

FILED
JAN 10 2011
CLERK OF COURT
SUPREME COURT OF OHIO

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ORIGINAL

98-2214

IN THE MATTER OF:

CLAIRE MELVIN BALL, JR.
Ohio Atty. Reg. No. 0020459

Case No.: 3:99-mc-00026

Judge Smith

ORDER

This matter is before the Court on the Petition for Reinstatement to Practice before this Court filed by Respondent Claire Melvin Ball, Jr. (Doc. 6). For the following reasons, the Court **GRANTS** Respondent's Petition for Reinstatement.

On April 28, 1999, the Supreme Court of Ohio suspended Respondent from the practice of law for two years after he was found guilty of falsifying ballots and applications for ballots. *Office of Disciplinary Counsel v. Ball*, 709 N.E.2d 109 (Ohio 1999). This Court suspended Respondent's license to practice law on March 14, 2000 (Doc. 3). Respondent's license to practice law in Ohio's state courts was reinstated by the Supreme Court of Ohio on May 30, 2001. *Office of Disciplinary Counsel v. Ball*, 748 N.E.2d 1140 (Ohio 2001). Respondent now seeks reinstatement to practice before this Court.

Rule VII of the Model Federal Rules of Disciplinary Enforcement, as adopted by this Court, provides that an attorney who is suspended for more than three months or disbarred may not resume practice until reinstated by order of this Court. S.D. Ohio Rules of Disciplinary Enforcement, Rule VII(A). Rule VII(C) provides as follows:

Petitions for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the Chief Judge of this Court. Upon receipt of the petition, the

I Certify that this is a true and correct copy of the original filed in my office on 12-17-2010
JAMES BONINI, CLERK
By: s/Tempann Thomas
Date: 1-7-2011

Chief Judge shall promptly refer the petition to counsel and shall assign the matter for prompt hearing before one or more Judges of this Court[.] . . . The Judge or Judges assigned to the matter shall within thirty (30) days after referral schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive [of] the public interest.

The Chief Judge of this Court has assigned the undersigned Judge to hear this matter.

Additionally, the Chief Judge appointed Lori J. Brown, Chief Assistant Disciplinary Counsel for the Supreme Court of Ohio, to serve as counsel for this Court in conducting the reinstatement hearing. While Rule VII(C) provides that the assigned judge must expeditiously hold a hearing on the matter of reinstatement, the Court finds that a hearing is not necessary in this case because the reinstatement is unopposed, and because the record before the Court is sufficiently informative. Therefore, this matter will be decided on the briefs. *See In the matter of Farmer*, Case No. 1:06-mc-85 (S.D. Ohio Apr. 10, 2009) (Marbley, J.) (granting request for reinstatement without holding a hearing because counsel for the Court did not oppose the reinstatement and because counsel for the Court and the respondent indicated that the reinstatement could be decided solely on the papers).

Respondent was reinstated to the practice of law in Ohio courts in May 2001, only after he paid all necessary costs, complied with the order of suspension, complied with all applicable continuing legal education requirements, and satisfied the condition that no formal disciplinary proceedings be pending against him. *See Ball*, 748 N.E.2d at 1140-41 (citing Ohio Gov. Bar R. V(10)(A)). Moreover, in support of his petition for reinstatement, Respondent asserts that he meets the requirements set forth in Rule VII for reinstatement, including having the necessary

experience, competency, and moral qualifications for admission. Ms. Brown does not challenge the veracity of these assertions. Furthermore, Ms. Brown has indicated to the Court that, after investigating this matter,¹ she is unaware of any evidence or information indicating that Respondent's reinstatement would be detrimental to the integrity and standing of the bar, to the administration of justice, or contrary to the public interest. Moreover, Ms. Brown has informed the Court that Respondent's license to practice law in Ohio courts is currently in good standing and there are no formal complaints pending against him before the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.

Based on the evidence before the Court, the Court finds that Respondent has sufficiently shown that he has the moral qualifications, competency, and learning in the law required for admission to practice before this Court. The Court further finds that Respondent's resumption of the practice of law before this Court will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

Accordingly, Respondent's Motion for Reinstatement (Doc. 6) is **GRANTED**, and Respondent is hereby **REINSTATED**.

The Clerk shall remove Document 6 from the Court's pending motions list.

The Clerk shall remove this case from the Court's pending cases list.

IT IS SO ORDERED.

s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT

¹ The Court is appreciative of Ms. Brown's efforts to assist in this matter.