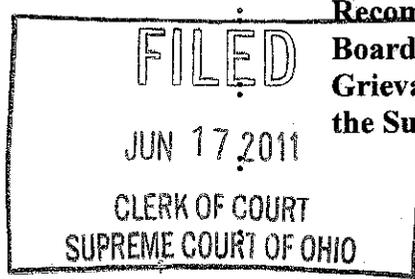


BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

In Re:	:	2007-1961
Petition for Reinstatement of:	:	Case No. 06-002
Jay Alan Goldblatt	:	Findings of Fact
Attorney Reg. No. 0014263	:	Conclusions of Law and
	:	Recommendation of the
Respondent	:	Board of Commissioners on
Disciplinary Counsel	:	Grievances and Discipline of
	:	the Supreme Court of Ohio
Relator	:	



INTRODUCTION

1. This matter came on for hearing in Akron, Ohio, on May 10, 2011, upon the petition of Jay Alan Goldblatt for reinstatement to the practice of law, pursuant to Gov. Bar R. V(10), before a panel consisting of Judge Beth Whitmore and David E. Tschantz, Chair, both of whom are duly qualified members of the Board. A third panel member, John Siegenthaler, was appointed but was unable to attend due to an unforeseen emergency. At the hearing, both parties indicated on the record that they had no objection to proceeding with only two panel members. Neither of the panel members resides in the appellate district in which the petitioner resided at the time of his suspension. Petitioner appeared pro se, and Lori Brown represented Relator, Disciplinary Counsel.

2. The burden of proof is on Petitioner to show by clear and convincing evidence that he should be reinstated to the practice of law in Ohio. He must establish that he possesses all of the mental, educational and moral qualifications that were required of an applicant for

admission to the practice of law at the time of his original admission, and that he is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action. Petitioner must also show by clear and convincing evidence that he has made restitution to any persons harmed by his misconduct, and that he has complied with the continuing legal education requirements as prescribed by Gov. Bar R. X(3)(G).

FINDINGS OF FACT

3. Petitioner is 53 years of age. He received his undergraduate degree from the University of Cincinnati and his juris doctor from the Case Western Reserve University School of Law in 1983. He was admitted to the bar in November 1983. After being admitted, he went into practice with a succession of law firms in Cleveland, specializing in corporate law, mergers and acquisitions and securities compliance. Later, he accepted a position as in-house counsel with a corporation, and was responsible for handling mergers and acquisitions, commercial and industrial real estate leases, collective bargaining, securities law compliance, tax matters and a variety of business and corporate transactional matters. He was so employed at the time he was convicted of two felonies in the Cuyahoga Court of Common Pleas. He was sentenced for those crimes in November 2005. In compliance with the sentence imposed upon him in November 2005, he changed his registration with the Supreme Court to "inactive," and immediately ceased practicing law. He was subsequently suspended by the Supreme Court on an interim basis on January 27, 2006, based on his felony convictions. In re *Goldblatt*, 108 Ohio St.3d 1422, 2006-Ohio-289.

4. After a hearing before a panel of this Board, Petitioner was indefinitely suspended by the Court on May 29, 2008 without any credit for time served under his interim suspension. This indefinite suspension was imposed as a consequence of findings by the panel and the Board,

and adopted by the Court, that Petitioner violated DR 1-102(A)(3) (illegal conduct involving moral turpitude) and DR 1-102(A)(6) (conduct that adversely reflects upon his fitness to practice law). These violations arose out of his attempt to arrange a sexual encounter with an underage girl. *Disciplinary Counsel v. Goldblatt*, 118 Ohio St.3d 310, 2008-Ohio-2458.

5. Petitioner has not previously petitioned for reinstatement and over three years have elapsed since his indefinite suspension was imposed.

6. There are no formal disciplinary proceedings pending against Petitioner.

7. Petitioner has completed CLE attendance as required by the order of suspension, and by Gov. Bar R. X(3)(G), and is in compliance with CLE and registration requirements in Ohio as of the filing of his petition.

8. Restitution is not a factor in this matter. No one was financially harmed by his misconduct.

9. All costs of the prior proceeding have been paid.

10. The Board report from the prior disciplinary proceeding discloses that Petitioner had certain mental issues that gave rise to his reprehensible actions, and that he had taken action to deal with those issues, including medical treatment, marital and personal counseling, group therapy and the execution of an OLAP contract. Significantly, Petitioner did not claim those issues as mitigating factors and they were not considered as such by the panel in the prior proceeding.

11. Petitioner established to this panel that he has continued in these treatment actions and that he fully understands that he will always have a need to guard against reoccurrence of the issues that gave rise to his previous misconduct.

