

ORIGINAL

IN THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN BAR
ASSOCIATION CERTIFIED GRIEVANCE
COMMITTEE,

Relator,

v.

JOHN LOUIS LEMIEUX,
Attorney Registration No. 0073494

Respondent.

) CASE NO.

11-2110

RELATOR'S MOTION FOR INTERIM REMEDIAL
SUSPENSION UNDER GOV.BAR R. V(5a)

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I. INTRODUCTION

With the awareness of the gravity and seriousness of this Request, Relator, the Certified Grievance Committee of the Cleveland Metropolitan Bar Association, respectfully moves this Honorable Court pursuant to Gov.Bar R. V(5a)(A) for an interim remedial suspension of Respondent, John L. Lemieux's license to practice law (Attorney Registration No. 0073494). John Lemieux admits he neglected clients and repeatedly breached the Ohio Rules of Professional Conduct in 2010 due to a lifelong and ongoing abuse of prescription painkillers, alcohol and heroine. Mr. Lemieux tried to get clean in the first half of 2011. But he relapsed (again) on October 17, 2011. He tested positive for morphine. He also refused requests to get help by entering an inpatient rehabilitation center. Mr. Lemieux practices in the field of criminal defense, and thus, his chronic (and now very acute) substance abuse endangers his clients' most fundamental freedoms.

As a result, Mr. Lemieux's practice of law while abusing drugs and alcohol "poses a substantial threat of serious harm to the public." This Court should therefore impose an interim remedial suspension on John Lemieux's license to practice law under Gov. Bar R. V(5a)(B). Pursuant to S.Ct. Prac. R. 14.4 and Gov. Bar R. V(5a)(A)(1)(b), this Court should do so immediately and before the filing of any memorandum in opposition as the "interests of justice warrant immediate consideration."

II. PROCEDURAL POSTURE AND NOTICE TO RESPONDENT

John Lemieux entered into a chemical dependency contract with the Ohio Lawyers Assistance Program, Inc. on June 9, 2010 ("OLAP Contract") due to his ongoing substance abuse. (Exhibit A to the Affidavit of Paul Caimi, December 6, 2011, attached hereto as Exhibit 1.) He bounced in and out of substance abuse rehabilitation centers over the next year. During that time, the Cleveland Metropolitan Bar Association received grievances regarding his representation from five different clients. Relator deposed Mr. Lemieux on June 30, 2011 regarding these grievances and his substance abuse. (Deposition of John Lemieux, June 30, 2011, excerpts attached hereto as Exhibit 2, hereinafter Lemieux Dep. 1.) He openly admitted to many of them. But Mr. Lemieux did not bring the documents requested in the deposition subpoena. (Id. at 7:19-8:13.) Nor has he subsequently produced them.

On September 29, 2011, Relator submitted a Disciplinary Complaint against Mr. Lemieux to the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio seeking an indefinite suspension of his license (Complaint officially filed on October 10, 2011). (Complaint attached hereto as Exhibit 3.) Relator's Complaint details Mr. Lemieux's substance abuse and the numerous grievances filed against him. (Id.) On October 7, 2011, a probable cause panel certified this matter to the Board of Commissioners on Grievances and

Discipline of the Supreme Court of Ohio and assigned it case number 11-095. (Entry and Notice to Respondent of Filing Complaint attached hereto as Exhibit 4.) Mr. Lemieux answered Relator's Complaint on November 3, 2011, and admitted many of Relator's factual assertions as well as numerous violations of the Ohio Rules of Professional Conduct. (John Lemieux's Answer is attached hereto as Exhibit 5.)

A Panel is convened and a telephone prehearing conference was held on December 8, 2011 at 8:00 a.m. Undersigned Counsel for Relator, Robert J. Hanna and Seth H. Wamelink, participated in this conference. (Affidavit of Robert J. Hanna, December 15, 2011, attached hereto as Exhibit 6, hereinafter Hanna Aff. ¶15.) But Mr. Lemieux did not. (Id. at ¶16.) Relator received no notice or motion seeking to excuse his absence before or after the conference. (Id.)

