

ORIGINAL

IN the SUPREME COURT of OHIO

Disciplinary Counsel,

Relator,

v.

Richard Vincent Hoppel,

Respondent

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Case Number 2010-1805  
Disciplinary Action

Board of Commissioners on Grievances  
and Discipline of the Supreme Court of  
Ohio  
Case Number 09-068

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RESPONDENT'S OBJECTIONS to the FINAL REPORT of the BOARD of  
COMMISSIONERS on GRIEVANCES and DISCIPLINE

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**TABLE of CONTENTS**

<b>TABLE of AUTHORITIES</b>	<b>iii</b>
<b>INTRODUCTION</b>	<b>1</b>
<b>STATEMENT of the CASE and FACTS</b>	<b>4</b>
<b>LAW and ARGUMENT</b>	
<b>Proposition of Law I:</b> The Panel and Board erred in failing to consider in mitigation of a recommended sanction, the letters in support of Respondent's character.	<b>11</b>
<b>Proposition of Law II:</b> The Panel failed to consider Respondent's cited cases in support of a sanction for misconduct, each of those cases being similar in nature to the offenses committed by Respondent and each resulting in a sanction less than Indefinite Suspension	<b>14</b>
<b>Proposition of Law III:</b> The overwhelming mitigation evidence warrants reconsideration of the Board's recommended sanction	<b>20</b>
<b>Proposition of Law IV:</b> The Panel and Board were without information regarding Respondent's payment of restitution to all clients named within the complaint, those payments being made by Respondent in face to face meetings with those clients after the Panel Hearing	<b>24</b>
<b>CONCLUSION</b>	<b>26</b>
<b>CERTIFICATE of SERVICE</b>	<b>27</b>
<b>APPENDIX</b>	<b>Appx. Page</b>
<u><b>APPENDIX</b></u>	
A.    Agreed Stipulations.	<b>1</b>
B.    Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.	<b>17</b>

**TABLE of CONTENTS Cont'd.)**

	<b>Appx. Page</b>
C. Respondents letter of apology and receipt for payment of restitution to Gloria J. Hawkey	27
D. Respondents letter of apology and receipt for payment of restitution to Anthony and Krista Romano	30
E. Respondents letter of apology and receipt for payment of restitution to David Fusco	33
F. Respondents letter of apology and receipt for payment of restitution to Cynthia Robb	36
G. Respondents letter of apology and receipt for payment of restitution to Nadene Dorsey	39
H. Respondents letter of apology and receipt for payment of restitution to Tammy Bauer	42
I. Respondents letter of apology and receipt for payment of restitution to Marsha L. Watson and letter from Marsha L. Watson to Disciplinary Counsel	45
J. Respondents letter of apology and receipt for payment of restitution to Derek Carter	49
K. Letter from Client Security Fund to Mr. David Miller tendering Respondent's letter of apology and payment of restitution	52
L. Respondents letter of apology and receipt for payment of restitution to Brian Grimm	55
M. Respondent's letter of apology, copy of restitution check and delivery confirmation of letter sent to Anita Cusick	58
N. Respondent's letter of apology, copy of restitution check and delivery confirmation of letter sent to Richard and Rita McCauley	61
O. Respondents letter of apology and receipt for payment of restitution to Dale and Betty Blazer	64
P. Respondents letter of apology and receipt for payment of restitution to Douglas and Becky Reckner	67

TABLE of AUTHORITIES

Cases

<i>Akron Bar Association v. Gatskie</i> (2005), 105 Ohio St. 3d 327, 2005 Ohio 1828 .....	23
<i>Akron Bar Association v. Goodlet</i> , (2003), 99 Ohio St. 3d. 355 2003-Ohio 3935 .....	14, 18
<i>Columbus Bar Association v. Allerding</i> ,(2009), 123 Ohio St. 3d 382 2009-Ohio-5589 .....	14, 17,18
<i>Cuyahoga Bar Association v. Lazzarro</i> (2005), 106 Ohio St.3d 379, 2005 Ohio 5321 .....	23
<i>Disciplinary Counsel v. Albrecht</i> (2005), 106 Ohio St.3d 301, 2005 Ohio 4984 .....	23
<i>Disciplinary Counsel v. Chambers</i> , (2010), 125 Ohio St. 3d 414 2010-Ohio-1809 .....	14, 15
<i>Disciplinary Counsel v. Connor</i> (2004), 105 Ohio St. 3d 100, 2004 Ohio 6902 .....	23
<i>Akron Bar Association v. Gatskie</i> (2005), 105 Ohio St. 3d 327 2005 Ohio 1828 .....	23
<i>Disciplinary Counsel v. Greco</i> , (2005), 107 Ohio St.3d 155 2005-Ohio-6045 .....	14, 19, 21, 23
<i>Disciplinary Counsel v. May</i> , (2005), 106 Ohio St. 3d 385 2005-Ohio-5320 .....	14, 15, 23
<i>Disciplinary Counsel v. Michaels</i> , (1988), 38 Ohio St.3d 248, 527 N.E. 2d 299 .....	22
<i>Disciplinary Counsel v. Nicks</i> , (2010), 124 Ohio St. 3d 460 2010-Ohio-600 .....	16
<i>Disciplinary Counsel v. Norris</i> (1996) 76 Ohio St.3d 93, 1996 Ohio 418 .....	23

TABLE of AUTHORITIES (cont.)

<i>Office of Disciplinary Counsel v. Fortado</i> (1996), 74 Ohio St. 3d 604, 1996 Ohio 295 .....	23
<i>Toledo Bar Association v. Weisberg</i> , (2010), 124 Ohio St. 3d 274 2010-Ohio-142 .....	17
 <u>Rules</u>	
BCGD Proc. Reg. 10(B)(2).....	11
BCGD Proc. Reg. 10(B)(2)(e).....	11
BCGD Proc. Reg. 10(B)(2)(a)-(h).....	20
BCGD Proc. Reg. 10(B)(1)(I).....	24
DR 1.3.....	7
DR 1.4(a)(3).....	7
DR 3.3.....	8
DR 3.3(a)(1) .....	8
DR 8.4(c).....	7
DR 8.4(d).....	7
DR 8.4(h).....	7

## INTRODUCTION

In 2007, Respondent Richard V. Hoppel became addicted to crack cocaine. For the next year and a half Respondent, a dedicated, caring and seemingly successful lawyer (due to a professionally diagnosed chemical dependency) engaged in a pattern of shameful and reprehensible conduct involving the taking retainers for bankruptcy cases and failing to complete the work on behalf of his clients and using the retainers and filing fees to fuel his ever increasing addiction. Respondent also began to miss hearings on behalf of clients assigned to him through his employment as a public defender for Columbiana County, Ohio. As a result of his use of crack cocaine, that behavior culminating in his incarceration in the Columbiana County jail on October 23, 2008 for contempt of Court – that sentence being handed down by the Honorable David Tobin. During the time of his incarceration Respondent realized that he had “hit bottom” and contacted Paul Caimi of the Ohio Lawyer’s Assistance Program and, with the permission of the Honorable David Tobin (the Judge who sentenced Respondent to jail for contempt), on November 8, 2008, entered the Ed Keating Center in Cleveland, Ohio, for a ninety (90) day in-patient treatment for his addiction as an alternative to completing the one hundred twenty (120) day term of incarceration. Upon discharge from the Keating Center Respondent returned home, voluntarily abstained from the practice of law for over six (6) months and engaged in a dedicated effort at recovery from his addiction. Respondent has fully and zealously complied with and exceeded the terms of his OLAP contract by entering into and completing both Relapse Prevention and Aftercare classes at the Columbiana County Family Recovery Center; submitting negative random drug screens and attending at least four (4) Alcoholics Anonymous meetings per week. In addition, Respondent has become married and is now the father of a beautiful baby girl. Respondent has acknowledged the wrongfulness of his conduct, expressed deep regret for his conduct and has again begun to practice law the way it should be practiced – honestly and with great dedication.

Respondent unqualifiedly acknowledges that the conduct that gives rise to this disciplinary matter is deserving of great condemnation. However, it must be understood as to why the conduct occurred and why that conduct is unlikely to repeat.

When determining the appropriate sanction, this Court should consider the whole story of Respondent's conduct including why that conduct happened and what the Respondent has done to recover and correct the harm caused by his conduct. As with all stories from the Alcoholics Anonymous 'Big Book', Respondent's story is three part: What it was like, what happened and what it is like now. It is clear from the brutally honest testimony of the Respondent that he had become addicted to crack cocaine and could not find a way out of that addiction without help. Respondent however could not figure out on his own how to get the help he needed. Fortunately for Respondent Judge Tobin pushed Respondent to use the resources of OLAP to assist Respondent in getting that help. Once Judge Tobin permitted Respondent to seek treatment for his addiction at the Keating Center, Respondent took the opportunity and ran with it. He fully immersed himself in the program of recovery attending over 111 AA meetings during his stay at the Keating Center, worked with a sponsor to fully complete the first three steps of the Alcoholics Anonymous program, attended AA meetings sponsored by OLAP and worked hard to recover from his addiction. Once he completed the Keating Center program Respondent returned home and continued his recovery program by attending Aftercare and Relapse Prevention programs. Respondent got a local sponsor in his home town of East Liverpool, Ohio, and continued working the AA program's steps. Respondent has continued to attend at least four AA meetings per week, maintained contact with his OLAP monitor Paul Caimi and continues to maintain compliance with his OLAP contract. Respondent has also become a presence in the local AA community and assists the program in any way that he can. The uncontradicted testimony of Paul Caimi, Associate Director of OLAP, supports Respondent's work in recovery and the prognosis that Respondent is able to return to the competent, ethical, professional practice of law. At the time of the hearing before the Panel, Respondent had over eighteen (18) months of sustained sobriety. Respondent now has over two (2) years of sustained sobriety and continues to build on that sobriety One Day at a Time.

Although it is clear that Respondent has demonstrated a commitment to sustained recovery since he "hit bottom", there is a final part of the story which the Panel did not get to

consider as it was done after the Panel hearing. After the hearing, as soon as funds were available, Respondent made direct restitution of money taken from his former clients in an amount in excess of seventeen thousand dollars (\$17,000.00). To accomplish this restitution Respondent personally hand delivered individual checks to each person that he had taken money from and failed to do perform services for. Respondent further hand delivered personal letters of apology to each of those persons to whom he made restitution to.

As will be discussed below, the Panel's Findings of Fact and Conclusions of Law and Recommendation, adopted by the Board, tells only a part of the story of Respondents conduct – what caused the conduct and what Respondent has done to correct both himself and the injuries that he caused to other people. Although the Panel acknowledged the stipulated mitigation that Respondent had no prior disciplinary record and that he cooperated fully with the disciplinary process and unanimously found the mitigating factor of chemical dependency and other interim rehabilitation – the Panel and the Board's recommendation does not consider all the circumstances, the mitigation factors of Respondent's state of mind while Respondent was in active addiction, Respondent's character, Respondent's acceptance of responsibility for his misconduct, and Respondent's significant progress in recovery. Further, as the restitution paid by Respondent was done after the Panel hearing, neither the Panel nor the Board could consider that fact in making a recommendation to this Honorable Court. Also, the Panel and the Board failed to consider the firmly established precedent of this Honorable Court in cases substantially similar to Respondent's case. Because mitigating factors presented at the hearing (or established after the hearing) which were not (or could not be) considered by the Panel or the Board and because the recommended sanction is not in line with the prior established precedent of this Honorable Court, the recommended sanction must be modified or the matter remanded to the Board of Commissioners on Grievances and Discipline for further consideration of those factors in mitigation.

## STATEMENT of the CASE and FACTS

Respondent Richard V. Hoppel has practiced law in the State of Ohio since May 16, 1994 and has no prior disciplinary violations. (Agreed Stipulations, Stipulated Mitigation and Aggravation, page 14). Respondent began his practice in a general practice law office, that being Frank & Hoppel from 1994 through approximately 2005. During this time, Frank & Hoppel became Frank & Hoppel Co., L.P.A. After 2005 the firm became Frank, Hoppel & Yajko Co., L.P.A.. In February, 2008, Respondent became a sole practitioner (Agreed Stipulations #3). Respondent's practice concentration was in bankruptcy and serving as a part time public defender for Columbiana County, Ohio (Agreed Stipulation #2).