12. Petitioner opened his presentation to the panel by presenting a letter from the judge who sentenced him on the underlying felonies, Judge Janet Burnside of the Cuyahoga County Common Pleas Court, General Division. Judge Burnside's letter is an unqualified recommendation that Petitioner be readmitted to the bar, and she took the time to cite his personal growth and discipline as the reasons for her recommendation. (Ex. A)

13. Petitioner also introduced a letter from Dr. Steven Levine, a psychiatrist who evaluated Petitioner at his request. Dr. Levine's letter analyzes the question of safety of the public in allowing Petitioner to again practice law, and he offered his conclusions in four areas. First, he opined that the petitioner is "cognitively competent to practice law." The panel agrees with this conclusion after observing Petitioner's presentation of his case.

14. Second, Dr. Levine opined that Petitioner has made considerable progress in dealing with his sexual addiction through maintenance of his individual and group therapy, twelve-step groups and the sponsoring of others in their quest to regain self-control. Dr. Levine noted that the Petitioner had relapsed at one point in 2010 by calling a "chat line," but that he quickly self-reported the relapse and sought support to ensure that it went no further.

15. Third, Dr. Levine opined that Petitioner has made considerable progress in recognizing the moral turpitude of his past behavior, that Petitioner appears to genuinely be repulsed by his past impulses, and that "[h]is maturation and evolving understanding of previous immature and self-centered patterns of living are likely to be strong safeguards against returning to the period of his personal and social degradation." (Ex. B, p.2)

16. Last, Dr. Levine opined that Petitioner has strong narcissistic personality traits, but that those traits are "no longer relevant to [Petitioner's] vocational competence." When read in the context of the entire letter, the panel interprets this to mean that the doctor believes that

these traits, while still present, will not result in harm to clients or anyone else. Dr. Levine concludes with the positive statement that Petitioner “is now capable cognitively, ethically, morally, and psychiatrically to practice his profession again.” (Ex. B, p. 3)

17. Petitioner also introduced a letter from his treating psychotherapist, Candace B. Risen, LISW. The letter briefly states that Ms. Risen feels that the nature of the therapy she prescribes for Petitioner prohibits her from writing a more detailed letter concerning his progress. However, she is very careful to also state that she hopes her refusal will not be seen as a negative reflection on Petitioner’s pursuit of reinstatement. The panel interprets this statement as support of his reinstatement to the practice of law.

18. Petitioner also introduced a letter and testimony from Paul Caimi, Associate Director of OLAP and Petitioner’s monitor. Mr. Caimi detailed for the panel Petitioner’s excellent performance to this point in his contract, and specified both in his testimony and in writing that he has no objection to Petitioner’s return to the practice of law.

19. With regard to the single relapse incident in 2010, and in response to a question propounded by the panel, Caimi freely admitted that if Petitioner had not reported the relapse, no one else would have known about it. Relator, in her closing, stated: “The fact that we are even talking about the relapse from 2010 is evidence of his acceptance of responsibility and of his personality issues, his mental health issues and his self-governed sobriety.” (Tr. 129)

20. Petitioner also introduced several letters of support from various individuals holding positions of responsibility and trust in various communities and organizations, all indicating that they support his reinstatement without qualification.

21. Petitioner also offered the following testimony:

In 2005, before Judge Burnside, I made the following statement:

“Thank you, Your Honor. What I did here was awful. . . . I offer no excuses. I feel nothing but shame for what I have done. I have hurt my family. I’ve hurt my friends. I’ve hurt my community. I’ve hurt my profession. I’ve hurt my employer. I’ve hurt my co-workers. I will be working for the rest of my life to make that right. . . .”

I meant that when I said it in 2005. I meant that when I said it before the panel in 2007. And I repeat the same sentiment here today, that I am not here in any sense of the word to try to ignore how horrible I acted in 2004.

I understood this in 2005. I understood it in 2007. I understand it today. . . . and it cannot happen again. (Tr. 37-38)

22. Relator, in her closing remarks, stated that Petitioner Goldblatt has established that he “is fit to be re-admitted to the practice of law in the State of Ohio.” (Tr. 130)

CONCLUSIONS OF LAW

23. Based upon the foregoing, the panel determines, by clear and convincing evidence, that:

A. Petitioner possesses all of the mental, educational and moral qualifications that were required of an applicant for admission to the practice of law in the State of Ohio at the time of his original admission;

B. Petitioner has complied with the continuing legal education requirements of Gov. Bar R. X(3)(G); and

C. Petitioner is now a proper person to be re-admitted to the practice of law in the State of Ohio, notwithstanding the previous disciplinary action.