Pursuant to the notice provisions contained in Gov.Bar R. V(5a)(A)(1)(a), Relator, by and through Robert J. Hanna, contacted Mr. Lemieux on December 13, 2011 via telephone before filing this Motion. (Id. at ¶13.) Mr. Hanna informed Mr. Lemieux during this telephone conference that Relator intends to file a Motion for an Interim Remedial Suspension of Mr. Lemieux's license to practice law due to his recent relapse. (Id.) Mr. Hanna informed him that this Motion will be filed on or before December 16, 2011. (Id.) Mr. Hanna also confirmed that Mr. Lemieux's current mailing address is 1025 West Hill Drive, Gates Mills, Ohio 44040. (Id. at ¶14.) And Mr. Lemieux requested that Relator mail him this Motion by regular U.S. mail rather than overnight mail or electronic mail. (Id.) Mr. Hanna agreed to do so. (Id.)

III. MEMORANDUM IN SUPPORT OF INTERIM REMEDIAL SUSPENSION

A. History of John Lemieux's Significant and Ongoing Substance Abuse.

John Lemieux admits he is a drug addict and has been since he was a teenager. (Lemieux Dep. 96:14-15.) His drugs of choice include prescription pain killers, alcohol, suboxone and

heroin. (Id. at 42:10-46:7.) As a result, Mr. Lemieux joined OLAP in late 2001 and has battled substance abuse the entire time he practiced law in Ohio. (Id. at 96:14-15; Caimi Aff. ¶6.) Paul Caimi, the Associate Director for OLAP and a Licensed Chemical Dependency Counselor III for ten years, has been and still is Mr. Lemieux's Counselor. (Caimi Aff. ¶¶3-4.) During this time, Mr. Lemieux signed at least one other OLAP contract, but rarely complied with any of the OLAP contracts he signed. (Id. at ¶10.) Mr. Caimi diagnoses John Lemieux as poly-substance dependent. (Id. at ¶8.)

Over the past couple of years, Mr. Lemieux bounced in and out of substance abuse rehabilitation centers. (Lemieux Dep. 94:9-95:22; Compl., Ans. ¶13.) Around the spring of 2010, he checked into Stella Maris – an inpatient, substance abuse rehabilitation center. (Lemieux Dep. 94:9-95:22.) After leaving Stella Maris, Mr. Lemieux entered into another OLAP Contract on June 9, 2010 as he “was losing control of [his] drug and alcohol use.” (Lemieux Dep. 92:9-23; Caimi Aff. ¶11, Exh. 1A.) The OLAP contract required Mr. Lemieux to, amongst other things: (1) check into Matt Talbot rehabilitation center; (2) participate in at least 7 AA or NA meetings a week; (3) submit to random urine drug/alcohol screens; (4) pay a monthly administration fee; and (5) attend the annual Seminar Retreat of OLAP. Mr. Lemieux did not comply with items two through five. (Exh. 1A.) But he did check into the Matt Talbot rehabilitation center for thirty days. (Lemieux Dep. 94:9-95:22.)

Shortly after exiting Matt Talbot in July of 2010, Mr. Lemieux quickly unraveled and returned to his old habits. His substance abuse became so bad in the fall of 2010 that he “was in no condition to even be at the office, much less practice law.” (Lemieux Dep. 26:3-8.) He eventually checked back into Stella Maris in January 2011 for an intensive three month, inpatient program. (Compl., Ans. ¶13). Mr. Lemieux could not handle his own affairs by this point. The

Probate Court of Cuyahoga County therefore appointed Valentine Schurowliew, Esq. as his guardian. (Id. at ¶14-15; Lemieux Dep. 88:21-89:9.)