Respondent had used powdered cocaine and crack cocaine while in undergraduate school at Youngstown State University. Respondent quit using the drugs in 1987 (See May 18, 2010 Hearing Transcript, hereinafter referred to as "Tr.", pp. 53:11-24; 54:1-5). Respondent did not seek treatment or engage in any type of recovery program to stop using cocaine at that time (Tr., pp.54:11-21). Respondent returned to the use of powdered cocaine "very sparingly" beginning in 1993 (Tr. pp. 55: 17-24; 56: pp 1-24; 57: pp 1-6). Respondent's sparing use of cocaine continued and increased to the purchase and use of crack cocaine near the end of 2005 or the beginning of 2006 (Tr. pp. 59: 1-4). Respondent became fully addicted to crack cocaine in 2007 (Agreed Stipulations #4). As the consequence of Respondent's use of crack cocaine Respondent's performance as an attorney suffered and was obvious to many, including Judge David Tobin of the Columbiana County Court of Common Pleas. In the Spring of 2008, concerned for Respondent's personal and professional well being, Judge Tobin had an intervention for Respondent involving two of Respondent's colleagues (Tr. p. 59:5-14). At the urging of Judge Tobin and his colleagues, Respondent met with Paul Caimi, Associate Director of the Ohio Lawyer's Assistance Program after the 2008 intervention and Respondent signed a contract with OLAP at that time. Although Respondent went to a couple different treatment facilities in an attempt to satisfy both OLAP and Judge Tobin. Respondent did not comply with the terms of that contract or satisfy Judge Tobin (Tr. pp. 59:15-24; 60:1-24; 61:1-24). From Spring of 2008 through October 23, 2008 Respondent continued to use crack cocaine on a daily basis (Tr. p. 63:7-8).

From 2006, through October 23, 2008, Respondent's life spiraled out of control. During that period, Respondent or Respondent's former law firm had been retained to represent all of the client's set forth in the Complaint in this matter. When Respondent left that firm he took these cases with him and assumed sole responsibility for them. Respondent's addiction began to control his life. Respondent was unable to complete the work for which he had been hired and could not pay to have cases filed as he had used the filing fee money to feed his addiction. Respondent's actions were not premeditated – they were compulsive, the result of the addiction (Tr. pp.161:12-24; 162: 1).

Beginning in 2007, Respondent began appearing late or failing to appear for hearings in the Columbiana County Court of Common Pleas (Agreed Stipulations 5). After several warnings and an initial finding of contempt which was suspended on the condition of good behavior, Respondent missed two hearings on October 16, 2008, in Judge Tobin's Court (Agreed Stipulations 9) and a show cause Order was issued for October 23, 2008. On that date, Judge Tobin found the Respondent in Contempt of Court and sentenced Respondent to two consecutive sixty day jail sentences (Agreed Stipulations 11). Respondent was handcuffed and taken to the Columbiana County Jail on October 23, 2008 – the date of beginning of Respondent's new life. While incarcerated Respondent was able to contact Paul Caimi of the Ohio Lawyer's Assistance Program. Mr. Caimi assisted Respondent in finding a treatment center which would accept Respondent even though he had no money or insurance to pay for his treatment. In late October, 2008 Respondent, with the assistance of Paul Caimi, was accepted into the Ed Keating Center in Lakewood, Ohio, for treatment of his addiction (Stipulated Exhibit 48). Judge Tobin suspended the balance of Respondent's incarceration to allow Respondent to enter the Keating Center. On November 5, 2008, Respondent was released from the Columbiana County Jail to the custody of his Aunt for the purpose of entering the Keating Center on November 7, 2008. On November 7, 2008, Respondent entered the Keating Center in Lakewood, Ohio, where he remained until approximately February 8, 2009 (Agreed Stipulations 12).

During this time Respondent ran afoul of the Honorable Kay Woods, Judge of the United States Bankruptcy Court for the Northern District of Ohio by filing a Motion on behalf of Douglas and Rebecca Reckner to waive the filing fees on the basis of poverty although the Reckner's had already given their filing fee to the Respondent. (Agreed Stipulations 118 and 119). The filing fee was not paid to the Court. A show cause Order was issued for the Respondent and the Reckners to appear before the Court on November 13, 2008. Respondent was in treatment at the Keating Center and the Reckners appeared before the Court and provided written receipts from the Respondent showing that they had in fact paid Respondent the filing fee (Agreed Stipulations 121). Respondent's Electronic Case Filing privileges were suspended under an Order to Disgorge Attorney Fees and Filing Fees to the Reckners (Agreed Stipulations 123). As of the time of the Panel hearing Respondent had not disgorged attorney fees or filing fees to the Reckners.

Beginning October 23, 2008, Respondent began his life of sobriety. On October 24, 2008, Respondent attended his first AA meeting while in the Columbiana County Jail and his second on October 31, 2008 (Tr. p 138:6-11). At the Keating Center, Respondent participated in six group sessions per day and attended at least one outside AA meeting every day – sometimes as many as three per day. Respondent got a sponsor and actively participated in the AA program, working the first three steps of that program fully. Respondent was discharged upon completion of the treatment program at the Keating Center on February 8, 2009 (Stipulated Exhibits 49). While at the Keating Center Respondent renewed contact with Paul Caimi of OLAP and entered into a new OLAP contract. Respondent is in complete compliance with all terms of that contract (Tr. pp. 70:23-24; 71:1-14). Mr. Caimi introduced Respondent to members of the OLAP AA Meeting in downtown Cleveland, Ohio, and transported Respondent to these meetings on occasion.

On February 9, 2009, Respondent returned home to few employment prospects and the challenge of staying sober. Respondent voluntarily ceased the practice of law upon entering the Keating Center and had been advised by Disciplinary Counsel that if Respondent attempted to resume practice an Interim Order of Suspension would be sought (Tr. p. 129:8-15).

As soon as Respondent returned home he contacted his Uncle Bill Oliver, a recovering alcoholic with seventeen years of sobriety and asked him for his assistance in staying on the right track (Tr. p. 139:3-14). Mr. Oliver took Respondent to an AA Meeting at the One Day at a Time Club in East Liverpool, Ohio, that night. At the One Day at a Time Club, Respondent renewed his acquaintance with Steve McComas, a high school friend. Mr. McComas became Respondent's sponsor in East Liverpool (Tr. p. 85:10-19). According to Mr. McComas, respondent is doing "phenomenal" in the AA program. Mr. McComas has worked with Respondent in progressing through the first nine steps of the AA program (Tr. pp. 88:5- 24;89:1-18). Respondent became actively involved in the East Liverpool AA program and in the sober house run by Mr. McComas (Tr. pp. 93:23-24; 94:1-15). Mr. McComas helped Respondent get a job at the East Liverpool Motor Lodge as a front desk clerk making \$7.50 per hour (Tr. p. 129:24;130:1-3).

In July of 2009, Respondent appeared at the Office of Disciplinary Counsel for his deposition. After that deposition Respondent was informed that an Interim Order of Suspension would not be sought should he want to resume practicing law. In July, 2009 Respondent began active practice under the supervision of another lawyer assisting in a bankruptcy practice receiving \$250.00 per filed Chapter 7 bankruptcy case (Tr. p. 133:1-4). Respondent works in that capacity to this date.

In October, 2009, a fifteen count complaint was filed against Respondent by Disciplinary Counsel. Respondent answered that Complaint and, prior to the Panel hearing, Respondent and Relator jointly filed Agreed Stipulations in which Respondent stipulated to all of the relevant facts as set forth in each count of the Complaint and to most of the violations contained in the Complaint. The stipulations were to eleven counts of violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; five counts of violation of Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation]; four counts of violation of Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter]; three counts of violation of Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice]; two counts of violation of Prof. Cond. Rule 8.4(h) [A

lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law]; two counts of violation of Prof. Cond. Rule 3.3 [A lawyer shall not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer]; and one count of violation of Prof. Cond. Rule 3.3(a)(1) [A lawyer shall not knowingly make a false statement of fact or law to a tribunal].

At the May 18, 2010, hearing before the Panel Respondent and Relator stipulated to the above violations. Testimony was presented.

Respondent presented the telephone testimony of Paul Caimi, Associate Director of the Ohio Lawyer's Assistance Program. Mr. Caimi testified that he is Respondent's monitor in OLAP (Tr. p. 68:7-9). Mr. Caimi testified as to Respondent's participation in OLAP and to his diagnosis as a crack cocaine addict in remission (Tr. p. 70:22-24). Mr. Caimi further testified that Respondent is in full compliance with his Ohio Lawyer's Support System Contract and, at the time of the Panel hearing, had over a year and a half of sobriety (Tr. pp. 71:13-24; 72:1-6). Mr. Caimi also testified as to Respondent's prior attempts at recovery and Respondent's treatment at the Keating Center (Tr. pp. 72:7-24; 73:1-7). Mr. Caimi stated his opinion that Respondent has the present capacity to be competent as a lawyer (Tr. p. 73:12-23). On cross examination Mr. Caimi testified as to his opinion of Respondent's progress and the possible benefit of an extension of Respondent's OLAP contract. In considering this Mr. Caimi testified that "[Y]ou know, there comes a point where, you know, he – and I think that he – would keep going to meetings even without participation in OLAP to be honest with you. I think that he is -- is that sincere about his recovery" (Tr. p. 76:10-14). On Redirect, Mr. Caimi further stated that in his opinion Respondent's addiction contributed to Respondent's state of mind which in turn contributed to Respondent's misconduct and that during active addiction, a crack cocaine addict's behavior is warped (Tr. pp. 78: 1-23). Mr. Caimi continued as to Respondent's solid recovery program and his competency and fitness to practice law (Tr. pp. 79: 17-24; 80:1-11). Mr. Caimi was then questioned by Panel Member Polito regarding Respondent's random drug screens. Mr. Caimi testified that Respondent has passed all random drug screens (Tr. pp. 82: 15-19).

Respondent's AA Sponsor, Steve McComas, testified on behalf of the Respondent. Mr. McComas, a licensed counselor at Gateway Rehabilitation in Aliquippa, Pennsylvania, testified as to Respondent's active working of the Steps of Alcoholic's Anonymous and the progress Respondent had made to that point – especially focusing of Steps Four and Five of that program (Tr. pp. 88: 5-24; 89: 1-17). Mr. McComas detailed at great length the requirements for good recovery through the AA program and Respondent's time and energy in working the Fourth and Fifth Steps with Mr. McComas (Tr. pp. 92:2-9). Mr. McComas further testified (over objection) as to Respondent's potential to be successful in recovery and to remain a recovering addict (Tr. pp. 93:10-24; 94: 1-15). Finally, Mr. McComas testified as to Respondent's humility and the setting aside of Respondent's ego and pride which may have led to his addiction (Tr. p. 95: 7-15).

Respondent testified on direct examination as to several matters including his dealings with current clients and the work that he performed for them (Tr. pp. 113: 6-24; 114: 1-25; 115: 1-24; 116: 1-3), as well as his professional history in the Bankruptcy field (Tr. pp. 120: 12-24; 121: 1-18). Respondent further testified as to the reinstatement of his Electronic Case Filing privileges in the United States Bankruptcy Court for the Northern District of Ohio (Tr. pp. 122: 10-24; 123: 1-24; 124: 1-24; 125: 1-24; 126: 1-22). Respondent testified as to his remorse for the misconduct he engaged in and the positive experience that dealing with new clients such as Mr. & Mrs. Mackey had been for him (Tr. pp. 133: 22-24; 134: 1-15).

Respondent then testified as to his participation in OLAP and his involvement in and participation in AA meetings to the date of the Panel hearing (Tr. 136: 11-24; 137: 1-18). Respondent further testified as to his actions following his discharge from the Keating Center and his need for meetings to assist in his continued sobriety (Tr. p 139: 3-17); his participation in Relapse Prevention and Aftercare classes at the Family Recovery Center (Tr. 142: 1-24; 143: 1-24; 144: 1-12).

Maybe most illustrative of Respondent's testimony is that in which Respondent reflects on his sentencing to jail for Contempt of Court; “[W]hen - - when I was standing there in front of Judge Tobin on October 23<sup>rd</sup>, you know, I - -I told him that he could go ahead and sentence me to

jail because I was already living in hell” (Tr. p. 155: 2-5). Respondent continued his recollection of the events leading up to his sobriety, his disbelief prior to becoming sober that he could in fact get sober, the respect and admiration that he has for Judge Tobin and his desire that his little girl never have to know the way he was prior to reaching sobriety (Tr. Pp. 155:6-24; 156: 1-15). Finally, Respondent testified as to his state of mind when dealing with the clients he had harmed (Tr. pp. 161: 12-24; 162: 1) and the bottom that he hit sitting in an orange jump suit in the Columbiana County jail talking to his father (Tr. p. 163:8-15).

Upon inquiry by Panel Member Reynolds, Respondent was asked whether he had an opinion as to whether or not an extension of his OLAP contract would be appropriate and if so, what would be an appropriate time to which the Respondent answered “[S]ir, I’m not a professional, but I don’t care if you extend the OLAP contract for the rest of my professional career. It’s not an imposition in my life. The only way it would be an imposition would be if I’m using, and I’m not using” (Tr. p. 176: 11-16). Upon further inquiry by Panel Member Reynolds, Respondent testified as to his lifestyle which contributed to his behavior during the time he engaged in the misconduct; and the subsequent events which have changed his life and his behavior, especially the birth of his daughter in December, 2009 (Tr. pp. 177:17-24; 178: 1-23).

