

ORIGINAL

# The Supreme Court of Ohio

CLIENTS' SECURITY FUND  
65 SOUTH FRONT STREET, 5TH FLOOR, COLUMBUS, OHIO 43215-3431

CHIEF JUSTICE  
ERIC BROWN

JUSTICES  
PAUL E. PFEIFER  
EVELYN LUNDBERG STRATTON  
MAUREEN O'CONNOR  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
ROBERT R. CUPP

ADMINISTRATOR  
JANET GREEN MARBLEY

TELEPHONE 614.387.9390  
1.800.231.1680  
FACSIMILE 614.387.9399  
www.supremecourt.ohio.gov

November 3, 2010

07-0344  
10-0908  
10-1781

Kristina Frost, Clerk  
Supreme Court of Ohio  
65 South Front Street, 8<sup>th</sup> Floor  
Columbus, Ohio 43215

Re: Howard Vincent Mishler

Dear Ms. Frost:

Enclosed please find a copy of the Claim Determination Entry for award made by the Board of Commissioners of the Clients' Security Fund of Ohio in the following claim:

<u>CSF CLAIM NO.</u>	<u>CLAIMANT</u>	<u>AWARD</u>
08-0309	Terry Benetis and Tracy Conn	\$8,800

This award arose from the dishonest conduct of Howard Vincent Mishler. We ask that the information concerning the award made by the Clients' Security Fund be placed in the attorney's files.

Thank you for your attention to this matter.

Very truly yours,  
*Janet Green Marbley*  
Janet Green Marbley, Administrator  
Clients' Security Fund

JGM/pdl  
Enclosure(s): as stated

FILED  
NOV 04 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

*The Supreme Court of Ohio*  
*Clients' Security Fund*  
65 South Front Street, 5<sup>th</sup> Floor  
Columbus, Ohio 43215-3431

Eric Brown  
Chief Justice

Kenneth R. Donchatz  
Chair

Janet Green Marbley  
Administrator

CLAIM DETERMINATION ENTRY

In Re Application of Terry L. Benetis v. Howard Vincent Mishler  
Claim Number 08-0309

This cause came on for hearing before the Board of Commissioners of the Clients' Security Fund this **10<sup>th</sup> September, 2010** on the application of Terry L. Benetis alleging a loss in the amount of \$8,800, caused by dishonest conduct of an attorney duly licensed to practice in the State of Ohio

The Commissioners of the Clients' Security Fund of Ohio find that:

- a) An attorney client relationship did exist between the claimant and Howard Vincent Mishler.
- b) The claimant suffered a loss of \$6,300, and her sister, Tracy Conn suffered a loss of \$2,500 on or about May, 2008.

The Commissioners further find that the dishonest conduct consisted of theft of unearned fees, and that the following disciplinary proceedings were taken:

**Suspended For Term on 4/23/2008**

The Commissioners further find that the claimant took affirmative action against the attorney within one year of becoming aware of the loss; and that there is no insurance or bond which will benefit the claimant; and that said claimant is not a spouse, close relative, partner, insurer or bonding company, nor a governmental unit.

Therefore the Commissioners of the Clients' Security Fund do hereby determine that the claim of Terry L. Benetis is eligible for reimbursement in the amount of \$6,300, and Tracy Conn is eligible for reimbursement in the amount of \$2,500.

Payment of said amount is conditioned upon claimant complying with the subrogation assignment and other requirements of Sec. 6 of GOV. Rule VIII of the Ohio Supreme Court.

9/23/2010  
\_\_\_\_\_  
Date

Sept. 17, 2010  
\_\_\_\_\_  
Date

*Kenneth R. Donchatz*  
\_\_\_\_\_  
Chair  
*Janet Green Marbley*  
\_\_\_\_\_  
Secretary