As a result of his chronic substance abuse, Mr. Lemieux neglected his clients throughout 2010. Relator received four grievances from five of Mr. Lemieux's clients in this time-span, which detail a pattern of neglect and pervasive ethical misconduct. (Compl., Ans. ¶¶17-128). His admitted ethical breaches include: (1) representing clients while abusing drugs and alcohol; (2) meeting with clients while under the influence of drugs and/or alcohol; (3) accepting fees from clients and not performing the requested work; (4) continuing or failing to appear at numerous pre-trials while his clients are incarcerated; (5) not filing required filings, including an early judicial release; (6) failing to return phone calls; (7) issuing misleading client solicitation letters; and (8) not responding to client grievances sent to him by Relator. (Id.) These grievances, which form the basis of Relator's Complaint, will be further detailed in Section III(B) below.

Since exiting Stella Maris at the end of March 2011, Mr. Lemieux relapsed at least twice and is not compliant with his current OLAP contract. Within weeks of leaving Stella Maris, Mr. Lemieux relapsed by taking Percocet, which was only discovered because his companion overdosed on heroine at the time. (Compl., Ans. ¶16, 130; Lemieux Dep. 16:25-17:8, 90:25-91:25.) Mr. Lemieux began actively soliciting clients (criminal defendants) a couple months later. (Lemieux Dep. 19:25-20:14.) Still, he was not compliant with his OLAP contract. He again failed to: (1) regularly attend AA/NA meetings; (2) pay his monthly fees; (3) attend the annual Seminar Retreat; (4) see a psychotherapist (as suggested by Mr. Caimi); and (5) submit to drug and alcohol tests. (Caimi Aff. ¶¶11-18; Lemieux Dep. 93:20-94:18, 95:25-96:5.)

But it is his most recent violations that prompted Relator to file this Motion. Mr.

Lemieux took an OLAP drug and alcohol test, for what may be the first time, on October 17, 2011. (Caimi Aff. ¶¶10-16.) He failed by testing positive for morphine. (Id. at ¶16.) As a result, Mr. Caimi insisted that he report to a rehabilitation center in Tampa, Florida by November 17, 2011. (Id. at ¶17.) Upon information and belief, Mr. Lemieux still has not checked into a rehabilitation center. (Id. at ¶18.) Mr. Caimi currently diagnoses John Lemieux as poly-substance dependent; he is not in remission. (Id. at ¶¶18, 19.) In light of Mr. Lemieux's relapse and significant history of substance abuse and client neglect, he poses a substantial and real danger to himself and his clients.

B. Grievances Regarding John Lemieux's Substance Abuse and Ethical Misconduct in 2010.

Relator received four grievances from five of Mr. Lemieux's clients describing a pattern of pervasive substance abuse and ethical misconduct throughout 2010. In virtually every grievance, Mr. Lemieux admitted fault. His answers to the allegations in the Complaint are highlighted below.¹

1. Grievance Filed by Deborah and Michael Hubbard.

Michael Hubbard was arrested on September 7, 2010 and retained Mr. Lemieux shortly thereafter as a result of Mr. Lemieux's solicitation letter. (Compl., Ans. ¶¶18-22.) The solicitation letter is misleading as it claims that Mr. Lemieux's law firm employs multiple attorneys, when in fact Mr. Lemieux is a solo practitioner. (Id. at ¶20; Lemieux Dep. 61:5-63:6) Mr. Hubbard's wife, Deborah, paid Mr. Lemieux a total of \$2,500 for his services. (Compl., Ans. at ¶22; Lemieux Dep. 64:6-65:1.) He did not perform the requested work. (Compl., Ans. at ¶23-27, 30-38.) Mr. Lemieux admits he abused drugs and alcohol during this time period and

¹ Unless explicitly stated otherwise, all citations to the Complaint and Answer indicate that Mr. Lemieux admitted in his Answer the allegations contained in the cited paragraphs of the Complaint.

eventually stopped showing up at work. (Id. at ¶34-37; Lemieux Dep. 69:25–70:8.) He rescheduled or continued six pre-trials, including one he missed altogether as “he was in a relapse situation.” (Compl., Ans. ¶23-27, 31, 34; Lemieux Dep. 66:22-69:1) He was also under the influence at multiple meetings with Mrs. Hubbard and did not return her phone calls. (Compl., Ans. at ¶¶30, 35-36.) Then, without notice to the Hubbards, Mr. Lemieux withdrew as counsel at the December 7, 2010 pretrial. (Id. at ¶¶31, 37.) Mr. Lemieux acknowledges that he should refund his fee, but has not done so. (Id. at ¶¶38-39; Lemieux Dep. 71:5-10.) Mr. Hubbard was incarcerated throughout Mr. Lemieux’s failed representation of him; a total of three months. (Compl., Ans. at ¶23.)