PANEL RECOMMENDATION

24. The panel recommends that Petitioner, Jay Alan Goldblatt, be re-admitted to the practice of law in Ohio.

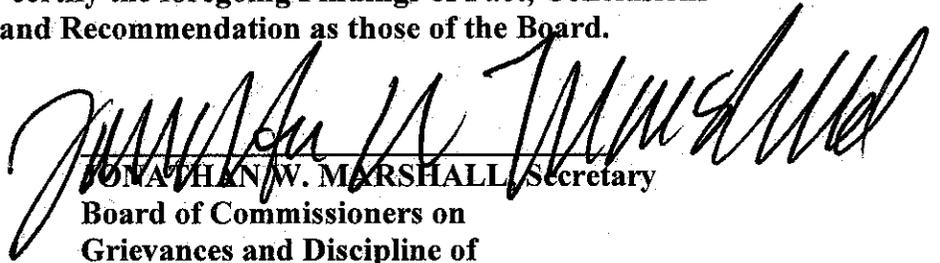
BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V, Sec. 10(G)(5) and (6), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on June 10, 2011. The Board rejected the Recommendation of the Panel and recommends that Petitioner, Jay Alan Goldblatt, be denied readmission to the practice of law in the State of Ohio.

The Board decided not to recommend reinstatement given Petitioner's underlying crime of solicitation of sex with a minor and his 2010 relapse involving Petitioner's participation on a chat line. The Board remains unconvinced, due to Petitioner's insufficient evidence of full recovery, that he is a fit candidate to be readmitted now to the practice of law.

The Board further recommends that the cost of these proceedings be taxed to Petitioner 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 Recommendation as those of the Board.**



JONATHAN W. MARSHALL, Secretary

**Board of Commissioners on
Grievances and Discipline of
The Supreme Court of Ohio**

The Supreme Court of Ohio

MAY 29 2008

CLERK OF COURT
SUPREME COURT OF OHIO

Case No. 07-1961

Disciplinary Counsel,
Relator,
v.
Jay Alan Goldblatt,
Respondent.

ON CERTIFIED REPORT BY THE
BOARD OF COMMISSIONERS ON
GRIEVANCES AND DISCIPLINE OF
THE SUPREME COURT

ORDER

On January 27, 2006, in *In re: Jay Goldblatt*, Case No. 05-2332, respondent, Jay Alan Goldblatt, was suspended on an interim basis pursuant to Gov.Bar R. V(5). Pursuant to this court's order, the respondent was required to file with the clerk of this court an affidavit showing compliance with the order, showing proof of service of all notices required by the order, and setting forth the address where the respondent would receive communications. Respondent filed an affidavit of compliance.

The Board of Commissioners on Grievances and Discipline filed its Final Report in this court on October 24, 2007, recommending that pursuant to Rule V(6)(B)(2) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Jay Alan Goldblatt, be suspended indefinitely from the practice of law. Respondent filed objections to said Final Report, relator filed an answer, and this cause was considered by the court. On consideration thereof,

It is ordered and adjudged by this court that Case No. 05-2332 is dismissed and, that pursuant to Gov.Bar R. V(6)(B)(2), and consistent with the opinion rendered herein, respondent, Jay Alan Goldblatt, Attorney Registration Number 0014263, last known business address in Cleveland, Ohio, be indefinitely suspended from the practice of law with no credit for time served under his interim suspension.

It is further ordered that the respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

It is further ordered that the respondent is hereby divested of each, any, and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$2,030.96, which costs shall be payable to this court by certified check or money order on or

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before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order, on the balance of unpaid Board costs. It is further ordered that respondent may not petition for reinstatement until such time as respondent pays costs in full, including any accrued interest.

It is further ordered that, pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1), for each six months, or portion of six months, of the suspension.

It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio; (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

It is further ordered that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification to act as an attorney after the effective

date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;

5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;

6. File with the clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the respondent may receive communications; and.

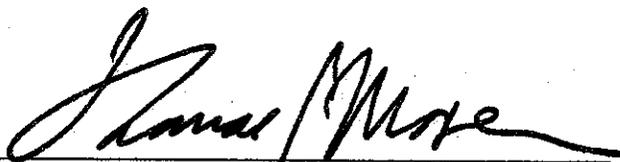
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.



THOMAS J. MOYER
Chief Justice

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

07-1961

In Re:	:	
Complaint against	:	Case No. 06-002
Jay Alan Goldblatt	:	Findings of Fact,
Attorney Reg. No. 0014263	:	Conclusions of Law and
Respondent	:	Recommendation of the
	:	Board of Commissioners on
Disciplinary Counsel	:	Grievances and Discipline of
	:	the Supreme Court of Ohio
Relator	:	
	:	

1. This matter was heard on August 15, 2007, in Cleveland, Ohio, upon the Complaint of Disciplinary Counsel, Relator, against Jay Alan Goldblatt, Attorney Registration No. 0014263, Respondent. Mr. Goldblatt was admitted to practice in 1983.

2. The hearing panel members are John H. Siegenthaler, Charles Coulson and Sandra J. Anderson, Chair, none of whom resides in the district from which the Complaint arose or served on the Probable Cause Panel in this matter.

