

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

12-0677

In Re:	:	
Complaint against	:	Case No. 11-117
Mark Rudolf Gusley Attorney Reg. No. 0056243	:	Findings of Fact, Conclusions of Law, and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio
Respondent	:	
Cleveland Metropolitan Bar Association	:	
Relator	:	

CONSENT TO DISCIPLINE

{¶1} This matter was submitted to the hearing panel by Relator, Cleveland Metropolitan Bar Association, and Respondent, Mark Rudolph Gusley, upon their agreement for consent to discipline pursuant to BCGD Proc. Reg. 11, timely filed with the secretary of the Board. Respondent is represented by Audrey K. Bentz, who has counseled respondent, signed, and approved the agreement for consent to discipline.

{¶2} The parties' agreement for consent to discipline is attached to this recommendation together with the requisite affidavit of Respondent. Neither party submitted a supporting brief.

{¶3} Respondent of Cleveland, Ohio, was admitted to the practice of law in Ohio on November 18, 1991 and was admitted to the Bar of the United States District Court for the Northern District of Ohio in June 1992.

FILED
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CLERK OF COURT SUPREME COURT OF OHIO

{¶4} Because Relator lacks sufficient evidence to prove it, Relator has dismissed the allegation in the complaint that Respondent's conduct has violated Prof. Cond. R. 3.4(c). Relator, Respondent, and his counsel have agreed and have stipulated that all the facts relating to the remaining allegations in the complaint filed in this cause and recited in their agreement are true, and Respondent has admitted that his conduct as set forth violates Prof. Cond. R. 1.3 [diligence]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep his clients reasonably informed about the status of a matter]; and Prof. Cond. R. 1.5(c)(1) [contingent fee contracts shall be in writing and signed by the client and the attorney].

{¶5} In their agreement the parties have acknowledged four applicable BCGD Proc. Reg. 10(B)(2) mitigating factors: Respondent has no prior disciplinary record; Respondent did not act with a selfish or dishonest motive; Respondent made a timely good faith effort to rectify consequences of misconduct by registering with the electronic filing system of the United States District Court for the Northern District of Ohio; and Respondent has provided full and free disclosure to Relator during its investigation and has displayed a cooperative attitude toward these proceedings. The parties have recognized no aggravating factors.

{¶6} Relator and Respondent have agreed and recommend that the appropriate sanction in this matter is a public reprimand. They have cited no authority in support of that recommendation.

{¶7} Few cases have been reported involving violations only of Prof. Cond. R. 1.3, Prof. Cond. R. 1.4(a)(3), and Prof. Cond. R. 1.5(c)(1). However, Prof. Cond. R. 1.3 relates to similar conduct proscribed by former DR 6-101(A)(3) [neglect] and DR 7-101(A)(1) [requiring generally that a lawyer shall not fail to seek the lawful objectives of a client by lawful means]. Prof. Cond. R. 1.4(a)(3) incorporates portions of EC 7-8 of the former Ohio Code of Professional

Responsibility requiring a lawyer to exert his best efforts to ensure that decisions of his client are made only after the client has been informed of relevant considerations and to advise his client of the possible effect of each legal alternative. Prof. Cond. R. 1.5(c)(1) is new.

{¶8} Among relevant cases recently decided on the analogous Ohio Rules of Professional Conduct are *Cuyahoga Cty. Bar Assn. v. Leneghan*, 117 Ohio St.3d. 103, 2008-Ohio-506, in which the Supreme Court ordered a public reprimand for respondent's violation of DR 6-101(A)(3), *Cuyahoga Cty. Bar Assn. v. Johnson*, 123 Ohio St.3d 65, 2009-Ohio-4178, where after weighing the mitigating and aggravating factors found by the Board, the Supreme Court ordered that respondent be publicly reprimanded for violating DR 1-102(A)(5), DR 1-104(A) and (B), DR 6-101(A)(2) and (3), and DR 7-101(A)(1) and (2), and *Toledo Bar Assn. v. Sawers*, 121 Ohio St.3d 229, 2009-Ohio-778, in which the Supreme Court accepted the parties' consent to discipline agreement providing that respondent be given a public reprimand for her violations of DR 2-106(A), DR 6-101(A)(1), and DR 9-102(A) taking into account respondent's cooperation in the disciplinary process and her lack of a prior disciplinary record as well as her acknowledgement of wrongdoing, and reimbursement for the legal fees she received.

{¶9} Considering the foregoing authorities and the agreed mitigating factors, the lack of aggravating factors, and noting that Respondent has remedied the professional omission underlying the matter, the panel concludes the parties' agreed sanction of a public reprimand is appropriate.