Mrs. Hubbard filed a grievance against Mr. Lemieux with Relator, who forwarded it to him. (Id. at ¶33.) But he did not respond. (Id. at ¶34.) Mr. Lemieux admits he violated numerous Rules of Professional Conduct throughout his representation of Michael Hubbard, including: (1) not acting with reasonable diligence and promptness in violation of Prof.Cond.R. 1.3; (2) charging a fee and failing to perform the requested work or complete the representation in violation of Prof.Cond.R. 1.5(a);² (3) abusing drugs and alcohol throughout his representation of Mr. Hubbard in violation of Prof.Cond.R. 8.4(d) and 8.4(h); (4) issuing a solicitation letter implying that he was not a solo practitioner in violation of Prof.Cond.R. 7.1; and (5) failing to respond to Mrs. Hubbard’s grievance in violation of Prof.Cond.R. 8.1(b) and Supreme Court Rule V, Section 4(G). (Id. at ¶¶40-41, 47-49.) Relator asserts and Mr. Lemieux disputes that his conduct also violated Prof.Cond.R. 1.2(a), 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4) and 1.4(b). (Id. at ¶¶42-46.)

² This Court held that accepting a fee for services and not performing the promised work is tantamount to misappropriation of client funds, which calls for the highest sanction – permanent disbarment. *Cincinnati Bar Assoc. v. Weaver*, 809 N.E.2d 1113, 2004-Ohio-2683, ¶16.

2. Grievance Filed by Shasta Philpott and Arnell Pritchett.

Arnell Pritchett was arrested on August 12, 2010. (Id. at ¶82.) Shasta Philpott retained Mr. Lemieux to defend Mrs. Pritchett for \$1,350. (Id. at ¶¶83-84.) Mr. Lemieux admits he abused prescription drugs throughout his representation of Mrs. Pritchett and was “in no condition to...practice law.” (Id. at ¶¶93-94; Lemieux Dep. 26:3-8.) This is evidenced by the seven pre-trials Mr. Lemieux requested the Court to continue in this case. (Compl., Ans. at ¶86; Lemieux Dep. 30:20-31:15.) Mrs. Pritchett was incarcerated the entire time. (See the Court’s Docket attached hereto as Exhibit 7.) Mr. Lemieux acknowledges he still owes Ms. Philpott a refund. (Compl., Ans. ¶95; Lemieux 41:1-42:2.) Ms. Philpott filed a grievance regarding Mr. Lemieux with Relator, who forwarded it to him. But Mr. Lemieux denies receiving the grievance as he stopped going into work by that point. (Id. at ¶93; Lemieux Dep. 27: 1-14.)

While representing Mrs. Pritchett, Mr. Lemieux admits that he did not act with reasonable diligence and promptness in violation of Prof.Cond.R. 1.3, and abused drugs and alcohol in violation of Prof.Cond.R. 8.4(d) and 8.4(h). (Compl., Ans. ¶¶96-101.) Mr. Lemieux also admits he owes Ms. Philpott a refund for work not performed, but denies this violates Prof.Cond.R. 1.5(a) (charging a fee and failing to perform the requested work or complete the representation). (Id. at ¶¶95, 99; Lemieux 41:1-42:2.) Relator alleges and Mr. Lemieux denies that he also violated Prof.Cond.R. 1.3, 1.4(a)(4), 1.5(a), 8.1(B), 8.4(d) and 8.4(h), and Supreme Court Rule V, Section 4(G). (Compl., Ans. at ¶¶97-100.)