3. At the hearing, Relator was represented by Carol A. Costa. Respondent appeared and was represented by Laurence A. Turbow. On August 3, 2007, the parties filed "Agreed Stipulations" and 12 Stipulated Exhibits, including full transcripts of the Respondent's criminal trial that resulted in felony convictions. Additional Stipulated Exhibits were received during the hearing. A copy of the Agreed Stipulations, without the Exhibits, is attached.

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CLERK OF COURT
SUPREME COURT OF OHIO

4. Respondent testified at the hearing, as did his OLAP monitor, Paul Caimi, and an examining psychiatrist, Dr. Stephen Levine. The parties submitted written Closing Arguments after the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

5. The facts recited in the attached Stipulations are adopted by the Panel.

6. In summary, and in addition to the Stipulations, the key facts are as follows: At the conclusion of a bench trial in Cuyahoga County Common Pleas Court in September 2005, Respondent was found guilty of two charges: Compelling prostitution, a third degree felony, and possessing criminal tools, a fifth degree felony. The Court dismissed two other charges of attempted rape and attempted kidnapping.

7. In June and July, 2004, Respondent (using the name, "Buddy") spoke with someone he believed to be a pimp to arrange a tryst with a minor. The "pimp" was an undercover police officer. The undercover officer had received a tip from "Monique" that "Buddy" had expressed an interest in young children for sex during a "chat line" conversation. Based on this tip, the officer contacted "Buddy" by phone at a number "Monique" provided for him. In tape-recorded telephone conversations with the officer, Respondent requested "something young," "the younger the better" and a girl "about nine or ten or eleven." He said, "if she was willing, I'd like to stick it in her." In one conversation, Respondent expressed interest in "touching" and "licking." By the time of the third and final conversation, Respondent and the "pimp" had agreed on a price (\$200), a time (4 p.m.) and a meeting location (a public park). That day, on July 13, 2004, Respondent left work early, obtained \$200 cash from an ATM and arrived in the designated parking lot at the agreed time, only to be met by arresting officers.

8. A four-count indictment issued November 15, 2004. Respondent pled not guilty to the indictment. As noted, he was convicted on two felony counts, and two counts were dismissed. He was sentenced to five years of community control, upon a number of conditions including that he was prohibited from using any computer to download pornographic or sexually explicit materials and that he place himself on inactive status with the Ohio Supreme Court. He was also registered as a sexually oriented offender.

9. He placed his attorney registration on inactive status on November 11, 2005. On January 27, 2006, the Supreme Court ordered an interim suspension due to the felony conviction.

10. Respondent appealed, and the Court of Appeals affirmed the conviction. This disciplinary matter was stayed during the pendency of the appeal.

11. In February 2006, Respondent was found to be in violation of his community control sanction because, during a random inspection, pictures of nude minors were found on his personal computer. He served 42 days in jail as a result.

12. Respondent has no prior criminal convictions.

13. Relator alleges that Respondent's conduct violated DR 1-102(A)(3) (a lawyer shall not engage in illegal conduct involving moral turpitude); DR 1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation); and DR 1-102(A)(6) (a lawyer shall not engage in conduct that adversely reflects on his fitness to practice law).

14. The panel finds, by clear and convincing evidence, violations of DR 1-102(A)(3) and DR 1-102(A)(6). Indeed, under questioning by the panel, Respondent

acknowledged these violations, as follows: "What I did was morally reprehensible. If anyone here wants to say that was moral turpitude, you're not going to get an argument from me." "This conduct adversely reflects on my fitness to practice law." (Tr. at 231-232.)

15. At the close of Relator's case, Respondent moved to dismiss the alleged violation of DR 1-102(A)(4). The panel took the motion under advisement and, at the conclusion of the hearing, asked the parties to brief the issue. Relator argued these facts in support of the alleged violation: That Respondent used the name "Buddy" in communicating with the undercover agent; that Respondent was not completely forthright with his examining psychiatrist, Dr. Levine; that the trial judge expressed concerns that Respondent did not self-report the fact that nude photographs of children had been downloaded on his computer; and that the trial judge expressed the belief that Respondent tried to manipulate a polygraph examination. However, none of these assertions either in isolation or collectively, judged against other evidence and arguments, amounts to clear and convincing evidence of a violation of DR 1-102(A)(4).