Upon conclusion of the Panel hearing, Respondent moved to admit Respondent’s exhibits 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 15, 17, 18, and 19 as well as character letters being Respondent’s exhibits 20, 21, 22, 23, and 24. These exhibits were admitted over objection and following closing arguments the Panel hearing concluded. At that time, the Panel Chair requested that each side provide cases in support of a recommended sanction. On May 25, 2010, Respondent forwarded to all members of the panel and Disciplinary Counsel seven cases in support of a sanction of a term suspension with at least the last eighteen months stayed on conditions.

On October 7, 2010, the Board of Commissioners on Grievances and Discipline adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel recommending that Respondent be indefinitely suspended together with and Order of Restitution.

Although unable to be considered at the Panel Hearing, it must be brought to the attention

of this Court that Respondent had actively been working with his father in an attempt to secure funds to make restitution to those he harmed. On November 13, 2010 Respondent personally hand delivered restitution checks and letters of apology to eleven of the thirteen individuals named in the Complaint. The remaining three persons named in the Complaint were mailed checks and letters of apology directly to their homes or through the client security fund. It is further worthy of consideration what effect that this gesture made upon at least one former client and complainant, Ms. Marsha Watson, as set forth in Ms. Watson's letter sent to Disciplinary Counsel (See Appendix I).

Richard V. Hoppel continues to abide by the terms of his Ohio Lawyer's Assistance Program contract in full on a daily basis. He continues to actively work a recovery program on a daily basis. He has admitted his wrongdoing, made restitution and is a valuable and competent lawyer serving the public the way that he should have in the past – diligently, competently and compassionately.

## **LAW and ARGUMENT**

### **I. The Panel and Board Erred in Failing to Consider in Mitigation the Letters in Support of Respondent's Character.**

According to BCGD Proc. Reg. 10(B)(2)(e) the Panel and the Board may consider in mitigation the character or reputation of the Respondent when considering a less severe sanction. In support of his character and reputation, the Respondent submitted five letters attesting to his character. These letters were from Charles B. Lazzaro, Esq., John E. Drumm, Esq., the Honorable David Tobin, the Honorable Thomas M. Baronzzi, and Phyllis Eisele-Curran, LICDC, program director of the Ed Keating Center in Lakewood, Ohio. Each of these letters were admitted into evidence at the Panel hearing as Respondent's exhibits 20-24 respectively (Tr. p. 179: 20-22). Although Respondent did not provide cumulative character or reputation letters in support of mitigation, one must look at the content of the letters in determining their value.

The letter from Attorney John E. Drumm is perhaps most illustrative of Respondent's professional and personal character in that Attorney Drumm's opinion is based upon a history with Respondent that spans several years both professionally and personally. Attorney Drumm makes reference to Respondent's collegial attitude even though a competitor, his approachable, courteous and respectful nature to colleagues and clients as well as his general good reputation in the community and the Courts.

Attorney Drumm further relates his shock regarding the events that transpired in Respondent's personal and professional life beginning in 2008. Attorney Drumm set forth his own personal actions in attempting to contract Respondent to assist him but to no avail. Attorney Drumm also described that the actions and inactions of the Respondent were totally out of character for Respondent and that the behavior of the Respondent led him to believe that something was affecting his good judgment and personality.

In closing, Attorney Drumm talks of confronting Respondent while the Respondent was working at the East Liverpool Motor Lodge and how angry he was at Respondent for the additional work that Respondent had caused him. Attorney Drumm accepted Respondent's apology and acknowledged Respondent's efforts at overcoming his addiction and his expression of a sincere desire to make amends to his harmed clients.

Clearly this letter is character evidence worth consideration.

Next is the letter from Judge David Tobin. It is worthy of note that this letter in support of the Respondent is written by the same Judge that filed a grievance against the Respondent and sentenced the Respondent to jail for contempt of Court. Judge Tobin notes in his letter that he has known the Respondent since he began to practice law and that up until 2007, that he seemed to be a competent attorney. Judge Tobin notes his personal interactions with Respondent after Respondent's return from the Keating Center and his final decision to dismiss the contempt citations he issued – including the balance of the sentence and the fines. Judge Tobin also notes that he has had personal contact with Respondent and that he “seems to be physically better, mentally better and seems to have a grip on a direction for his life and his practice” (Exhibit 22). Judge Tobin further notes that he would welcome Respondent back to practice in front of him

without hesitation and that this experience may have saved Respondent's life, if not his practice.

Clearly, this letter is character evidence worth consideration.

Exhibit 23 is the letter in support written by Judge Thomas M. Baronzzi, Probate and Juvenile Judge of the Columbiana County Court of Common Pleas. Judge Baronzzi notes his long professional relationship with Respondent both before Judge Baronzzi ascended to the bench and afterwards. Judge Baronzzi writes that he had a very favorable opinion of Respondent based upon his personal contact with him and the way Respondent handled cases for opposing clients. Judge Baronzzi refers to his knowledge of Respondent's addiction and his personal attempts to help Respondent seek professional help as well as the devastating effects that the substance abuse had on Respondent's personal and professional life and reputation.

Judge Baronzzi goes on to discuss his opportunity to discuss with Respondent the changes Respondent has made in his personal life and Respondent's desire to rehabilitate his professional career. He also states that it is very apparent to him from his contact with Respondent that Respondent has made substantial progress toward meeting those goals and that he has no concerns regarding Respondent's ability to competently and zealously represent clients before him or any other Court in the State. Finally, Judge Baronzzi states "I support Attorney Hoppel in his continued efforts or rehabilitation and his efforts to maintain his license to practice law in the State of Ohio" (Exhibit 23).

Clearly this letter is character evidence worth consideration.

The other two letters, while not being of the nature of the first three, are illustrative of Respondent's continued efforts at sobriety and his commitment to maintaining his new way of life. Phyllis Eisele-Curran, LICDC, Program Director at the Ed Keating Center makes reference to Respondent's commitment to staying sober and changing his life as well as the fact that Respondent continues to be active at the Ed Keating Center helping facilitate group sessions with new residents (Exhibit 24). The letter from Attorney Charles B. Lazzaro, while short, is of value in establishing Respondent's character in that Attorney Lazzaro refers to Respondent's AA lead and the sincerity of that message.

In short, the Panel neglected to consider this mitigating character evidence which should have been considered in the imposition of a sanction less severe than an indefinite suspension.

**II. The Panel and Board Erred in Failing to Consider Respondent's Cited Cases of Precedent in Support of a Sanction for Misconduct, Each of Those Cases Being Similar in Nature to the Offenses Committed by Respondent and Each Resulting in a Sanction Less Severe than Indefinite Suspension.**

At the close of the hearing, the Panel Chair offered both parties the opportunity to provide case law in support of sanctions (Tr. pp. 190:22-24; 191:1-10). On May 25, 2010 Respondent provided each of the members of the Panel as well as Disciplinary Counsel, a letter setting forth seven cases decided by this Honorable Court in support of an appropriate sanction of a term suspension of no more than two years with at least the last eighteen months stayed on conditions. These cases were *Disciplinary Counsel v. May*, 2005-Ohio-5320, *Disciplinary Counsel v. Chambers*, 2010-Ohio-1809, *Disciplinary Counsel v. Nicks*, 2010-Ohio-600, *Toledo Bar Association v. Weisberg*, 2010-Ohio-142, *Columbus Bar Association v. Allerdig*, 2009-Ohio-5589, *Disciplinary Counsel v. Greco*, 2005-Ohio-6045, and *Akron Bar Association v. Goodlet*, 2003-Ohio-3935.

In the Findings of Fact, Conclusions of Law and Recommendation of the Board on Grievances and Discipline of the Supreme Court of Ohio issued October 7, 2010, the Panel refers to the cases cited by Disciplinary Counsel in support of an indefinite suspension. However, the Panel goes on to find that these cases are distinguishable from Respondent's case in that unlike Respondent, the respondents in those cases failed to cooperate and had no mitigating factor of drug dependency.

In light of the Panels failure to consider the cases cited by the Respondent, it is necessary for Respondent to present these cases and their application to the Respondent's case to this Honorable Court.

In the case of *Disciplinary Counsel v. May*, 2005-Ohio-5320, 106 Ohio St. 3d 385 (Ohio 2005) the Respondent was charged with committing several violations of the Ohio Code

of Professional Responsibility after being indicted by a Grand Jury on two charges of obtaining a dangerous drug through deception. Respondent had presented forged prescriptions for a narcotic. Respondent entered into a treatment in lieu of conviction program including random drug tests and NA meetings. Respondent successfully completed that drug treatment and the charges were dismissed.

Respondent admitted the violations as set forth in the Complaint and a two year suspension with the entire suspension stayed on conditions of probation including participation in OLAP, random drug screens, attend at least one AA or NA meeting per week and continue counseling. In accepting this recommendation of the Board, this Court stated that “[T]he Board also found that respondent had been professionally diagnosed as having been chemically dependent on pain medications and that his abuse of those medications had affected his behavior and contributed to his misconduct. . . .” *May, supra at page 388.*

In the present case it is clear that there are aggravating factors present which were not present in the *May* case cited. Respondent in the present case was not convicted of any crime. Respondent has been engaged in recovery for a period in excess of two years and has sustained his sobriety for that period. It is clear from the uncontradicted testimony of Paul Caimi that Respondent’s chemical dependence affected his behavior and contributed to his misconduct just as it did the Respondent in *May, supra.*

In the case of *Disciplinary Counsel v. Chambers, 2010-Ohio-1809, 125 Ohio St. 3d 414 (Ohio 2010)* Respondent was charged with violating several provisions of the Rules of Professional Conduct in two separate complaints filed by Disciplinary Counsel. Respondent failed to answer either complaint and Relator moved for default judgment. Respondent and Relator objected to the Board report and after oral hearing before this Court, Respondent was placed on monitored probation and the matter was remanded to the board for further consideration. In considering an appropriate sanction in that matter the Board found in aggravation that the respondent had committed multiple offenses and had failed to cooperate in the disciplinary process. In mitigation, the Board found that respondent did not have a prior disciplinary record, had made restitution although it took over three years to do so, and had

other sanctions imposed. Additionally, the Board found alcohol dependence and bi polar affective disorder both of which significantly contributed to his misconduct. Respondent had successfully completed a treatment program and was fully compliant with his OLAP contract. Based upon these considerations a one year suspension with the entire year stayed upon conditions was imposed upon Respondent. Those conditions were that Respondent complete a three year probationary period including OLAP compliance, monitoring, regular AA meetings, commit no further misconduct and pay the costs of the proceedings.

As in the above cited case, Respondent in the case at bar has no prior disciplinary record, has been subject to other sanctions for his misconduct, has finally made restitution and suffered from chemical dependency for which Respondent has sought and completed treatment. Also as in the case above, Respondent has committed multiple offenses. Unlike the Respondent in *Chambers*, supra, however, Respondent in the present case fully cooperated with the disciplinary process even taking it upon himself contact Disciplinary Counsel directly to have the grievances filed against him forwarded to him while he was in treatment for his addiction (Tr. pp 128: 23-24; 129: 1-7) so that he could begin making the amends for his misconduct.

In the case of *Disciplinary Counsel v. Nicks*, 2010-Ohio-600, 124 Ohio St. 3d 460 the respondent committed multiple offenses of the Rules of Professional Conduct involving many of those committed by the Respondent in the case at bar. Considering the mitigating factors of Respondent's lack of a disciplinary record, his full cooperation with the disciplinary process and Respondent's chemical dependence, including his participation in OLAP and sustained, uninterrupted period of sobriety, the sanction imposed in this case was a two year suspension with the last eighteen months stayed on conditions.

As in the Nicks case, Respondent has no disciplinary record, has fully cooperated in the disciplinary process and has established chemical dependency per BCGD Proc. Sec 10(g) including a prognosis that Respondent can return to the competent ethical professional practice of law under specified conditions. As in the Nicks case, the Board found in aggravation in the case at bar that Respondent's conduct involved multiple offenses and that Respondent had failed to make restitution. It should be noted that although not available for the Panel or Board to

consider, Respondent in the case at bar has since the Panel Hearing made restitution in an amount exceeding \$17,000.00, and has made personal apology to all those persons named in Relator's complaint (See Appendix C-P)

In the case of *Toledo Bar Association v. Weisberg*, 2010-Ohio-142, 124 Ohio St. 3d 274, the Respondent had been convicted of one count of federal income tax evasion and also commingled his personal funds with his trust account. Respondent had been incarcerated on the income tax conviction. In mitigation, Respondent was able to establish the mitigating factors of no prior disciplinary record, full cooperation with the disciplinary process, evidence of his good character and reputation, other sanctions, and Respondent's agreement to continue treatment for his compulsive gambling problem. In aggravation, the Board found that respondent acted with a dishonest or selfish motive. Considering all relevant factors including the rehabilitative measures taken by the Respondent after his criminal conviction, a two year suspension stayed on conditions of a monitored probationary period with OLAP oversight was imposed.

While there are more aggravating circumstances in the case at bar than those that were in present in the *Weisberg, supra* case, many of the aggravating factors in the case at bar have been addressed by the Respondent in his treatment for his addiction. Also, the mitigating factors present in the *Weisberg* case are present in the case at issue before the Court.

