



Rule 60 of the Ohio Rules of Civil Procedure affords a party relief from judgment in certain circumstances. Section (B) of Rule 60 provides:

**“Mistakes; inadvertence; excusable neglect; ...** On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise or excusable neglect; ...”

In this case, Section 60 (B)(1) is applicable due to the fact that a mistake and/or excusable neglect was made by the Respondent with respect to his failure to timely respond to this Court’s February 17, 2011, Order to Show Cause.

When Respondent received the Supreme Court’s Order to Show Cause, he prepared a Response and a Request to Expand the Period of Time Within which to Pay Board Costs (see exhibit 1, attached). In that writing, the Respondent indicated that he was under such severe financial difficulties that he filed bankruptcy in 2010, and he cited his financial situation as the reason why he had failed to pay his publication fees and board costs in a timely manner.

He made a request to this Court asking it to permit him to enter into a payment plan which would require him to make monthly payments to the clerk in the amount of \$200 per month until such time as the entire balance was paid in full (see exhibit 1, attached). Along with the filing he prepared, the Respondent inserted a check in the amount of \$384.14 as partial payment for the costs which

were still outstanding, leaving a balance owing of \$2,000 toward his Board Costs.

Because the Respondent did not have a balance in his checking account which would cover the amount of the check, he placed the envelope with the response to the show cause order in a file in his briefcase and had every intention of mailing it in a timely fashion to the Office of the Clerk of the Ohio Supreme Court as soon as he had the funds to cover the check. Unfortunately, after a deposit was made to cover the check described above, the Respondent simply failed to drop this very important envelope into the mail. Obviously, this is was monumental oversight.

The Respondent was actually operating under the assumption that he did, in fact, mail the response and the partial payment to the clerk's office in early March 2011. It was only upon discovering the envelope in his briefcase on April 22, 2011, that the Respondent became aware that he failed to timely file his response to this Court's Order to show cause. At that time, the Respondent immediately sent down partial payment in the amount of \$384.14 along with the previously prepared response and request for an extension of time to make payment in full toward the outstanding costs and fees.

It was on April 25, 2011 that the Respondent was made aware of his suspension by his court-appointed monitor, John Goodman. In order to remedy

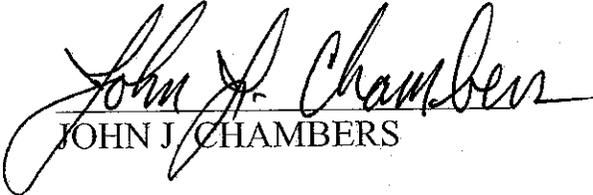
this situation, the Respondent requests that he be permitted to pay \$250 per month toward his outstanding obligation to this court. Respondent requests this proposed payment plan due to his ongoing financial difficulties which, obviously, have been exacerbated by the suspension from practice which this court has imposed. Respondent further requests that this Court grant relief from the judgment imposed by its April 25, 2011 order and permit Respondent to practice law under the conditions previously imposed.

Respectfully submitted,

  
JOHN J CHAMBERS (0064627)  
Respondent  
22649 Lorain Road  
Fairview Park, Ohio 44126  
(440) 777-6500  
(440) 777-0507 fax

Certificate of Service

The foregoing was served upon Carol Costa of the Board of Commissioners on Grievances and Discipline at 65 South Front Street, Columbus, Ohio 43215 this 20<sup>th</sup> Day of June, 2011, via ordinary U.S. Mail.

  
JOHN J. CHAMBERS

COUNTY OF CUYAHOGA        )  
  )  
STATE OF OHIO                 )

ss:     AFFIDAVIT OF JOHN J. CHAMBERS

I, JOHN J. CHAMBERS, first being duly sworn states as follows:

1.     I am the Respondent in the case styled Disciplinary Counsel v. John Joseph Chambers, Case No. 2008-1991.
2.     I was suspended from the practice of law in a Ohio Supreme Court Order which indicated that I failed to timely respond to an Order to Show Cause dated February 17, 2011. This Court essentially held that I violated the terms of my previously imposed probation by not timely paying board costs and publication fees.
3.     I intended to respond in a timely fashion by preparing a Response to the Court's Order to Show Cause which is attached to this Motion as Exhibit 1.
4.     I indicated in my response the financial difficulties I have been experiencing, including the fact that I filed for bankruptcy in 2010.
5.     I prepared the response attached as Exhibit 1 in a timely fashion, but did not have the funds to cover the check I wrote for \$384.14 as partial payment for the board costs. I intended to mail my response as soon as I obtained the funds to cover the check that I had written to the Court.
6.     Unfortunately, after making a deposit to cover the funds for the check, I inadvertently failed to mail the envelope containing my response and the check to this Court. I had placed the envelope in a file in my briefcase, and had genuinely thought that I had mailed the envelope within the 20 day period allotted by the Court for my response.
7.     I discovered the envelope in my briefcase on April 22, 2011, and was horrified by the fact that I was six weeks late with my response. I immediately sent the check and response to this

Court.

8. Unfortunately, before my response reached the Clerk's office, the Court issued its April 25, 2011, Order suspending me from the practice of law.

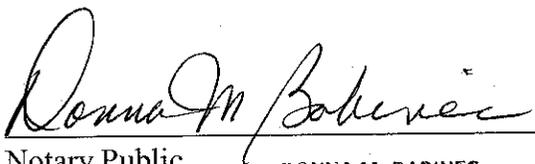
9. Other than my failure to timely pay the board costs and publication fees as required, I have been in complete compliance with the terms of the Court's April 29, 2010, Order which set forth the terms of my probation

10. With these considerations in mind, I am requesting that the Court provide me with relief from its Order of April 25, 2011, and permit me to continue to practice law under the conditions it imposed in its April 29, 2010, Order.

FURTHER AFFIANT SAITH NAUGHT.

  
\_\_\_\_\_  
JOHN J. CHAMBERS

Sworn to and subscribed in my presence this 20<sup>th</sup> day of June 2011.

  
\_\_\_\_\_  
Notary Public  
DONNA M. BABINEC  
Notary Public - State of Ohio  
Recorded in Cuyahoga County  
My Commission Expires 3.31.15

THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL	)	
	)	Case No. 2008-1991
Relator	)	
	)	
-vs-	)	<u>Response to Motion to Show Cause</u>
	)	<u>and Request to Expand Period of Time</u>
	)	<u>Within which to Pay Board Costs</u>
JOHN JOSEPH CHAMBERS	)	
	)	
Respondent	)	

The Respondent, John Joseph Chambers, was ordered by this court to pay board costs amounting to \$2,384.14, and publication fees in the amount of \$451.26. The respondent has paid the publication costs in full on April 1, 2010; however, the Respondent has failed to pay for his board costs, as required.

The Respondent sets forth financial hardship as his reason for not being in compliance with the mandate to pay the board costs. The Respondent was under such pressure from his various creditors that he was compelled to file bankruptcy in U.S. District Court Case No. 10-13633. The Respondent simply did not have the income to meet his various financial obligations, and neglected to pay the board costs in a timely fashion.

The Respondent has submitted \$384.14 as partial payment along with this response, and requests that this court permit him to make monthly payments in the amount of \$200 per month until the remaining balance of \$2,000 is paid in full.

Respectfully submitted,

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John J. Chambers