3. Grievance Filed by Jennifer Heise and Sashewa Giguere.

This grievance alleges misconduct in Mr. Lemieux’s representation of Jennifer Heise and Sashewa Giguere. Sashewa Giguere was arrested on March 17, 2010 and retained Mr. Lemieux shortly thereafter as a result of his solicitation letter. (Id. at ¶¶51-54.) The solicitation letter is

misleading as it claims that Mr. Lemieux's law firm employs multiple attorneys, when in fact Mr. Lemieux is a solo practitioner. (Id. at ¶53; Lemieux 77:2-11.)

Mr. Lemieux failed to appear at Ms. Giguere's pretrial. (Lemieux Dep. 78:17-22.) She ultimately pled guilty and received a one year sentence. (Id. at 79:1-7.) Mr. Lemieux agreed to file a motion for early judicial release six months into her incarceration, but failed to do so. (Compl., Ans. ¶60; Lemieux Dep. 79:8-21.) Ms. Giguere eventually filed the motion *pro se* and lost. (Id.) Mr. Lemieux admits he failed to file the early judicial release because he was abusing drugs and alcohol at the time. (Compl., Ans. at ¶¶68, 79-80; Lemieux Dep. 79:8-21.) Mr. Lemieux acknowledges that he should refund Ms. Giguere \$500 as a result. (Compl., Ans. at ¶69.)

Jennifer Heise, Ms. Giguere's mother, paid Mr. Lemieux \$3,000. (Lemieux Dep. 76:18-22.) Ms. Heise contends that half this money was to represent her daughter and half to represent her in obtaining custody of her four minor grandchildren. (Id. at 80:11-82:8.) Mr. Lemieux disagrees and claims the money was only to represent Ms. Giguere. (Id.) Mr. Lemieux therefore denies that he failed to file the necessary paperwork for Ms. Heise or respond to her telephone calls. (Compl., Ans. at ¶¶62-63.)

Ms. Heise sent Relator a grievance regarding Mr. Lemieux's representation of her and Ms. Giguere. (Id. at ¶¶64-67.) Relator forwarded it to Mr. Lemieux and he submitted a handwritten response denying any misconduct. (Id.) Mr. Lemieux now admits he abused drugs and alcohol during his representation of Ms. Giguere and Ms. Heise in violation of Prof.Cond.R. 8.4(d) and 8.4(h). (Id. at ¶¶79-80.) But he denies Relator's allegations that he violated Prof.Cond.R. 1.3, 1.4(a)(2), 1.4(a)(4), 1.5(a), 7.1, and 8.1(B), and Supreme Court Rule V, Section 4(G). (Id. at ¶¶71-78).

4. Grievance Filed by Lachelle Pearl and Maxie Orr.

Maxie Orr was arrested on August 31, 2010. (Id. at ¶103.) Mr. Orr's mother, Lachelle Pearl, retained Mr. Lemieux to defend her son on October 6, 2010 for \$1,000. (Id. at ¶104; Lemieux Dep. 86:8-12.) Mr. Lemieux acted "jittery" at this meeting. (Compl., Ans. At ¶104.) He admits he abused drugs and alcohol throughout his representation of Mr. Orr, and was under the influence at a subsequent meeting with Mr. Orr. (Id. at ¶¶106, 118; Lemieux Dep. 87:16-20.) Mr. Lemieux never even entered an appearance on behalf of Mr. Orr, who was incarcerated throughout the relevant time period. (Compl., Ans. at ¶109; Lemieux Dep. 86:5-16; see also the Court's Docket attached hereto as Exhibit 7.) Mr. Lemieux acknowledges that he should refund his fee to Mr. Orr. (Compl., Ans. ¶119; Lemieux Dep. 88:11-12.)