In the case of *Columbus Bar Association v. Allerding*, 2009-Ohio-5589, 123 Ohio St. 3d 382, the Respondent was charged in a four count complaint with multiple violations of the Rules of Professional Conduct involving attempted representation of clients while intoxicated.. The Board found as an aggravating factor that Respondent had committed multiple offenses. In mitigation, the board found that respondent had no prior disciplinary record and did not act with a selfish or dishonest motive. The Panel observed, and the Board agreed, that respondent's alcoholism caused all of respondent's misconduct even though the Board did not mention the four prong test in BCDG Proc. Reg 10(B)(2)(g). Instead, the Court found from the testimony of Respondent's doctor and respondent's testimony that the test had been met. Additionally, the respondent was in an approved treatment program although not being compliant with his five year OLAP contract even though respondent was actively involved in

Alcoholic's Anonymous; maintained close contact with his sponsor and testified that he had abstained from intoxicants for a considerable period of time. Based on these factors a two year suspension, all stayed on conditions, was imposed.

As in the **Allerding** case, *supra* the Respondent in the case at bar was charged in a multiple count complaint with multiple violations of the Rules of Professional Conduct. Also as in the Allerding case, Respondent has provided evidence by way of the testimony of Paul Caimi that Respondent's chemical dependency contributed to cause all of the misconduct associated with the complaint in this matter (Tr. pp. 78:12-24; 79:1-3).

In the case of *Akron Bar Association v. Goodlet*, 2003-Ohio 3935, 99 Ohio St. 3d. 355 the Respondent was charged in a two count complaint with several violations of the Code of Professional Responsibility stemming from respondent's voluntary dismissal of a lawsuit without his client's consent and failing to cooperate in the disciplinary process. Although the respondent had a prior disciplinary record, it was found that respondent's misconduct was attributable to severe, untreated depression. In finding that a one year stayed suspension was warranted, the Board found that respondent had engaged in treatment for that depression, had testified freely and candidly, admitted his misconduct and recognized his serious need for treatment.

As in the **Goodlet** case, *supra* it was recognized by the Panel in the present case that the misconduct committed by Respondent was attributable to Respondent's disability (chemical dependency) (Appendix 'B', Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, page 8, hereinafter referred to as 'Appendix 'B', Board Report p. '). Unlike the respondent in Goodlet, the Respondent in the present case has no prior disciplinary record and fully cooperated with the disciplinary process. Further, unlike the respondent in Goodlet, Respondent in the present case has made restitution in an amount in excess of \$17,000.00, albeit late. In Goodlet, the one year stayed suspension was imposed with the condition that respondent make restitution before the completion of the stayed suspension.

Possibly most illustrative of an appropriate sanction for the present case is the result in the case of *Disciplinary Counsel v. Greco*, 2005-Ohio-6045, 107 Ohio St.3d 155. In that case, it was found that the respondent had engaged in a pattern of misconduct and multiple offenses and that respondent had acted in his own self interest. Considering the appropriate sanction the Board found that respondent's neglect and other misconduct was attributable to his diagnosed chemical dependency. Based upon respondent's active and enthusiastic participation in his recovery program of Alcoholics Anonymous-- including more than ninety meetings in ninety days, his enrollment in the Ohio Lawyer's Assistance Program and his compliance with his OLAP contract; his commitment to sobriety, a prognosis that he was able to return to the competent, ethical, professional practice of law, his extreme cooperation with the disciplinary process and the forthcoming nature throughout the process, as well as his sincere expression of remorse and character letters, the Board recommended a two year stayed suspension with conditions including continued compliance with his OLAP contract. This Court found that a two year suspension was warranted but that an actual suspension was also warranted. As such, the Court determined that a two year suspension with the last eighteen months stayed was appropriate and that prior to any reinstatement that the respondent make restitution.

As in *Greco*, Respondent in the present case committed numerous violations of the Rules of Professional Conduct and harmed several clients. As in *Greco*, these violations were found to be attributable to a diagnosed chemical dependency. Further, Respondent in the present case was found to have successfully completed a treatment program, out patient aftercare and family services successfully; and that Respondent would be competent to be a lawyer as long as Respondent stays sober (Appendix 'B', Board Report, p. 8). Further, although not noted by the Panel or Board, Respondent has immersed himself in his recovery program completing over one hundred AA meetings in ninety days (Tr. pp. 138: 6-14; 136: 13-24; 137: 1-18), become an integral part of his local AA community (Tr. pp. 93: 23-24; 94: 1-24; 95: 1-18; 159: 8-22), and continues to exercise his program and spirituality One Day at a Time as well as surround himself with his family (Tr. pp. 154: 19-24; 155: 1-24; 156: 1-24; 157: 1-24; 158: 1-17). Again, although not noted by the Panel or Board, Respondent

acknowledged the wrongful nature of his conduct by making extensive stipulations of fact and through his testimony (Tr. pp. 160: 8-24; 161: 1-24; 162: 1; 133: 22-24; 134: 1-6).

Additionally, although not possible for the Panel or the Board to consider, is the fact that since the Panel hearing, Respondent has made personal apologies to each of the persons harmed by his conduct and made restitution to each of those persons (Appendix C-P).

Each of the above cited cases are instructive in their own rights as to an appropriate sanction to be meted out in the case at bar. Each of these cases are the precedent established by this Honorable Court in cases similar in nature to the case at bar and should have been considered by the Panel and the Board in recommending a sanction for the Respondent's conduct.

### **III. The Overwhelming Mitigation Evidence Warrants Reconsideration of the Board's Recommended Sanction**

BCGD Proc. Reg. 10(B)(2) states that the Board may consider the following mitigating factors when recommending a sanction:

- (a) absence of a prior disciplinary record;
- (b) absence of a dishonest or selfish motive;
- (c) timely good faith effort to make restitution or to rectify consequences of misconduct;
- (d) full and free disclosure to disciplinary Board or cooperative attitude toward proceedings;
- (e) character or reputation;
- (f) imposition of other penalties or sanctions;
- (g) chemical dependency when there has been all of the following:
  - (i) A diagnosis of chemical dependency or mental disability by a qualified health care professional or alcohol/substance abuse counselor;
  - (ii) A determination that the chemical dependency or mental disability contributed to cause the misconduct;

(iii) In the event of chemical dependency, a certification of successful completion of an approved treatment program or in the event of mental disability, a sustained period of successful treatment;

(iv) A prognosis from a qualified health care professional or alcohol/substance abuse counselor that the attorney will be able to return to competent, ethical professional practice under specified conditions;

(h) other interim rehabilitation.

Within the Agreed Stipulations and at the hearing, Respondent presented evidence demonstrating the existence of the following mitigating factors:

- a) Absence of a prior disciplinary record (Appendix 'B', Agreed Stipulations, p. 14; Tr. p. 162:8-12).
- b) Good character and reputation (Respondent's Exhibit's 20-24);
- c) Timely good faith effort to rectify consequences of misconduct by seeking assistance from and renewing his OLAP contract on November 12, 2008 after entering the Keating Center (Tr. p. 135: 4-19) and engaging in subsequent treatment, participation in a solid recovery program and sustained sobriety since October 23, 2008 (Tr. pp. 70:22-24; 71:1-24; 72: 1-6). Respondent also has, since the Panel hearing on May 18, 2010 made restitution to all persons named in Relator's complaint and has issued personal letters of apology to each of those persons (Appendix C-P);
- d) Full and free disclosure and cooperative attitude toward these proceedings (Agreed Stipulations, p. 14);
- e) Remorse for his conduct and acknowledgment of wrongdoing (Tr. pp. 123: 8-17; 133:22-24; 134: 1-6; 155:2-24; 156: 1-15; 157: 20-22; 159: 23-24; 160: 8-24; 161: 1-24; 162:1; 163: 8-22);
- f) Respondent provided reputation of his character and reputation by submitting five letters from two judges (one of which was the complainant in Count One of the complaint against Respondent), two attorneys and the director of the Keating Center. (Respondent's Exhibits 20-24)

- g) Although not given substantial argument as mitigation, Respondent did in fact suffer other penalties and/or sanctions as a result of his actions. Respondent was jailed for Contempt of Court (Tr. pp. 150: 4-24; 151: 1-3), had his Electronic Case Filing privileges suspended (Tr. pp. 122: 23-24; 123: 1-5), and he lost his home to foreclosure (Tr. p. 129: 17-19), all the result of his addiction to cocaine and the misconduct that he engaged in.
- h) A diagnosis by Paul Caimi, Associate Director of OLAP, a licensed alcohol/substance abuse counselor, of Respondents chemical dependency (Tr. pp. 70: 22-24; 71: 1-24; 72: 1-6);
- i) A diagnosis and determination by Paul Caimi, Associate Director of OLAP, a licensed alcohol/substance abuse counselor that Respondent's addiction contributed to the misconduct at issue in this case (Tr. p. 78:3-24; 79: 1-24; 80: 1-11);
- j) A prognosis by Paul Caimi, Associate Director of OLAP, a licensed alcohol/substance abuse counselor that Respondent is able to return to the competent, ethical professional practice of law under specified conditions (Tr. pp. 73: 15-24; 80:1-11);
- k) Although not able to be considered by the Panel at the time of the hearing, the Respondent has since that hearing made restitution exceeding \$17,000.00 to those persons that he has harmed and made personal apologies to each of those persons (Appendix C-P)

Although Respondent has committed numerous violations of the Rules of Professional Conduct, the recommended sanction must be tempered by the mitigation evidence not considered by the Panel or Board.

Indeed, since *Disciplinary Counsel v. Michaels*, (1988), 38 Ohio St.3d 248, 527 N.E. 2d 299, the Ohio Supreme Court has regarded the disciplinary system as an important tool for recovery for lawyers struggling with substance abuse. As the late Chief Justice Moyer

explained in Michaels:

[W]e perceive our responsibility in cases of this nature to go beyond the imposition of a standard appropriate sanction. In Ohio, as in every other state, the opportunities presented the legal profession to assist Judges and lawyers in becoming free of alcohol and drug dependence are increasing at a rapid rate. Where a lawyer's use of alcohol or drugs results in conduct that violates the Code of Professional Responsibility, the disciplinary process of this court can and should be viewed as a potential for recovery as well as a procedure for the imposition of sanctions.

**Id.** at 301. Such a model gives the attorney the tools necessary to recover and return to the ethical practice of law while at the same time providing protection to the public and to the Courts.

It is also important to note that for many years, compliance with an OLAP contract as a precondition for maintaining a stayed suspension or readmission has served as a very effective incentive for attorneys in the disciplinary system to avoid future misconduct. Such condition serves as both a desperately needed second chance and a hammer if you will, that falls instantly in the event that a provision of the OLAP contract is violated. As seen in Disciplinary Counsel v. Norris (1996) 76 Ohio St.3d 93, 1996 Ohio 418, Disciplinary Counsel v. Greco (2005), 107 Ohio St. 3d. 155, 2005 Ohio 6045 at ¶54, Disciplinary Counsel v. Albrecht (2005), 106 Ohio St.3d 301, 2005 Ohio 4984 at ¶ 17, Akron Bar Association v. Gatskie (2005), 105 Ohio St. 3d 327, 2005 Ohio 1828 at ¶12, Office of Disciplinary Counsel v. Fortado (1996), 74 Ohio St. 3d 604, 606, 1996 Ohio 295 and Disciplinary Counsel v. Connor (2004), 105 Ohio St. 3d 100, 2004 Ohio 6902 at ¶21, Disciplinary Counsel v. May (2005), 106 Ohio St.3d 385, 2005 Ohio 5320 and Cuyahoga Bar Association v. Lazzarro (2005), 106 Ohio St.3d 379, 2005 Ohio 5321 at ¶16, and many others, this Court imposed term suspensions that were stayed either in part or entirely, provided that the attorney remained in compliance with the OLAP contract. If the contract is violated, the stay is to be lifted.