16. Using a pseudonym or nickname in a conversation that is unrelated to the practice of law is not clearly encompassed by DR 1-102(A)(4). The question of whether Respondent was forthcoming enough with his examining psychiatrist may bear on credibility, including the credibility of the psychiatrist's opinion, but that opinion was rendered for purposes of mitigation and aggravation and, in any event, was issued long after Relator filed its Complaint in this matter. With respect to the photographs on the computer, Respondent claims that he neither downloaded nor ever viewed the pictures, and the evidence available on the computer confirms that they were never accessed by

anyone after the download. Having considered this conflicting evidence and the arguments of both parties, the panel recommends dismissal of the charged violation of DR 1-102(A)(4).¹

AGGRAVATION AND MITIGATION

17. Respondent's underlying misconduct involves a selfish motive.

18. Respondent acknowledges the reprehensible nature of his behavior; however he clings to technical, face-saving and speculative arguments to downplay the seriousness of the criminal charges. He claims that he was not going to the park to meet a child for sex; rather, "I went to talk to a pimp about the possibility of hooking up with a young girl for sex." (Tr. 211.) He continually asserted that he was only considering "possibilities." He attempts to blame the "pimp" for leading him to temptation; however, the transcripts of phone conversations clearly show that Respondent himself asked for "the younger the better" and ages "9 or 10 or 11," and that he even engaged in a conversation about whether "infants" would "do stuff." He now claims that, if a child had been at the park, he might not have gone through with the act. "I didn't know if I was capable of meeting with a young girl. I certainly was open to the possibility. ... But I'm just making that distinction because I always knew that I had the opportunity to walk away. And I pray that I would have – that if this had been real, that I would have used that opportunity and walked away." (Tr. 211.)

19. He led Dr. Levine to believe that he had expressed interest in a "teenager."

Until he was cross-examined at the hearing, Dr. Levine was not aware that Respondent

¹ The only authorities cited by Relator in support of the alleged violation of DR 1-102(A)(4) come from other jurisdictions and involve distinguishable facts and different disciplinary rules: *In re Hawkins*, 899 A.2d 755 (D.C. 2006) (violent sexual crime involving minors implicates an attorney's trustworthiness); and *In re Roberts*, 503 S.E.2d 160 (S.C. 1998) (acceptance of a bribe and criminal sexual conduct adversely reflect on an attorney's honesty, trustworthiness and fitness as a lawyer).

had inquired about 9, 10 or 11 year old girls. Dr. Levine acknowledged, "obviously, he didn't go out of his way to tell me these lurid details, and so he wasn't forthright completely." (Tr. 175.)

20. With respect to the nude photos of children found on his computer after sentencing, Respondent insists that he has no knowledge of and no explanation for how they got there; however, he admitted to Dr. Levine that he "might have clicked on the wrong email." He claims that he never viewed the photos.

21. While we appreciate Respondent's statements that acknowledge the disgusting nature of his misconduct, we are troubled by his insistence that he was simply talking with a pimp about "possibilities" from which he might have "walked away." These arguments aim to minimize the seriousness of his misconduct. Of course, had there been an actual child victim, the aggravating factors would be far worse; however, the absence of an actual child victim in the sting operation does not translate into a mitigating factor for Respondent. Further, it is hardly commendable to imagine that, had a real "pimp" produced a 10 year-old-girl at the park, Respondent would suddenly have reversed the course of his obvious intent and "walked away."²

22. In mitigation, the parties stipulate that Respondent has no prior disciplinary record, that he cooperated completely throughout the disciplinary process, and that other penalties and sanctions have been imposed. On this last point, for

² In *Attorney Grievance Commission of Maryland v. Thompson*, 367 Md. 315, 786 A.2d 763 (2001), the Respondent was indefinitely suspended based on a conviction of stalking a minor. The court reasoned, "it makes no difference that Respondent merely stalked a thirteen year old boy, without consummating an act of sexual abuse or other misdeed. Any such act violates the implicit trust the public and we expect from adults interacting with children. Respondent's failure to act-out even worse misconduct, under the circumstances, does not remove him from the scope of MRPC 3.4(b)"(which states that "it is professional misconduct for a lawyer to ... commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects").

example, his status as a registered sexually oriented offender required him to move out of his residence, which was located within 1000 yards of a school.

23. At the sentencing hearing on November 9, 2005, the trial judge ordered Respondent to place himself on inactive status, because in her view, “[i]t would be totally inappropriate ... for a lawyer, with this crime, with this track record of addictive and compulsive behavior, to be entrusted with the legal affairs of anyone else.” Stip. Ex. 8, p. 87.

24. Since his arrest in 2004, Respondent has immersed himself in medical treatment, counseling and group therapy. He started seeing a counselor, Candace Risen, LISW, shortly after the arrest, at first on a weekly basis and more recently twice each month. He and his wife have enrolled in weekly marital therapy. His psychiatrist, Dr. Segraves, prescribed antidepressants.

25. On January 25, 2006 (at around the time of his interim felony suspension), he executed an OLAP “Mental Health Contract” covering a period of five years, with Paul Caimi as his monitor. The OLAP contract includes a requirement that he “attend SLAA (appropriate 12 step meeting) at least 3 days per week.” SLAA stands for “Sex and Love Addictions Anonymous.” Respondent attends four such 12-step programs weekly. Mr. Caimi testified to confirm Respondent’s compliance with the OLAP contract.