As a result of his misconduct, Ms. Pearl filed a grievance with Relator, who forwarded it to Mr. Lemieux. (Compl., Ans. at ¶¶113-116.) He eventually responded with a handwritten note denying any misconduct. (Id. at ¶¶113-117.) But Mr. Lemieux now admits he violated numerous Rules of Professional Conduct throughout his representation of Mr. Orr, including: (1) not acting with reasonable diligence and promptness in violation of Prof.Cond.R. 1.3; (2) charging a fee and failing to perform the requested work or complete the representation in violation of Prof.Cond.R. 1.5(a); and (3) abusing drugs and alcohol throughout his representation of Mr. Hubbard in violation of Prof.Cond.R. 8.4(d) and 8.4(h). (Id. at ¶¶120-121, 124.) Relator contends and Mr. Lemieux disputes that he also violated Prof.Cond.R. 8.1(b) and 8.4(h), and Supreme Court Rule V, Section 4(G). (Id. at ¶¶122-123.)

C. Law and Argument

Allowing John Lemieux to practice law in the midst of his overwhelming and ongoing substance abuse "poses a substantial threat of serious harm to the public." Gov. Bar R.

V(5a)(A)(1). Under Gov. Bar R. V(5a)(A)(1), this Court may order an interim remedial suspension of an attorney if “substantial, credible evidence” is received that demonstrates the attorney “poses a substantial threat of serious harm to the public.” Relator presented such evidence, which is almost entirely undisputed and has been for months. Moreover, as a criminal defense attorney, Mr. Lemieux is particularly well positioned to harm the public. Criminal defense attorneys are entrusted with our profession’s highest responsibility – protecting a client’s freedom. And Mr. Lemieux has shown time and again that he is not up to the task. Most recently by failing a drug test and refusing to check into a rehabilitation center. In similar (and in some ways less severe) cases, this Court imposed interim remedial suspensions on attorneys who were unfit to practice law due to their ongoing substance abuse.

This Court ordered an interim remedial suspension for similar misconduct in *Disciplinary Counsel v. Lawson*, 113 Ohio St.3d 1508, 2007-Ohio-2333, 866 N.E.2d 508. See also *Cincinnati Bar Assn v. Lawson*, 119 Ohio St.3d 58, 2008-Ohio-3340, 891 N.E.2d 749. In *Lawson*, attorney Kenneth Lawson abused prescription drugs while practicing law for seven years. *Cincinnati Bar Assn v. Lawson*, 2008-Ohio-3340 at ¶¶68-69. As a result of his substance abuse, Mr. Lawson “acted dishonestly and selfishly in misappropriating his clients’ money and neglecting their cases.” *Id.* at ¶66. Similar to Mr. Lemieux, Mr. Lawson’s transgressions included missing court dates, keeping unearned fees and failing to file necessary filings. *Id.* at ¶¶14, 19, 22-24, 32, 35, and 47. This Court imposed an interim remedial suspension shortly after Mr. Lawson entered into an OLAP contract that he, unlike Mr. Lemieux, remained in compliance with. *Id.* at ¶¶1, 71.

This Court also ordered an interim remedial suspension for similar misconduct in *Disciplinary Counsel v. Brickley* (2002), 95 Ohio St.3d 1340, 766 N.E.2d 997. See also *Richland Cty. Bar Assn. v. Brickley*, 97 Ohio St.3d 285, 2002-Ohio-6416, 779 N.E.2d 750. In

Brickley, attorney Barry F. Brickley suffered from alcoholism while practicing law. *Richland Cty. Bar Assn. v. Brickley*, 2002-Ohio-6416 at ¶22. Similar to Mr. Lemieux, Mr. Brickley kept unearned fees and failed to file necessary filings due to his alcoholism. *Id.* at ¶¶3-14, 22. As a result, this Court imposed an interim remedial suspension on Mr. Brickley's license.