**IV. The Panel and Board Were Without Information Regarding Respondent's Payment of Restitution to all Clients Named Within the Complaint, those Payments Being Made by Respondent in Face to Face Meetings with Those Clients After the Panel Hearing.**

As an aggravating factor in this case, the Board specifically acknowledged that the Respondent had failed to make restitution although Respondent testified that after he was discharged from treatment he had very little money, no prospects and was lucky to land a minimum wage job as a front desk clerk in a local hotel (Tr. pp. 129: 16-24; 130: 1-3; 131: 20-24; 132: 1-5) and did not have the means to make, or attempt to make, financial restitution. Respondent agrees that at the time of the Panel hearing and the Board's recommendation it was appropriate for the failure to make restitution to be considered an aggravating factor pursuant to BCGD Proc. Reg. 10(B)(1)(I). However, since the Panel Hearing of May 18, 2010, Respondent had been in discussions with his father in an attempt to procure funds to make the necessary restitution to make his clients whole. In late October, 2010, Respondent's father sold a herd of cattle and was able to provide Respondent with funds to make direct restitution to all clients named in Relator's complaint (Appendix 'C'-'P'). Additionally, Respondent wrote each of the clients a personal letter of apology for his actions and then, on November 13, 2010, drove throughout Columbiana and Mahoning Counties to personally hand delivered checks drawn on his father's account to his former clients along with his letters of apology. Respondent was able to personally deliver eleven of the fourteen checks directly to the clients in face to face meetings and although these meetings sometimes got off to a rocky start, for the most part they ended up with a hand shake or a hug with the client wishing Respondent well. The three checks and letters that Respondent could not personally deliver were to Richard and Rita McCauley who had recently moved to South Carolina. Respondent had his wife get on Facebook and send Mr. McCauley a message stating that Respondent wanted to talk to him to reimburse him. Respondent in the meantime contacted the Client Security Fund and requested the McCauley's forwarding address. Once Respondent had that address he mailed the check and letter to the McCauleys. Respondent personally spoke to Rita McCauley by telephone after

mailing the check and letter. Respondent did the same thing with the check and letter for Anita and Donald Cusick. Mr. Cusick had died in the last year and Mrs. Cusick was not at her home when Respondent attempted to personally deliver the letter and check. Respondent left a note and a telephone number for Mrs. Cusick to call Respondent and she did within three days. Mrs. Cusick was advised that she would be receiving her letter and check within the next few days. Mrs. Cusick was very happy, wished Respondent well and then asked Respondent a question regarding a deed transfer. Respondent referred her to a lawyer near her home. The final reimbursement was made to Mr. David Miller by way of the Client Security Fund. Mr. Miller was not at home when respondent attempted to deliver the check and letter and did not return Respondent's telephone calls until several days later. In the meantime, Respondent had arranged to forward the check and letter to the Client Security Fund to delivery to Mr. Miller. Respondent had an opportunity to speak with Mr. Miller making an apology prior to Mr. Miller's letter being delivered.

It is probably most illustrative of the effect that Respondent's efforts had upon the clients that he personally visited and delivered checks and letters of apology to by looking at the letter written by Ms. Marsha Watson, one of Respondent's former clients named in the Complaint. Ms. Watson, on her own, wrote Disciplinary Counsel explaining her contact with Respondent, their discussions, Respondent's demonstration of sincerity and Ms. Watson's well wishes for the Respondent. Further, Ms. Watson related that after Respondent left she read Respondent's letter and found it to be "heartfelt, personal and professional and seemed sincere." Further, Ms. Watson stated that "[I]t must be very humbling for him to go door to door and personally pay back and apologize face to fact those he wronged. I give him credit for righting the wrongs in this manner as opposed to doing so by mail." "[I]t's so sad when good people go bad because of the influence of one thing or another". (Appendix 'I').

Respondent understands that this Court is not bound to accept this supplementation to the record once the matter reaches this Court. However, Respondent contends that the payment of restitution at this late date was only possible after Respondent's father was able to sell a herd of cattle, thus providing Respondent with sufficient funds to make restitution. Respondent

asks that this Honorable Court to consider the supplementation of the record in this matter as an exceptional circumstance.

**CONCLUSION**

Based upon the foregoing, Respondent respectfully requests that this Honorable Court, in light of the overwhelming mitigating evidence in this matter as well as the prior precedent of this Court, temper the Board's recommended sanction and issue a term suspension of two years with the last eighteen months stayed on conditions as determined to be appropriate by this Honorable Court.

Respectfully submitted,

**Counsel for Respondent:**



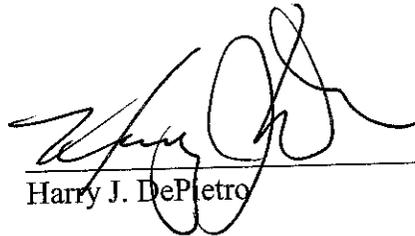
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**CERTIFICATE of SERVICE**

I do hereby certify that on the 02<sup>ND</sup> day of December, 2010 I did serve a copy of the foregoing Respondent Richard V. Hoppel's Objections to Findings of Fact, Conclusions of Law and Recommendations of the Board of Commissioners on Grievances and Discipline by U.S. Mail, first class postage prepaid and addressed as set forth below:

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Jonathon W. Marshall, Esq.  
The Supreme Court of Ohio  
Board of Commissioners on  
Grievances and Discipline  
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Columbus OH 43215-3431



Harry J. DePietro

## **APPENDIX**

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

81951  
MAY 14 2008  
BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

RICHARD VINCENT HOPPEL, ESQ.  
7 West Liberty Street  
Girard, OH 44420

Attorney Registration No. (0063000)

AGREED  
STIPULATIONS  
BOARD NO. 09-068

DISCIPLINARY COUNSEL  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411

AGREED STIPULATIONS

Relator, Disciplinary Counsel, and Respondent, Richard Vincent Hoppel, do hereby stipulate to the admission of the following facts and exhibits.

STIPULATED FACTS

1. Respondent, Richard Vincent Hoppel, was admitted to the practice of law in the State of Ohio on May 16, 1994. Respondent is subject to the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.
2. Respondent was a partner in the law firm of Hoppel & Yajko Co LPA until he left that firm in 2008 to become a sole practitioner with a practice concentration on bankruptcy. He also served as a part-time public defender.
3. Respondent began his practice as a partner in the Law Office of Frank & Hoppel from 1994 through approximately 2005. During this time Frank & Hoppel became Frank & Hoppel Co., LPA. After 2005 the firm became Frank, Hoppel & Yajko Co., LPA. In 2007 the firm became Hoppel & Yajko Co., LPA. Respondent became a sole practitioner in February, 2008.
4. Respondent became addicted to cocaine in 2007.

A

### Count I

5. In 2007, Respondent began appearing late or failing to appear for hearings in the Columbiana County Court of Common Pleas.
6. Judge Tobin of the Columbiana County Court of Common Pleas cited Respondent for contempt in June 2008 after he missed two hearings in Judge Tobin's courtroom on April 2, 2008 and June 13, 2008.
7. Respondent also missed a domestic relations hearing before Magistrate Colleen Hall Dailey.
8. On June 27, 2008, Judge Tobin found Respondent in contempt and ordered Respondent pay a fine and court costs. Judge Tobin suspended the fine and court costs on the condition of Respondent's continued good behavior. The contempt charges were then later dismissed.
9. Respondent missed two subsequent hearings on October 16, 2008 in Judge Tobin's Court.
10. On October 17, 2008, a show cause order was issued requiring Respondent's appearance before Judge Tobin and on October 23, 2008, Respondent appeared and was found in contempt.
11. On October 23, 2008, Judge Tobin found that Respondent had intent to defy the court's orders and had a blatant disregard for the authority of the court. Respondent was sentenced to two separate sixty day jail sentences to run consecutively and ordered to pay court costs.
12. Respondent served 13 days of the sentence before Judge Tobin suspended the remainder of the sentence on condition that Respondent report immediately to inpatient drug rehabilitation at the Keating Center in Lakewood, Ohio. Respondent reported to the Keating Center on November 7, 2008 where he remained until approximately February 8, 2009.
13. On June 13, 2008, Judge Pike of the Columbiana County Court of Common Pleas, cited Respondent for contempt after he missed a hearing in Judge Pike's courtroom. A December 15, 2008 hearing was scheduled on the contempt filed by Judge Pike. The matter was heard in July 2009 by Judge Tobin.
14. On February 22, 2010 Orders were issued by Judge David Tobin in both contempt cases (Columbiana County Court of Common Pleas case nos. 2008 MJ 112 and 2008 MJ 71) finding that Respondent had purged himself of the contempt in each case and that the cases would be dismissed upon payment of fines and costs.

15. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice]; and Prof. Cond. Rule 8.4(h) [A lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].

Count II

16. On March 29, 2007, Gloria Hawkey hired Respondent to file a Chapter 7 bankruptcy on her behalf. Hawkey paid Respondent's former law firm \$1,200.00 in attorney fees and filing fees.
17. Hawkey was part owner in a home that was in foreclosure. Hawkey intended to discharge her share of the home in bankruptcy.
18. Respondent never filed for bankruptcy on behalf of Hawkey.
19. Respondent has not refunded any of the fees paid to him by Hawkey.
20. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];

Count III

21. In or about May 2008, Anthony Romano hired Respondent to file a Chapter 13 bankruptcy on his behalf. Romano paid Respondent \$1,474.00 in attorney fees and filing fees.
22. On October 10, 2008, Respondent filed bankruptcy on behalf of Romano.
23. At the same time, Respondent filed a motion to pay the filing fee in installments. The motion proposed to pay the filing fee in four installments and contained the electronic signature of Romano.
24. At the time Respondent filed that motion, he had already spent the attorney fee and filing fee paid to him by Romano.
25. Romano terminated the services of Respondent on or about November 12, 2008. Romano could not reach Respondent because he remained in jail on the contempt of court finding since October 23, 2008.
26. Respondent's actions constitute violations of Prof. Cond. Rule 3.3(a)(1) [A lawyer shall not knowingly make a false statement of fact or law to a tribunal]; Prof. Cond. Rule.

8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

#### Count IV

27. David Fusco hired Respondent in October 2007 to file a Chapter 13 bankruptcy in an effort to save Fusco's home from foreclosure. Fusco paid Respondent's former law firm \$650.00 which included attorney fees and filing fees.
28. In February 2008, Respondent left the law firm he was working at to practice law out of his home.
29. Respondent failed to notify Fusco that he was leaving the firm. Respondent did not provide Fusco with a new telephone number or means to contact him other than the telephone number listed in the East Liverpool, Ohio white pages for his personal residence.
30. In or about March 2008, Fusco wrote to Respondent at his home address at which time Respondent contacted the Fuscus.
31. Respondent repeatedly told Fusco that he needed more time to file the bankruptcy petition.
32. Respondent could not file Fusco's bankruptcy petition at a later date because he had spent the filing fee.
33. Fusco received a notice of sheriff's sale for his home on October 9, 2008.
34. Respondent never filed for bankruptcy on behalf of Fusco.
35. Respondent has not returned the filing fee paid by Fusco.
36. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule. 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter];

#### Count V

37. In October 2007, Cynthia Robb hired Respondent to file a Chapter 7 bankruptcy on her behalf. 43. Robb paid Respondent \$1,275.00 in cash for both attorney fees and filing fees on November 8, 2007.

38. Between March and July 2008, Respondent was very hard to reach and his voicemail was often full. Robb left several messages some of which went unreturned.
39. On March 13, 2008 Respondent filed a bankruptcy petition on behalf of Robb.
40. Robb was receiving treatment for cancer and was scheduled to undergo a stem cell transplant at the Cleveland Clinic. Respondent was aware of Robb's medical condition.
41. On April 23, 2008, Beneficial, the mortgage holder for Robb's house, filed a motion for relief from stay to permit it to file for foreclosure in state court.
42. Robb called Respondent about the motion for relief from stay but could not reach him.
43. Respondent did not file a response to the motion for relief from stay and Beneficial's motion was granted on May 27, 2008.
44. Robb called Respondent when she found out that the motion for relief from stay had been granted. Respondent told Robb not to worry about it and that it would be "taken care of at the hearing".
45. The first §341 meeting of creditors was scheduled for May 13, 2008. Robb was unable to attend because she was in the Cleveland Clinic for a stem cell transplant. Respondent did not attend the meeting and it was rescheduled.
46. A second §341 meeting of creditors was scheduled for May 27, 2008. Robb was still in the Cleveland Clinic and unable to attend.
47. A third § 341 meeting of creditors was scheduled for June 24, 2008. Robb was again unable to attend due to her medical condition.
48. The show cause hearing was held July 22, 2008, as was a fourth § 341 meeting of creditors. Robb was again in the Cleveland Clinic. The trustee recommended dismissal of Robb's bankruptcy petition.
49. Robb's bankruptcy was dismissed on July 31, 2008 for her failure to appear at the §341 hearing or provide testimony by interrogatories.
50. Robb found a new attorney who was able to have her bankruptcy case reinstated.
51. Respondent has not refunded any of the fees paid to him by Robb.

Count VI

52. On March 17, 2008, Nadene Dorsey hired Respondent to file bankruptcy on her behalf. Dorsey paid Respondent \$1,275.00 in both attorney fees and filing fees.
53. In May 2008, Dorsey called Respondent and fired him. Dorsey requested the return of the fees that she had paid to Respondent.
54. Respondent told Dorsey that he had spent the money and did not have it to return.
55. Dorsey told Respondent to file the bankruptcy petition if he could not return her money.
56. Respondent never filed for bankruptcy on behalf of Dorsey.
57. Respondent has not returned the fee paid by Dorsey.

Count VII

58. In July 2007, Tammy Bauer hired Respondent to file a Chapter 7 bankruptcy on behalf of her mother, Betty Calkins. Bauer paid Respondent \$1100.00 in attorney fees and filing fees that same month.
59. In May 2008, Respondent told Bauer that he had spent the filing fee. Bauer gave Respondent another \$300 for filing fees.
60. Respondent spent the second \$300.00 filing fee.
61. Respondent never filed bankruptcy on behalf of Betty Calkins.
62. Respondent has not returned the fee paid to him by Bauer.