26. Although his expert witness did not acknowledge “sex addiction” as a diagnosed condition³, Respondent testified that he identifies as a “sex addict” for the

³ Dr. Levine explained that “sexual addiction is a non-official, non-diagnostic term that sort of arises from the people.” (Tr. 159.) “Instead of calling them sexual addicts, I call them people who have lost control over their sexual behavior.” (Tr. 162.)

reason that "it helps me realize that I have to be working on this for the rest of my life. ... It helps me to use the 12 step program to maintain my health." (Tr. 202-203.)

27. Respondent presented the report and testimony of Dr. Stephen Levine, the co-director of the Center for Marital and Sexual Health in Beachwood, Ohio. Dr. Levine's report is presented as an "independent psychiatric opinion"; however, it should be noted that his co-director at the Center, Candace Risen, LISW, has been Respondent's therapist since 2004. Ms. Risen did not testify, nor were any records presented from her sessions with Respondent.

28. Dr. Levine is a "psychiatrist who subspecializes in sexual difficulties." (Tr. 83.) While Respondent self-identifies as a "sex addict," the term Dr. Levine uses is "paraphilia." "The clash between individual sexual interest and social rules governing sexual behavior, we tend to refer to that as paraphilia in my field." (Tr. 84.) In 1991, Dr. Levine and two colleagues, Ms. Risen and Dr. Wasman, Ph.D., founded the Program for Professionals, to treat "people in various professions who have been accused of violating their positions of authority." (Tr. 88-89.)

29. Dr. Levine opined that Respondent's "character problems" stem from junior high and his attempts to compensate for being short, with a tendency for obesity, and a "sense of unattractiveness." Because of his "genetic endowments," Respondent is "kind of a Napoleonic guy who's going to rule the world. And that produced what we see as a kind of arrogance, a kind of sense of superiority, and an anger that is not exactly explained by him." (Tr. 130.) "[H]is compensation for that has been that he was special and that he was entitled to whatever he wanted because he was so smart." (Tr. 130-131.)

"[H]e propelled himself not so much professionally because he loved law, but because he needed to propel his family to a higher status." (Tr. 152.)

30. Respondent's sexual compulsion dates back some years. Dr. Levine reported that "[a]t the run up to the arrest he was spending \$500/month on his chatting" – namely, telephone chat lines to talk with women about sex. He frequently used chat lines in the 1990's during his first marriage, which ended in a bitter divorce, and he continued the phone chats in the early part of his current marriage. As Dr. Levine explained, this conduct was "addictive" insofar as it was surreptitious, "[h]e lied about it to two wives," and "he couldn't keep himself from it," even knowing that consequences would be negative. (Tr. 161.) He particularly enjoyed hearing women describe their first sexual experiences in adolescence.

31. Dr. Levine testified that, had he seen Respondent a week before his arrest, he would have diagnosed four mental illnesses: Narcissistic personality disorder, dysthymia, marital dysfunction and paraphilia. In his view, each of these has improved or been controlled through treatment since the arrest.

32. In evaluating Respondent, Dr. Levine said, "the issue I was primarily concerned with was not the diagnosis per se, but whether how much progress he had made since his arrest or since he had therapy." (Tr. 108.) Dr. Levine opined that, because Respondent has had "a lot of treatment" and "he plans to continue in treatment," the risk that Respondent may repeat his offensive behavior is low. Dr. Levine said, "I think the arrest sort of instantly changed him. ... [H]is sense of reality instantly changed and he started to grow up and get control of himself with that." (Tr. 114.)

33. Dr. Levine, who “come[s] down on the side of giving people a chance,” opined that the public, including clients, are safe in dealing with Respondent. (Tr. 140.)

34. A weakness in Dr. Levine’s testimony are certain assumptions instilled by Respondent’s presentation to him – e.g., Respondent told him that crime consisted of his “going to meet the pimp to discuss the possibility of having sex with a minor,” and Respondent led him to believe that he had expressed an interest in a “teenager” rather than a child as young as 9 or 10.

35. In mitigation, there is no evidence of direct harm to clients. However, the record shows that Respondent engaged in chat line activity from his office, that he left work early on the day he was arrested, and that his compulsive activities distracted and disconnected him from his duties as corporate counsel. Mercifully, there was no harm to any minor.

36. Respondent was employed as an in-house corporate counsel for about 17 years prior to his arrest. After his criminal sentencing in November 2005, his job was terminated and he received severance pay of one year’s salary. He presently works from his home, as a law clerk for the same General Counsel. He works between 10 and 15 hours per week, charging between \$75 and \$125 an hour. He has also done some work as a law clerk for two lawyers in private practice.