In *Lawson and Brickley*, this Court imposed an interim remedial suspension for the same substance abuse-fueled misconduct Mr. Lemieux engaged in. In *Lawson*, this Court did so even though the attorney was in compliance with his OLAP contract and on the road to recovery. *Cincinnati Bar Assn v. Lawson*, 2008-Ohio-3340 at ¶¶1, 71. Here, Mr. Lemieux is currently relapsing. In addition, he repeatedly violated his OLAP contract. The five grievances detailed above demonstrate the harm Mr. Lemieux can inflict while relapsing. This Court cannot allow that to happen again. As a result, this Court should immediately impose an interim remedial suspension on John Lemieux's license to practice law pursuant to Gov. Bar R. V(5a) and S.Ct. Prac. R. 14.4. Mr. Lemieux has been given second chance after second chance; his clients, who are facing incarceration, may not be so lucky.

IV. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to Gov. Bar R. V(5a)(A)(1)(b), Relator proposes the following Findings of Fact and Conclusions of Law:³

1. Respondent, John Louis Lemieux, is currently licensed to practice law in the State of Ohio, and he is subject to the Rules of Government of the Bar and the Ohio Rules of Professional Conduct.

³ Mr. Lemieux explicitly admits violating the Ohio Rules of Professional Conduct as detailed in Paragraphs 2-6 of the Proposed Findings of Fact and Conclusions of Law.

2. Relator has provided substantial, credible evidence that Respondent has engaged in a pattern of ethical misconduct that violates Prof.Cond.R. 1.3, including neglecting legal matters and failing to act with the reasonable diligence and promptness required of all lawyers.

3. Relator has provided substantial, credible evidence that Respondent has engaged in a pattern of ethical misconduct that violates Prof.Cond.R. 1.5(a), including charging a fee and failing to perform the requested work or complete the representation.

4. Relator has provided substantial, credible evidence that Respondent has engaged in a pattern of ethical misconduct that violates Prof.Cond.R. 8.4(d) and 8.4(h), including abusing drugs and alcohol while representing clients.

5. Relator has provided substantial, credible evidence that Respondent has engaged in a pattern of misconduct that violates Prof.Cond.R. 7.1, including issuing a solicitation letter implying that he was not a solo practitioner.

6. Relator has provided substantial, credible evidence that Respondent has engaged in a pattern of misconduct by failing to respond to grievances, in violation of Prof.Cond.R. 8.1(b) and Supreme Court Rule V, Section 4(G).

7. Respondent has repeatedly engaged in ethical misconduct since 2010, and he continues to engage in ethical misconduct.

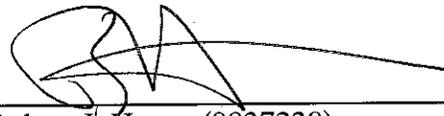
8. Respondent's continuing pattern of ethical misconduct poses a substantial threat of serious harm to the public.

9. Respondent should be immediately suspended from the practice of law pursuant to Gov.Bar R. V(5a) and S.Ct. Prac. R. 14.4, until further order of this Court.

V. CONCLUSION

John Lemieux admits he suffers from pervasive and chronic substance abuse, and that he breached the Ohio Rules of Professional Conduct numerous times in 2010 as a result. Mr. Lemieux is again abusing illegal substances while representing clients and refuses to enter into a rehabilitation center against the advice of his OLAP Counselor. His practice of law therefore “poses a substantial threat of serious harm to the public,” and this Court should impose an interim remedial suspension on his license to practice law under Gov. Bar R. V(5a)(B). Pursuant to S.Ct. Prac. R. 14.4 and Gov. Bar R. V(5a)(A)(1)(b), this Court should do so immediately and before the filing of any memorandum in opposition as the “interests of justice warrant immediate consideration.”

Respectfully submitted,



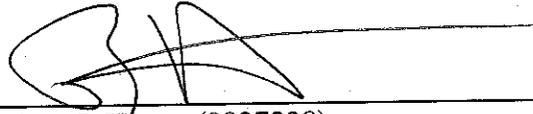
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Bar Association Certified Grievance Committee*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *RELATOR'S MOTION FOR INTERIM REMEDIAL SUSPENSION UNDER GOV.BAR R. V(5a)* was served on counsel listed below via regular mail, postage prepaid, on this 15th day of December, 2011:

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ATTACHMENT NOT SCANNED