Count VIII

63. In March 2008, Marsha Watson hired Respondent to file bankruptcy on her behalf. Watson paid Respondent \$1175 in attorney fees and filing fees.
64. Respondent never filed bankruptcy for Watson.
65. Respondent never refunded the fees paid to him by Watson.
66. Respondent agrees that he owes the fees and filing fees to Ms. Watson.
67. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; and Prof. Cond. Rule 8.4(c)

[A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Count IX

68. Derek Carter hired Respondent to file bankruptcy for him on June 28, 2008. Carter paid Respondent \$1,225.00 in attorney fees and filing fees between June and August 2008.
69. Respondent prepared a bankruptcy petition on behalf of Carter but was unable to file it because he spent the filing fee.
70. Respondent never initiated contact with Carter after August 2008 although Carter did come to Respondent's office on several occasions and had consultation and discussions with Respondent after August 2008.
71. Respondent never refunded the fees paid to him by Carter.
72. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; and Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].

Count X

73. David Miller hired Respondent to file Chapter 13 bankruptcy on his behalf and paid \$2500.00 in attorney fees and filing fees. Miller's bankruptcy was complicated by several rental properties and a business in which he incurred personal debt.
74. On February 26, 2008, Respondent filed Chapter 13 bankruptcy on behalf of Miller.
75. At the same time, Respondent filed a motion to pay the filing fee in installments proposing to pay the fee in four installments. The motion contained the electronic signature of Miller. The motion was granted on March 6, 2008.
76. At the time Respondent filed the motion, he had already spent the filing fee paid to him by Miller.
77. Respondent filed Miller's bankruptcy petition as an emergency filing without the required schedules as Miller's real property was going to Sheriff's sale the next day.
78. On March 27, 2008, the court issued an order to show cause why the schedules had not been filed. Respondent attended the hearing and was given until March 28, 2008 to file the schedules and declaration page.

79. On March 28, 2008, Respondent filed schedules A-J but did not file the declaration page.
80. On March 28, 2008, Respondent also paid the first installment of filing fees.
81. On May 7, 2008, an order to show cause was issued for Respondent's failure to pay the second installment of the filing fee.
82. On May 14, 2008 the court dismissed Miller's bankruptcy for failure to file the declarations page.
83. Miller had to hire another attorney to refile his bankruptcy petition.
84. Respondent has not refunded any of the money paid to him by Miller.
85. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed of the status of the matter]; Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. Rule 3.3 [A lawyer shall not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer]; Prof. Cond. Rule 8.4(e) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice]; and Prof. Cond. Rule 8.4(h) [A lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].

Count X

86. On March 19, 2008, Brian Grimm hired Respondent to file bankruptcy on his behalf. Grimm paid Respondent \$1200.00 for attorney fees and filing fees.
87. After their initial meeting, Respondent was not responsive to Grimm's voice mail messages and in July 2008 Respondent's telephone number was disconnected but was soon afterwards reconnected.
88. Respondent did not file bankruptcy on behalf of Grimm.
89. Respondent has not refunded any of the fees paid to him by Grimm.

Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter]

Count XII

90. Respondent properly filed a Chapter 13 bankruptcy on behalf of Donald Cusick on October 12, 2005.
91. On January 17, 2007, the trustee filed a Motion to Dismiss the bankruptcy because Cusick was in default on his repayment plan payments.
92. On February 16, 2007, an Agreed Order was filed by the trustee. Respondent, on behalf of Cusick, negotiated a new repayment plan to cure the delinquency of payments.
93. On September 5, 2007, the trustee filed an affidavit recommending dismissal of Cusick's bankruptcy without hearing because Cusick failed to make the payments in accordance with the Agreed Order.
94. Cusick's bankruptcy was dismissed on September 6, 2007.
95. In October 2007, Cusick called Respondent and stated he could no longer afford the repayment plan under Chapter 13.
96. Respondent agreed to convert the Chapter 13 to a Chapter 7 bankruptcy. Respondent advised Cusick that as his Chapter had been dismissed his Chapter 13 case would have to be re-instated by Motion prior to conversion of the case to a Chapter 7 case.
97. On October 31, 2007, Cusick paid Respondent \$665.00 to file the motion to convert the bankruptcy.
98. Respondent did not file the Motion to Reinstate the Chapter 13 case or convert the case to Chapter 7.
99. Respondent has not refunded any of the fees paid to him by Cusick.
100. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];

Count XIII

101. In November 2007, Richard McCauley hired Respondent to file Chapter 7 bankruptcy on

his behalf. McCauley paid Respondent \$1200.00 in attorney fees and filing fees between November, 2007 and February 4, 2008.

102. After February 2008, McCauley had a difficult time contacting Respondent., Respondent rarely returned telephone messages and his voicemail was often full.
103. Respondent did not file bankruptcy on behalf of McCauley.
104. Respondent has not refunded any of the fees paid to him by McCauley.
105. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];

Count XIV

106. Dale and Betty Blazer were clients of Respondent who had been in a Chapter 13 repayment plan since January 10, 2005.
107. In June 2008, the Blazers contacted Respondent and stated that they could no longer afford the Chapter 13 repayment plan payments.
108. Respondent agreed to dismiss the Chapter 13 and file a Chapter 7 bankruptcy in an attempt to discharge some of the debt. The Blazers main goal was to save their home.
109. Over a period of time beginning June 17, 2008, the Blazers paid Respondent \$1324.00 in attorney fees and filing fees to dismiss the Chapter 13 and to file a Chapter 7 bankruptcy.
110. On July 17, 2008, Tammae Corporation, the mortgage holder for the Blazers' home, filed a motion for relief from stay so that it could pursue foreclosure proceedings in state court.
111. Respondent did not file a response to this motion as Respondent and Blazers agreed that they would allow the foreclosure case to go forward and refile a Chapter 7 on the eve of Sheriff's sale to allow the Blazers the opportunity to save up money to redeem their home.
112. Tammae Corporation's motion for relief from stay was granted on August 27, 2008. Respondent did not file a response to this motion as Respondent and the Blazers Agreed to dismiss the Chapter 13 and refile a Chapter 7 to allow the Blazers more time to save money to redeem their home.
113. Respondent never dismissed the Chapter 13 bankruptcy nor did he file a Chapter 7 bankruptcy on behalf of the Blazers.
114. On January 9, 2009, the Blazers dismissed their Chapter 13 bankruptcy pro se.

115. Respondent has not returned any of the fees paid to him by the Blazers.
116. Respondent's actions constitute violations of Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter]

Count XV

117. On October 17, 2008, Respondent filed a Chapter 7 bankruptcy on behalf of Douglas and Rebecca Reckner.
118. On October 21, 2008, Respondent filed a motion to waive the filing fee in its entirety. The court denied the motion on the same date because the Reckners were above the income limit for a waiver of the filing fee.
119. The Reckners had already paid Respondent the filing fee.
120. On October 27, 2008, the court issued an order to show cause to Respondent and the Reckners regarding their failure to pay the filing fee.
121. A hearing was held on November 13, 2008 at which the Reckners appeared. Respondent did not appear as he was in inpatient treatment at the Ed Keating Center for treatment of his addiction to cocaine. The Reckners were able to provide the court with a receipt from Respondent for the filing fee.
122. The court ordered Respondent to disgorge the entire fee paid to him by the Reckners, including the filing fee. The Reckners were also ordered to pay the full filing fee to the court.
123. The court suspended Respondent's electronic filing (ECF) privileges until he could prove that he had disgorged the fee.
124. Respondent has not disgorged the fee paid to him by the Reckners.
125. Respondent's actions constitute violations of Prof. Cond. Rule Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 3.3 [A lawyer shall not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer]; Prof. Cond. Rule 8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. Rule 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

### STIPULATED EXHIBITS

1. Judgment Entry, June 27, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
2. Order to Show Cause, October 17, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
3. Judgment Entry, October 23, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
4. Judgment Entry, November 5, 2008, Columbiana County Court of Common Pleas, case no. 08-MJ-71.
5. Receipt to Gloria Hawkey, payment of attorney fee and filing fee.
6. Anthony Romano, Docket case no. 08-42880, US Bankruptcy Court, Northern District of Ohio.
7. Application to Pay Filing Fee in Installments, October 10, 2008, Anthony Romano, case no. 08-42880.
8. Receipt to Cynthia Robb, payment of attorney fee and filing fee.
9. Docket, Cynthia Robb, case no. 08-40645, US Bankruptcy Court, Northern District of Ohio.
10. Minutes of Meeting of Creditors, May 13, 2008, Cynthia Robb, case no. 08-40645.
11. Minutes of Meeting of Creditors, May 27, 2008, Cynthia Robb, case no. 08-40645.
12. Minutes of Meeting of Creditors, June 24, 2008, Cynthia Robb, case no. 08-40645.
13. Minutes of Meeting of Creditors, July 22, 2008, Cynthia Robb, case no. 08-40645.
14. Order of Dismissal, Cynthia Robb, case no. 08-40645.
15. Report of Trustee on Dismissed Case, Cynthia Robb, case no. 08-40645.
16. Receipt to Nadene Dorsey, payment of attorney fees and filing fee.
17. Bankruptcy Engagement Letter, Nadene Dorsey, signed March 17, 2008.
18. Tammy Bauer, cancelled checks for attorney fee and filing fee.
19. Receipts to Martha Watson payment of attorney fee and filing fee.
20. Receipts to Derek Carter, payment of attorney fee and filing fee.

21. Docket, David Miller, case no. 08-40465, US Bankruptcy Court, Northern District of Ohio.
22. Application to Pay Filing Fee in Installments, February 26, 2008, David Miller, case no. 08-40465.
23. Order to Show Cause, March 13, 2008, David Miller, case no. 08-40465.
24. Schedules A-J, David Miller, case no. 08-40465.
25. Minutes of Meeting of Creditors, April 23, 2008, David Miller, case no. 08-40465.
26. Minutes of Meeting of Creditors, May 7, 2008, David Miller, case no. 08-40465.
27. Order to Show Cause, May 7, 2008, David Miller, case no. 08-40465.
28. Order to Show Cause, May 7, 2008, David Miller, case no. 08-40465.
29. Order of Dismissal, May 14, 2008, David Miller, case no. 08-40465.
30. Donald Cusick, cancelled checks for attorney fee and filing fee.
31. Docket, Donald Cusick, case no. 05-48055, US Bankruptcy Court, Northern District of Ohio.
32. Motion to Dismiss, January 17, 2007, Donald Cusick, case no. 05-48055.
33. Agreed Order, February 16, 2007, Donald Cusick, case no. 05-48055.
34. Affidavit of Trustee, September 5, 2007, Donald Cusick, case no. 05-48055.
35. Order of Dismissal, September 6, 2007, Donald Cusick, case no. 05-48055.
36. Receipts to Rita McCauley, payment of attorney fee and filing fee.
37. Receipts to Dale and Betty Blazer, payment of attorney fee and filing fee.
38. Docket, Dale and Betty Blazer, case no. 05-40105, US Bankruptcy Court, Northern District of Ohio.
39. Motion for Relief from Automatic Stay and Abandonment, Dale and Betty Blazer, case no. 05-40105.
40. Docket, Douglas and Rebecca Reckner, case no. 08-43011, US Bankruptcy Court,

Northern District of Ohio.

41. Application for Waiver of the Chapter 7 Filing Fee, October 17, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
42. Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee, October 21, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
43. Order to Show Cause, October 27, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
44. Order, November 13, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
45. Order Dismissing Case, December 10, 2008, Douglas and Rebecca Reckner, case no. 08-43011.
46. Federal Rules of Bankruptcy Procedure, Rule 1006, Filing Fee.
47. Deposition of Richard Hoppel, June 16, 2009.
48. Confirmation Letter dated October 31, 2008 from the Ed Keating Center accepting Respondent into treatment.
49. Confirmation Letter dated February 25, 2009 from the Ed Keating Center confirming Respondents completion of the ninety (90) day treatment program.
50. Judgment Entry dated February 10, 2010 from Columbiana County Court of Common Pleas (08 MJ 71) finding that the Respondent has purged himself of Contempt of Court.
51. Judgment Entry dated February 22, 2010 from Columbiana County Court of Common Pleas (08 MJ 112) finding that the Respondent has purged himself of Contempt of Court.
52. Copy of Respondent's OLAP contract.

#### STIPULATED MITIGATION AND AGGRAVATION

Relator and Respondent stipulate to the following mitigating factors pursuant to BCGD Proc. Reg. § 10(B)(2)

- (a) absence of a prior disciplinary record;
- (d) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

## STIPULATED SANCTION

The parties are unable to reach a stipulated sanction in this matter. Instead the parties leave the determination as to appropriate sanction to the wisdom and discretion of the panel.

## CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on the \_\_\_\_\_ day of May, 2010.

\_\_\_\_\_  
Jonathan E. Coughlan (0026424)  
Disciplinary Counsel

\_\_\_\_\_  
Heather L. Hissom (0068151)  
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\_\_\_\_\_  
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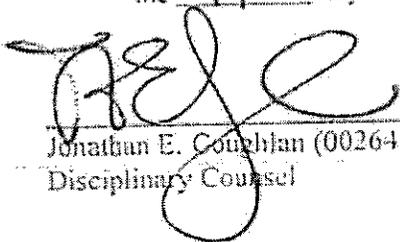
  
\_\_\_\_\_  
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Girard, OH 44420  
330-545-6900

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The parties are unable to reach a stipulated sanction in this matter. Instead the parties leave the determination as to appropriate sanction to the wisdom and discretion of the panel.

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on the 14<sup>th</sup> day of May, 2010.



Jonathan E. Coughlan (0026424)  
Disciplinary Counsel



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

In Re:	:	
Complaint against	:	Case No. 09-068
Richard Vincent Hoppel Attorney Reg. No. 0063000	:	Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio
Respondent	:	
Disciplinary Counsel	:	
Relator	:	

This matter was heard on May 18, 2010, in Columbus, Ohio before panel members John Polito of Cuyahoga County, Walter Reynolds of Montgomery County, and Charles E. Coulson, Chair, of Lake County, Ohio. None of the panel members resides in the district from which the complaint originated or served on the probable cause panel that considered this matter.

Representing the Relator, Disciplinary Counsel, was Heather L. Hissom, Assistant Disciplinary Counsel and representing Respondent was Harry J. DePietro.

**BACKGROUND**

Respondent, Richard Vincent Hoppel, was admitted to the practice of law in the State of Ohio on May 16, 1994. Respondent's practice of law was concentrated in the area of bankruptcy. Respondent became addicted to cocaine in 2007, and thereafter began neglecting his practice and his clients.

**B**

On August 17, 2009, Disciplinary Counsel filed a fifteen count Complaint against Respondent charging Respondent with misconduct and multiple violations of the Rules of Professional Conduct.

At the beginning of the hearing Disciplinary Counsel dismissed the allegation that Respondent violated Prof. Cond. Rule 1.4 (a)(1) [a lawyer shall promptly inform the client of any decision or circumstance with respect to which the client informed consent is required by the Rules] found in Count VIII, and Prof. Cond. Rule 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation] found in Count X.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Relator, Disciplinary Counsel, and Respondent, Richard Vincent Hoppel, filed agreed stipulations; a copy of the agreed stipulations is attached hereto and incorporated herein. The attached stipulations are very specific so there is no need to repeat the facts here.

Respondent stipulated to all of the relevant facts in the complaint. Respondent also stipulated to most of the violations of misconduct contained in the complaint. In addition to the stipulations of facts, the parties stipulated to 52 exhibits. Respondent testified before the Panel and submitted additional exhibits.

Based upon the Agreed Stipulations, the exhibits, and the testimony of Respondent, the hearing panel unanimously found by clear and convincing evidence that Respondent's conduct violated all of the remaining Rules of Professional Conduct alleged in the Complaint, specifically:

COUNT I: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 8.4(d)

[conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT II: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT III: Respondent's actions constitute violations of Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 3.3(a)(1) [a lawyer shall not knowingly make a false statement of fact or law to a tribunal]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT IV: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT V: Respondent's actions constitute violations of Prof. Cond. R. 1.1 [a lawyer shall provide competent representation to a client]; Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(2) [a lawyer shall 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) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law]; and Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice].

COUNT VI: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT VII: Respondent's actions constitute violations of Prof. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT VIII: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT IX: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. Rule 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT X: Respondent's actions constitute violations of Prof. Cond. R. 1.1 [a lawyer shall provide competent representation to a client]; Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed of the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 3.3 [a lawyer shall not make a false statement of fact or law to a tribunal]; Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XI: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XII: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 1.4(a)(1) [a lawyer shall 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. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XIII: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XIV: Respondent's actions constitute violations of Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. Rule 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT XV: Respondent's actions constitute violations of Prof. Cond. R. 1.1 [a lawyer shall provide competent representation to a client]; Prof. Cond. R. 1.3 [a lawyer shall act with

reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5 [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee]; Prof. Cond. R. 3.3 [a lawyer shall not make a false statement of fact or law to a tribunal]; Prof. Cond. R. 8.4(e) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice]; and Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the lawyer's fitness to practice law].

### MITIGATION

The Relator and Respondent stipulated to the following mitigating factors pursuant to BCGD Proc. Sec.10(B)(2):

- (a) absence of prior disciplinary record;
- (d) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

The panel unanimously found the additional mitigating factors of:

- (g) chemical dependency or mental disability when there has been all of the following:
  - (i) A diagnosis of a chemical dependency or mental disability by a qualified health care professional or alcohol/substance abuse counselor;
  - (ii) A determination that the chemical dependency or mental disability contributed to cause the misconduct;
  - (iii) In the event of chemical dependency, a certification of successful completion of an approved treatment program or in the event of mental disability, a sustained period of successful treatment;

(iv) A prognosis from a qualified health care professional or alcohol/substance abuse counselor that the attorney will be able to return to competent ethical professional practice under specified conditions.

(h) Respondent has engaged in other interim rehabilitation.

In making the mitigation findings of (g) and (h), the panel relied heavily upon the testimony of Paul A. Caimi of the Ohio Lawyers Assistance Program (OLAP). Mr. Caimi stated that the Respondent is a crack cocaine addict in remission and that he has been sober since October 23, 2008. (Tr. 70) Respondent's sobriety has been verified through random drug and alcohol testing. The Respondent successfully completed a treatment program at the Keating Center and has completed out-patient, aftercare, and family services successfully. The Respondent has fully complied with his OLAP lawyer's support system recovery contract. Caimi stated that it is his impression that Respondent is sincere about sobriety. Caimi testified that he believed all of the allegations of misconduct occurred before Respondent's sobriety date, and Caimi believed that all occurred during his use of cocaine. Caimi testified that in his opinion the addiction to cocaine contributed to Respondent's violations of the Rules of Professional Conduct. Caimi testified that he is optimistic about Respondent's continuing to remain sober and do well and that he "certainly would be competent to be a lawyer" as long as he stayed sober. (Tr. 73)

#### AGGRAVATION

The panel finds, pursuant to BCGD Proc. Reg. 10(B)(1), that the following matters in aggravation are present:

- (b) dishonest or selfish motive;
- (c) pattern of misconduct;

- (d) multiple offenses;
- (h) vulnerability of and resulting harm to victims of the misconduct;
- (i) failure to make restitution.

#### RECOMMENDATION

Respondent and Relator, although being able to stipulate to practically everything in the case, were unable to reach a stipulated sanction. Relator recommends that Respondent receive an indefinite suspension. Respondent did not make a specific recommendation but suggested that the Respondent receive "some kind of supervision, an extension of his OLAP contract, maybe both would be appropriate, and that's what we would like to ask this Panel recommend."

#### PANEL RECOMMENDATION

Respondent's conduct in this case involved multiple counts of accepting retainers and court cost deposits, totaling over \$14,000 that he converted to his own use, repeatedly failing to perform work on his client's behalf, failing to appear at court hearings, failing to respond to clients' attempt to contact him, collecting excessive and unreasonable fees, and engaging in dishonesty, deceit, and misrepresentation.

To support the request for indefinite suspension, Disciplinary Counsel cites the following cases where the respondent engaged in similar conduct: *Columbus Bar Assn. v. Chasser*, 124 Ohio St.3d 578, 2010-Ohio-956 (indefinite suspension); *Cleveland Metro. Bar Assn. v. Gottehrer*, 124 Ohio St.3d 519, 2010-Ohio-929 (indefinite suspension); and *Cincinnati Bar Assn. v. Deaton*, 102 Ohio St.3d 19, 2004-Ohio-1587 (disbarment); and *Columbus Bar Assn. v. Kiesling*, 125 Ohio St.3d 36, 2010-Ohio-1555 (disbarment). The cases cited by Disciplinary Counsel are distinguishable as the respondents in those cases failed to cooperate and no mitigating factor of drug dependency was found.

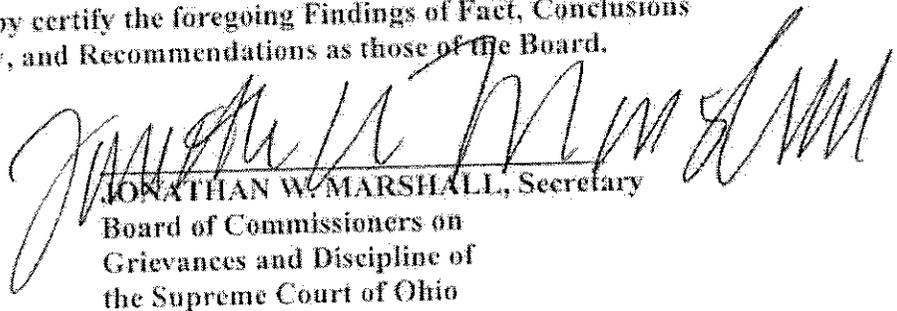
Respondent Hoppel is currently without the financial ability to make restitution. Claims have been made to the Client Security Fund but, according to Disciplinary Counsel, the Client Security Fund will not pay out to the injured clients until the entire disciplinary case is completed after the Supreme Court issues its final order.

The panel agrees with Disciplinary Counsel and recommends that Respondent be indefinitely suspended from the practice of law in Ohio.

**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 October 7, 2010. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel and recommends that Respondent, Richard Vincent Hoppel, be indefinitely suspended together with an order of restitution. 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

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Ms. Gloria Hawkey  
49490 S. Meadowbrook Circle  
East Liverpool OH 43920

Re: My Apology

Dear Ms. Hawkey:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

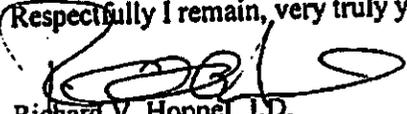
As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

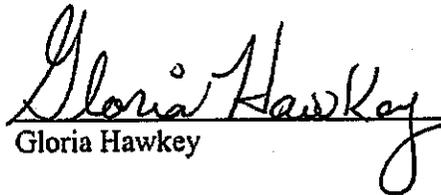
C

**DOCUMENT NOT SCANNED  
PURSUANT TO SUPERINTENDENCE  
RULE 45**

RECEIPT

On November 13, 2010 Gloria Hawkey received from Richard Hoppel check number 6714 in the amount of One Thousand Two Hundred dollars (\$1,200.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11-13-10

  
Gloria Hawkey

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. & Mrs. Anthony Romano  
419 Vine Street  
East Liverpool OH 43920

Re: My Apology

Dear Anthony and Krista:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

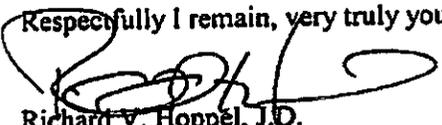
As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there such as John Drumm, your current attorney that cleaned up my mess, that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

D

**DOCUMENT NOT SCANNED  
PURSUANT TO SUPERINTENDENCE  
RULE 45**

RECEIPT

On November 13, 2010 I Anthony Romano received from Richard Hoppel check number 6712 in the amount of One Thousand Four Hundred Seventy Four dollars (\$1,474.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11-13-10

  
\_\_\_\_\_  
Anthony Romano

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. & Mrs. David Fusco  
588 7<sup>th</sup> Avenue  
East Liverpool OH 43920

Re: My Apology

Dear Mr. And Mrs. Fusco:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-am apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

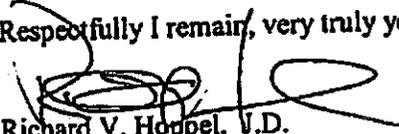
As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would ever have gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. They way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

E

**DOCUMENT NOT SCANNED  
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RULE 45**

RECEIPT

On November 13, 2010 David Fusco received from Richard Hoppel check number 6719 in the amount of Five Hundred Ninety dollars (\$590.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11-13-10

MCS. David Fusco  
David Fusco

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Ms. Cynthia Robb  
48257 State Route 14  
New Waterford OH 44445

Re: My Apology

Dear Ms. Robb:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your legal proceeding the way that you should have been represented.

As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you the time, money and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job they way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

F

**DOCUMENT NOT SCANNED  
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RULE 45**

RECEIPT

On November 13, 2010 I Cynthia Robb received from Richard Hoppel check number 6710 in the amount of One Thousand Two Hundred Seventy Five dollars as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11/13/10

Cynthia Robb  
CYNTHIA ROBB

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Ms. Nadene Dorsey  
1313 Riverview Street  
East Liverpool OH 43920

Re: My Apology

Dear Ms. Dorsey:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this. I hope that your son has not suffered as the result of my actions.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

5

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RULE 45**

RECEIPT

On November 13<sup>th</sup>, 2010 Nadene Dorsey received from Richard Hoppel check number 6716 in the amount of Nine Hundred dollars (\$900.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11-13-10

Nadene Dorsey  
Nadene Dorsey

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Ms. Tammy Bauer  
876 Grandview  
East Liverpool OH 43920

Re: My Apology

Dear Tammy:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent your mom in her bankruptcy proceeding the way that she should have been represented.