37. Respondent is married, with two daughters in college. His teenage son died of a drug overdose in March 2005, some months after Respondent’s arrest. His son had stopped communicating with Respondent. Respondent’s second wife did not testify nor attend the hearing. According to Respondent and Dr. Levine, she is supportive and their marriage has grown stronger through marital counseling.

38. Respondent submitted copies of eight character letters that had previously been submitted to the trial judge in advance of the sentencing in November 2005. The letters attested to, for example, his service to his temple, his family relationships, his work as assistant general counsel, and his past service on the board of a savings bank.

RECOMMENDED SANCTION

39. Relator requests an indefinite suspension, citing *Disciplinary Counsel v. Pansiera*, 77 Ohio St. 3d 436, 1997-Ohio-93 (conviction of seven counts of corrupting a minor); *Disciplinary Counsel v. Randall*, 43 Ohio St. 3d 149 (1989) (conviction of gross sexual imposition and indecent exposure); *In re Stuart A. Romm*, 15 Mass. Atty Disc. R. 505 (1999) (undercover sting operation led to Respondent's conviction for soliciting sex by a minor over the internet); and *Attorney Grievance Commission of Maryland v. Thompson, supra*, (conviction for stalking 13-year old boy).

40. Respondent requests a definite suspension of one year, citing cases such as *Cincinnati Bar Association v. Hennekes*, 110 Ohio St. 3d 108, 2006-Ohio-3669 (felony conviction for conspiracy to distribute and possess cocaine; two year suspension from the practice, prospectively); *Disciplinary Counsel v. Goodall*, 103 Ohio St. 3d 501, 2004-Ohio-5583 (aggravated assault conviction, when respondent threw a bottle at her husband during a domestic dispute; six month suspension with credit for time served under an interim suspension); *Disciplinary Counsel v. Scacchetti*, 114 Ohio St. 3d. 36, 2007-Ohio-2713 (felony conviction for possession of cocaine; two year suspension with 18 months stayed on conditions, including OLAP compliance); and *Disciplinary Counsel v. Margolis*, 114 Ohio St. 3d 165, 2007-Ohio-3607 (conviction for violations of federal antitrust laws; suspension for two years, with no credit for the interim suspension).

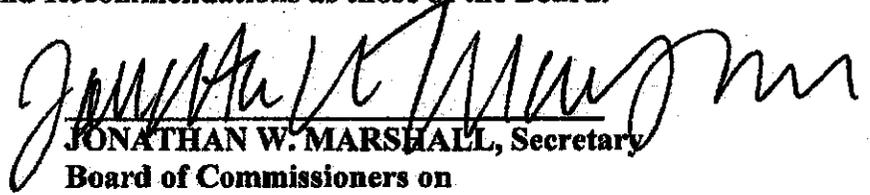
41. In *Pansiera, supra*, at 437, 438, the Court wrote: “[A] lawyer ‘should refrain from all illegal and morally reprehensible conduct. Because of his position in society, even minor violations of law by a lawyer may tend to lessen public confidence in the legal profession,” (citing *Disciplinary Counsel v. McCrae* (1996), 75 Ohio St. 3d 511. Similarly, in *Hennekes, supra*, at 110,111, the Court cited the factor of “public confidence in the legal profession” in rejecting the board’s recommendation of a two-year retroactive suspension and increasing the penalty to a two-year prospective suspension. On this point, the Court quoted *Cleveland Bar Assn. v. Stein* (1972), 29 Ohio St. 2d 77, 81: “The integrity of the profession can be maintained only if the conduct of the individual attorney is above reproach. He should refrain from any illegal conduct. Anything short of this lessons public confidence in the legal profession – because obedience to the law exemplifies respect for the law.”

42. For these reasons, the panel recommends that respondent be indefinitely suspended from the practice of law, with no credit for the period of interim suspension ordered by the Ohio Supreme Court on January 27, 2006.

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 5, 2007. The Board adopted the Findings of Fact, Conclusions of Law and Recommendation of the Panel and recommends that the Respondent, Jay Alan Goldblatt, be indefinitely suspended in the State of Ohio upon the conditions contained in the panel report. The Board further recommends that the cost of these proceedings be taxed to the 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.**

A handwritten signature in black ink, appearing to read "Jonathan W. Marshall", is written over a horizontal line.

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

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

Jay Alan Goldblatt, Esq.
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P.O. Box 22120
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BOARD NO. 06-002

Attorney Registration No. (0014263)

Respondent,

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

**AGREED
STIPULATIONS**

Relator.

AGREED STIPULATIONS

Relator, Disciplinary Counsel, and respondent, Jay Alan Goldblatt, do hereby stipulate to the admission of the following facts and exhibits.

