

ORIGINAL

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

In Re:

Complaint against

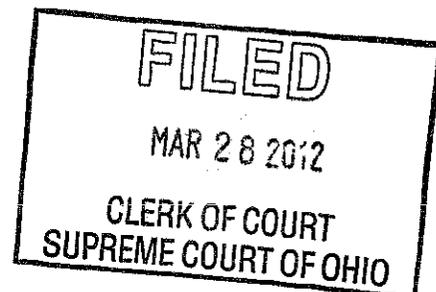
12-318
Case # ~~10-094~~

John Joseph Peden
Attorney Reg. No. 002133

Respondent

Columbus Bar Association

Relator



RESPONDENT'S REPLY TO SHOW CAUSE ORDER

Now comes the Resondent and herein reply to the courts show cause order filed in the above styled case on March 8 2012. The Respondent moves the court to alter the sanctions issued by the board of commissiones in the above sytled case to case to either probation of a 6 month suspension.

As to count One Plaisted / Wilmore.

I was hired by Erin Plaisted to represent her in obtained custody of her minor child, The mother had recently moved back to Ohio from New York. The initial problem with the case was that Ms. Plaisted did not any jurisdictional requirement to file a custody action and there was the fear, the father of her child would file a cutody action in New York and would force her to go to New York

to defend the action. Also Ms. Wilmore stated the father of the child was physically violated with her during the relation,

I filed for a Civil Protection Order in Domestic Court which I obtained an ex parte order from the court which granted Ms. Wilmore custody of her child. Exhibit A. It should also be noted that Ms. Wilmore did not testify at the hearing. The ex parte order was in effect the entire time the case was pending. The basis for the continuances was there was a concern the court might not grant the full CPO at the final hearing, However if we continued the case long enough which we could do we could then dismiss and file for full custody because we would have meet her residence requirement and could file in this jurisdiction.

At all times Ms Wilmore was covered by this order. The suspension order I received on June 15 2009 indicated that I was only to be suspended until I paid the court fees from my prior case. I did that on June 16, 2009. I believed that I would be suspended the next day or shortly there after.

As to count two Culwell

I represented completely Mr. Culwell while I was on the case. When I was suspended I notified Mr Culwell by phone because I was lead to believe that I would be reinstated any day. At first MrCulwell indicated to me that I would remain his attorney but later he decided hire another attorney. I turned over the file to Mr, Culwell, and new council took over. There would have been no point in contacting Mr. Culwell after my reinstatement because he had council handling this matter.

During my representation of Mr. I obtained a very favorable temporary order, handled a records issue with Mr Culwell son not of this marriage, and handled discovery od this case.

As to count three Trust account over drafts

In regard to the trust account over drafts the March 29 2011 over draft was the result of have sent the check of \$88. To the court before I made the deposit from the client. When the check was returned I immediately sent another check to the court and that check cleared. As to the over draw of \$10.81 was caused by not having enough money in the account to cover the cost of new checks being printed and did not involve client funds. Finally the remaining two checks these involved my own personal funds and did not involve client fund. Since I was reinstated on September 15 2009 these were the only two issues I have had with the IOLTA account.

As to count five Petrovski

At the time of my suspension in June of 2009, Mrs Petrovski was not an active case. I had referred her to counseling and had not heard from her for several months. Mrs Petrovski and I had numerous conversations about her case including the drafting od a settlement letter to her husband's attorney which occurred shortly after the hearing for temporary orders we had before the magistrate. I did keep Mrs Petrovski informed of the status of here case.

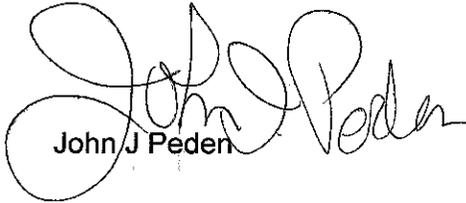
I performed numerous hours of work on this case such as filing the pleadings attending temporary orders hearing and completed discovery. I also sent a settlement letter to opposing counsel. Mrs Petrovski was fully represented in this matter.

As to count seven King.

The \$1000. Fee was a flat fee received from Ms. King and not a retainer. I therefore believed I was proper in not placing these funds in the IOLTA account . Mrs. King also communicated to me that she was in no hurry to proceed with the case.

Therefore I feel that my contact does not warrant an indefinite suspension. A six month suspension or probation should apply.

Respectfully Submitted

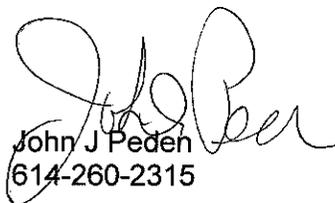

John J Peden

CERTIFICATE OF SERVICE

I the undersigned that a true copy of the foregoing objections were served upon the Columbus Bar Association by mailing send copy to Bruce Campbell 175 South Third Street Suite 1100 Columbus Ohio 43215 via regular US mail postage pre- paid this 28th day of March 2012.

TRANSCRIPT REQUESTED

A transcript of the above proceeding is hereby requested.


John J Peden
614-260-2315