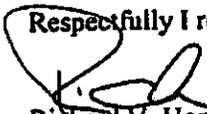
As you are aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your mom the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God. Wendy and Addie have been the best influence a man could ask for!

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

H

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RULE 45**

RECEIPT

On November 13, 2010 I Tammy Bauer received from Richard Hoppel check number 6711 in the amount of One Thousand Four Hundred dollars (\$1,400.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11-13-2010

Tammy Bauer  
TAMMY BAUER

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
rvhoppel@gmail.com

November 12, 2010

Ms. Marsha Watson  
952 Ambrose Avenue  
East Liverpool OH 43920

Re: My Apology

Dear Ms. Watson:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

As you are aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this. We have known each other for a long time and I know from reading your complaint that you thought I was a nice person in High School. I was. And I keep working on being a better person today. Some day I hope that you may think of me as you did then.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

I

**DOCUMENT NOT SCANNED  
PURSUANT TO SUPERINTENDENCE  
RULE 45**

RECEIPT

On November 13, 2010 Marsha Watson received from Richard Hoppel check number 6721 in the amount of One Thousand One Hundred Seventy Five dollars (\$1,175.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11-13-10

Marsha J. Watson  
Marsha Watson

Marsha L. Watson  
952 Ambrose Avenue  
East Liverpool, OH 43920

November 15, 2010

Disciplinary Counsel  
The Supreme Court of Ohio  
Attention: Heather Hissom, Asst. Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, OH 43215-7411

Re: Money Refunded by Richard Vincent Hoppel, Esq.  
(A8-2946)

Dear Ms. Hissom:

Since my last letter of inquiry to you dated 11-08-10, to my surprise Richard Hoppel showed up at my home on the morning of Sat., Nov. 13, 2010 stating he was there to pay me back what he owed me. Mr. Hoppel handed me a check in the amount of \$ 1,175.00, the full amount I had paid to him to represent me in my bankruptcy, as you are of course aware, and then did not.

The check was drawn on his father's account, he stated that his father had agreed to help him make restitution to those he wronged.

I was at first hesitant to sign the receipt he was asking me to sign since it of course stated that I was stating that I received the \$ 1,175.00 from him. I explained that if I signed it, it showed proof on his end that I received it, however, I had a check, and did not know if that check would clear. I requested that I make a copy of both the check and the receipt together for my records. In addition, he stated that his father's bank was down the street from me and suggested I go directly to cash it.

I was able to cash the check at the bank it was drawn on, therefore I have been fully reimbursed the money I paid to Richard V. Hoppel back in 2008. I am enclosing a copy of the check made payable to me by Herm Hoppel on Rich's behalf, along with a copy of the receipt I signed for him.

I would like to add, Rich seemed truly sincere in his face to face apology to me. Although my first reaction towards him when he showed up was less than welcoming, I heard him out, giving him the benefit of the doubt. After accepting his apology and his reimbursement, I encouraged him to "stay clean", to "keep his life on track." He said he would, and that he had a wife and baby to think of now. I wished him well, and as we shook hands he asked that I read the letter to me he placed in the envelope with the check.

After he left, I read his personal letter of apology to me. It was heartfelt, personal, and professional, and seemed sincere. It must be very humbling for him to go door to door and personally pay back and apologize face to face those he wronged. I give him credit for righting the wrongs in this manner as opposed to doing so by mail. I only hope he continues to hold the memories of this entire experience clearly throughout his life so as to not fall back into a similar situation in the future. Hopefully, having the responsibility and the love of a wife and child will keep him on track. It's so sad when good people go bad because of the influence of one thing or another.

Many thanks to you for all of your correspondence to me over the last two years. Please let me know if there is any further information you need from me.

Sincerely,



Marsha L. Watson

Enclosure: 1 copy check/receipt  
Cc: Richard V. Hoppel

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. Derek Carter  
1163 Erie Street  
East Liverpool OH 43920

Re: My Apology

Dear Mr. Carter:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

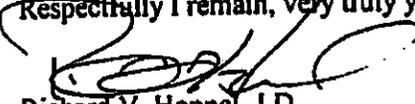
As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

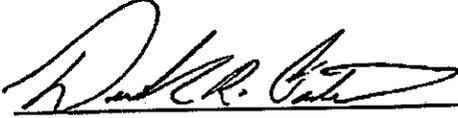
J

**DOCUMENT NOT SCANNED  
PURSUANT TO SUPERINTENDENCE  
RULE 45**

RECEIPT

On November B, 2010 Derek Carter received from Richard Hoppel check number 6715 in the amount of One Thousand Two Hundred Twenty Five dollars (\$1,225.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11/13/10

  
Derek Carter

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. David Miller  
7031 Depot Road  
Lisbon OH 44432

Re: My Apology

Dear Mr. Miller:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

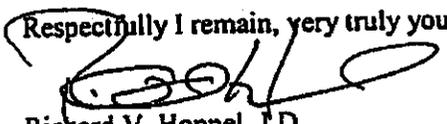
As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God. I continue to work toward being a better person One Day at a Time.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

K

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# The Supreme Court of Ohio

CLIENTS' SECURITY FUND  
85 SOUTH FRONT STREET, 6TH FLOOR, COLUMBUS, OHIO 43215-3431

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ERIC BROWN

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1.800.231.1680  
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[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

November 19, 2010

David A. Miller  
619 Florida Avenue  
Salem, Ohio 44460

Re: David A. Miller v. Richard V. Hoppel  
CSF Claim No. 09-0095

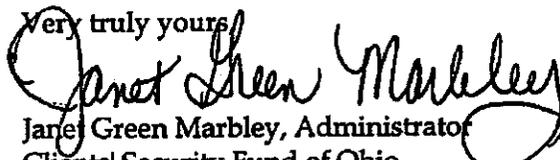
Dear Mr. Miller:

Per your conversation of today with Pam Leslie of our office, you were informed that Mr. Hoppel has offered to make restitution in the amount \$2,500 on your behalf. Please find enclosed 1<sup>st</sup> National Community Bank check number 6720 in the amount of \$2,500 payable to you, and Mr. Hoppel's letter of apology.

Your Clients' Security Fund application for reimbursement will be closed.

If you need more information, contact our office.

Very truly yours,

  
Janet Green Marbley, Administrator  
Clients' Security Fund of Ohio

JGM/pdl  
Enclosure

cc: Richard V. Hoppel

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. Brian Grimm  
12844 Echo Dell Road #15  
East Liverpool OH 43920

Re: My Apology

Dear Mr. Grimm:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

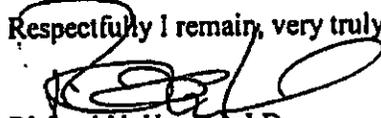
As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

L

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RECEIPT

On November 14, 2010 Brian Grimm received from Richard Hoppel check number 6717 in the amount of One Thousand Two Hundred dollars (\$1,200.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: 11-14-10

  
\_\_\_\_\_  
Brian Grimm

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. & Mrs. Donald Cusick  
4060 Adams Road  
East Palestine OH 44413

Re: My Apology

Dear Mr. & Mrs. Cusick:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

As you are aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

M

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### Search Results

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 Expected Delivery Date: November 16, 2010  
 Class: Priority Mail®  
 Service(s): Delivery Confirmation™  
 Status: Delivered

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Your item was delivered at 10:34 am on November 16, 2010 in EAST PALESTINE, OH 44413.

#### Detailed Results:

- Delivered, November 16, 2010, 10:34 am, EAST PALESTINE, OH 44413
- Out for Delivery, November 16, 2010, 7:41 am, EAST PALESTINE, OH 44413
- Sorting Complete, November 16, 2010, 7:31 am, EAST PALESTINE, OH 44413
- Arrival at Post Office, November 16, 2010, 7:08 am, EAST PALESTINE, OH 44413
- Acceptance, November 15, 2010, 11:41 am, GIRARD, OH 44420

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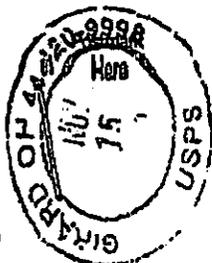
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*Anita Luvick*

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PS Form 3825, May 2002

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
rvhoppel@gmail.com

November 12, 2010

Mr. & Mrs. Richard McCauley  
427 Westfield Road  
East Liverpool OH 43920

Re: My Apology

Dear Mr. & Mrs. McCauley:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented and for the way I treated you in returning your file. I was a coward that could not face the people that he had hurt.

As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. There are many good lawyers out there that do their job the way it is supposed to be done. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

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Track & Confirm

FAQs

# Track & Confirm

## Search Results

Label/Receipt Number: 0310 0480 0001 1185 7568  
 Expected Delivery Date: November 17, 2010  
 Class: Priority Mail®  
 Service(s): Delivery Confirmation™  
 Status: Delivered

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Enter Label/Receipt Number.

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Your item was delivered at 2:12 pm on November 19, 2010 in LONGS, SC 29568.

### Detailed Results:

- Delivered, November 19, 2010, 2:12 pm, LONGS, SC 29568
- Out for Delivery, November 19, 2010, 8:09 am, LONGS, SC 29568
- Sorting Complete, November 19, 2010, 7:59 am, LONGS, SC 29568
- Arrival at Post Office, November 19, 2010, 7:52 am, LONGS, SC 29568
- Acceptance, November 15, 2010, 11:42 am, GIRARD, OH 44420

### Notification Options

Track & Confirm by email

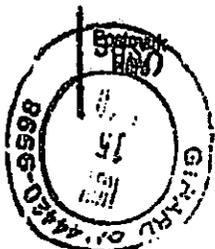
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*Richard McCauley*

DELIVERY CONFIRMATION NUMBER: 0310 0480 0001 1185 7568



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 Keep this receipt. For inquiries:  
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 www.usps.com®  
 or call 1-800-222-1811

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(See Reverse)

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. & Mrs. Dale Blazer  
46155 Walnut Street  
Rogers OH 44455

Re: My Apology

Dear Mr. & Mrs. Blazer:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

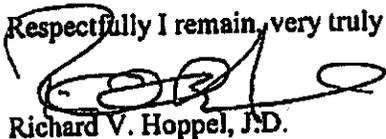
As you may be aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost the two of you the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

I can only ask that you accept my apology and hope that my behavior has not tarnished the image of the legal profession in your mind. I had done work for you in the past which I did to your satisfaction. This is how most lawyers work. The way I did it before the addiction took hold of me. The way I hope to do it in the future.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,



Richard V. Hoppel, J.D.

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RECEIPT

On November 13, 2010 Dale and/or Betty Blazer received from Richard Hoppel check number 6713 in the amount of One Thousand Three Hundred Twenty Four dollars (\$1,324.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: Nov 13, 2010

Dale Blazer  
Dale Blazer

Betty J Blazer  
Betty Blazer

Richard V. Hoppel, J.D.  
7 West Liberty Street  
Girard OH 44420  
(330) 545-6900  
[rvhoppel@gmail.com](mailto:rvhoppel@gmail.com)

November 12, 2010

Mr. & Mrs. Douglas Reckner  
49370 Oakmont Avenue  
East Liverpool OH 43920

Re: My Apology

Dear Mr. & Mrs. Reckner:

Along with the check for reimbursement of attorney fees and filing fees I know that I owe you something else-an apology. To that end please try and accept my deepest and most sincere apology for my failure to represent you in your bankruptcy proceeding the way that you should have been represented.

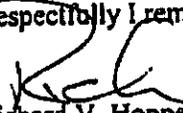
As you are aware, my thinking and behavior were clouded by an addiction over which I had no control. This addiction has cost me dearly in my personal life as well as professionally. However, it should not have cost you or your family the time, money, and emotional and mental anguish that I know it caused. I am deeply sorry for this.

I am fortunate that you, among others, made my problem known to the Disciplinary Counsel and the Supreme Court of Ohio. It is probably the only way that I would have ever gotten help for the addiction that controlled me. I completed treatment for the disease and have been sober since October 23, 2008 by the Grace of God.

We had a long standing history and you know the way I worked before the addiction took control. I remember that you brought me chili when you came to see me! I counted you as friends and I am so sorry that I violated that I hope some day you will count me as a friend.

Should you wish to contact me regarding this or any other matter please feel free to do so.

Respectfully I remain, very truly yours,

  
Richard V. Hoppel, J.D.

P

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RECEIPT

On November 12, 2010 Douglas and/or Rebecca Reckner received from Richard Hoppel check number 6723 in the amount of One Thousand Forty Five dollars (\$1,045.00) as reimbursement of attorney fees and filing fees paid to Richard Hoppel.

Dated: Nov. 12, 2010

\_\_\_\_\_  
Douglas Reckner

Rebecca Reckner  
Rebecca Reckner