STIPULATED FACTS

1. Respondent, Jay Alan Goldblatt, was admitted to the practice of law in the state of Ohio on November 1, 1983. Respondent is subject to the Code of Professional Responsibility and the Supreme Court Rules for the Government of the Bar of Ohio.
2. On November 15, 2004, respondent was indicted in the Cuyahoga County Court of Common Pleas and charged as follows:

COUNT ONE [respondent] knowingly did pay or agreed to pay Jane Doe, a minor, either directly or through her agent, so that she would engage in sexual activity, whether or not Jay Goldblatt knew the age of Jane Doe, in violation of Section 2907.21 of the Revised Code.

COUNT TWO - ATTEMPTED RAPE R.C. 2923.02/2907.02

The Grand Jurors, on their oaths, further find that the Defendant(s) unlawfully attempted to engage in sexual conduct with Jane Doe, not his spouse, whose age at the time of the said sexual conduct was under 13 years, whether or not the offender knew the age of Jane Doe.

COUNT THREE - ATTEMPTED KIDNAPPING R.C. 2923.02/2905.01

The Grand Jurors, on their own oaths, further find that the Defendant(s) unlawfully by any means attempted to remove Jane Doe, a victim under the age of thirteen, from the place where she was found or restrained her of her liberty for the purpose of facilitating the commission of a felony or the flight thereafter and/or engaging in sexual activity, as defined in Section 2907.01 of the Revised Code, with Jane Doe against her will.

SEXUAL MOTIVATION SPECIFICATION R.C. 2941.147

The Grand Jurors further find and specify that the offender committed the offense with a sexual motivation.

COUNT FOUR - POSSESSING CRIMINAL TOOLS R.C. 2923.24

The Grand Jurors, on their oaths, further find that the Defendant(s) unlawfully possessed or had under his control a substance, device, instrument, or article, with purpose to use it criminally, to wit: car and/or money, and such substance, device, instrument, or article was intended for use in the commission of a felony, in violation of Section 2923.24 of the Ohio Revised Code.

3. Respondent pled not guilty to the indictment on November 30, 2004.
4. At the close of the state's case, the trial court, pursuant to Ohio Rule of Criminal Procedure 29, dismissed counts two and three.
5. After a trial to the court, respondent was found guilty of compelling prostitution in violation of R.C. 2907.21, a third degree felony, and of possessing criminal tools, in violation of R.C. 2923.24, a fifth degree felony.

6. The trial court denied the state's request to classify respondent as a sexual predator.
7. The court sentenced respondent on November 9, 2005 and November 14, 2005. Respondent was sentenced to five years of community control. Respondent was also ordered to submit to regular alcohol and drug testing, to remain in current sex therapy treatment, to sporadically download the hard drive on his computer, and to place himself on inactive status with the Ohio Supreme Court. Respondent was prohibited from using any computer device to download pornographic or sexually explicit materials.
8. By letter dated November 11, 2005, respondent placed himself on inactive status pursuant to the trial court's conditions of probation.
9. On January 27, 2006 The Ohio Supreme Court ordered that respondent be suspended for an interim period due to his felony conviction. Respondent has completely complied with the court's order of Interim suspension.
10. On or about February 1, 2007, respondent was found to be in violation of his community control sanction by the Cuyahoga County Court of Common Pleas. The violation was due to the fact that pictures of nude minors that were not sexually explicit and did not show sexual activity were found on respondent's computer.
11. Respondent's community control was modified to clarify the type of material that respondent was prohibited from viewing, and the trial court suggested respondent self-report any additional relapses.
12. Respondent has no prior criminal record.
13. Respondent's felony conviction was unrelated to his practice of law.

14. Dr. Stephen Levine is a Psychiatrist retained by respondent to testify in this matter. He is an expert in mental health matters, including matters of sexual behavior.

MITIGATION

15. Respondent has no prior disciplinary record.
16. Respondent cooperated completely throughout the disciplinary proceedings.
17. Other penalties or sanctions were imposed.

STIPULATED EXHIBITS

1. True bill
2. Journal Entry, November 30, 2004
3. Journal Entry, October 5, 2005
4. Journal Entries, November 9, 2005, November 14, 2005
5. Order of Ohio Supreme Court of January 27, 2006
6. Judgment Entry, January 31, 2007
7. Transcript of hearing held January 31, 2007
8. Transcript of hearing of November 9, 2005
9. Transcript of criminal trial
10. Curriculum Vitae of Stephen B. Levine, M.D.
11. June 13, 2007 report of Stephen B. Levine, M.D.
12. Transcript of Respondent's Continuing Legal Education since January 1, 2006.

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on this _____ day of _____, 2007.

Jonathan E. Coughlan (by LB)
Jonathan E. Coughlan (0026424)
Disciplinary Counsel

Laurence A. Turbow
Laurence A. Turbow (0006666)
Counsel for Respondent

Carol Costa 2/3/07
Carol A. Costa (0046556)
Assistant Disciplinary Counsel

Jay Alan Goldblatt
Jay Alan Goldblatt (0014263)
Respondent