to reasonably consult with the client about the

means by which the client's objectives are to be accomplished.];

Prof. Cond. R. 1.4 (a)(3) [failing to keep the client reasonably informed about the status of the matter];

Prof. Cond. R. 1.4 (a)(4) [failing to comply as soon as practicable with reasonable requests for information from the client];

Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and

Prof. Cond. R. 8.4 (d) [conduct prejudicial to the administration of justice].

Relator also alleges a violation of Prof. Cond. R. 1.4 (a)(1) [failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules] but the evidence does not support a violation.

Respondent's conduct in failing to cooperate with Relator in the investigation and resolution of each of these matters violated Gov. Bar R. V(4)(G) and Prof. Cond. R. 8.1.

MITIGATING FACTORS

Respondent was admitted to the practice of law in May, 1999, and has no prior disciplinary record.

AGGRAVATING FACTORS

At least seven of the nine aggravating factors set forth in BCGD Proc. Reg. 10(B)(1) are present here:

- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (e) lack of cooperation in the disciplinary process;

- (g) failure to acknowledge the wrongful nature of the conduct;
- (h) vulnerability of and resulting harm to victims of the misconduct; and
- (i) failure to make restitution.

RECOMMENDED SANCTION OF THE RELATOR

Relator recommends the sanction of permanent disbarment.

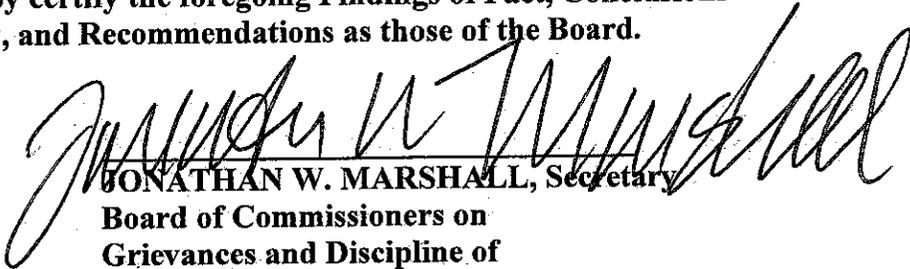
RECOMMENDATION OF MASTER COMMISSIONER

The Master Commissioner recommends indefinite suspension.

BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on August 13, 2010. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Master Commissioner and recommends that Respondent, Bryan S. Freeman, be indefinitely suspended in the State of Ohio. The Board further recommends that the cost of these proceedings be taxed to Respondent in any disciplinary order entered, so that execution may issue.

Pursuant to the order of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Recommendations as those of the Board.


JONATHAN W. MARSHALL, Secretary
Board of Commissioners on
Grievances and Discipline of
the Supreme Court of Ohio