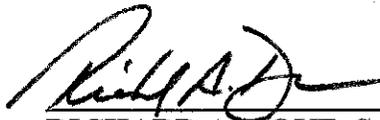
{¶10} Thus, the hearing panel finds that the parties' agreement conforms to BCGD Proc. Reg. 11, that the facts admitted by Respondent are clear and convincing evidence in support of a finding of the alleged violations of the Rules of Professional Conduct, and that the agreed sanction is appropriate in the circumstances.

{¶11} The undersigned panel members recommend acceptance of the agreement of Relator and Respondent as submitted with the agreed sanction of a public reprimand.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 6(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on April 13, 2012. The Board voted to accept and adopt the agreement entered into by Relator and Respondent. The agreement sets forth the misconduct and the sanction of a public reprimand, and this is the recommendation of the Board. The Board further recommends that the cost of these proceedings be taxed to 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.



**RICHARD A. DOVE, 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**

FILED
FEB 21 2012
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In Re:

Complaint Against

**MARK RUDOLF GUSLEY,
Respondent,**

**CLEVELAND METROPOLITAN
BAR ASSOCIATION,
Relator.**

:

:

:

:

Bd. Case Number 11-117

**CONSENT TO DISCIPLINE
Under Section 11 of the Board's
Rules and Regulations**

Now come the Relator Cleveland Metropolitan Bar Association and Respondent Mark Rudolf Gusley, who enter into this Consent to Discipline pursuant to the provisions of Section 11 of the Rules and Regulations Governing Procedure on Complaints and Hearings Before the Board of Commissioners on Grievances and Discipline of The Supreme Court of Ohio ("Section 11 of the Board's Rules and Regulations").

I. ACKNOWLEDGMENTS AND AGREEMENTS

Cleveland Metropolitan Bar Association, hereinafter "Relator," and Mark Rudolf Gusley, hereinafter "Respondent," acknowledge and agree that this Consent to Discipline was entered into with the understanding that if the Hearing Panel or the full Board of Commissioners on Grievances and Discipline ("Board of Commissioners") and/or The Supreme Court of Ohio rejects the proposed sanction set forth in this Consent to Discipline, then this matter will be returned to a Hearing Panel pursuant to Sections 9 and 11(D) of the Board's Rules and Regulations. Relator and Respondent further acknowledge and agree that if the sanction set forth in this Consent to Discipline is not accepted by The Supreme Court of Ohio, then this matter will be returned to the Board for a hearing pursuant to Gov. Bar. R. V, Section 8(D).

Relator and Respondent further acknowledge and agree that this Consent to Discipline agreement, including the Affidavit Respondent, attached hereto and incorporated herein, if not accepted by the Hearing Panel, the Board of Commissioners, or The Supreme Court of Ohio, **can not and will not** be admitted into evidence or otherwise used in any subsequent disciplinary proceedings against Respondent.

II. AGREED MISCONDUCT

1. Relator and Respondent hereby agree that the following sets forth the material facts relevant to the agreed misconduct.
2. Mark Rudolf Gusley, Ohio Supreme Court Attorney Registration Number 0056243, was admitted to the practice of law in Ohio on November 18, 1991, and as such is subject to the Supreme Court Rules for the Government of the Bar of Ohio and the Ohio Rules of Professional Conduct.
3. Respondent was admitted to the Bar of the United States District Court for the Northern District of Ohio on or about June 18, 1992.
4. As of August 31, 2011, Respondent was not registered to participate in the Electronic Case Filing ("ECF") system administered by the United States District Court for the Northern District of Ohio.
5. Since at least February of 2008, Local Civil Rule 5.1(c) of the United States District Court for the Northern District of Ohio has provided as follows:

The Court requires attorneys to receive notice of filings electronically and to file documents electronically, absent a showing of good cause, unless otherwise excused by the rules, procedures or Orders of the Court. While parties and pro se litigants may register to receive "read only" electronic filing accounts so that they may access documents in the system and receive electronic notice, typically only registered attorneys, as Officers of the Court, will be permitted to file electronically. The Judicial Officer may, at his or her discretion, grant a pro se litigant who demonstrates a willingness and capability to file documents

electronically permission to register to do so. Permission to file electronically may be revoked at any time. (emphasis added)

6. On or about September 15, 2009, Respondent, on behalf of his client, Plaintiff Alfred Rodgers, filed a Complaint in the Court of Common Pleas, Cuyahoga County, Ohio, against Defendants City of Cleveland, Mayor Frank G. Jackson, and Ronald Leery. The matter was assigned case number CV 09 702822 (“State Action”).
7. The State Action generally alleged that Mr. Rodgers was the subject of unlawful discrimination during his employment with the City of Cleveland, as to which the Equal Employment Opportunity Commission had issued a Right To Sue Letter.
8. Respondent agreed to represent Mr. Rodgers on a contingent fee basis. Respondent and Mr. Rodgers did not enter into a written contingency fee agreement.
9. On or about September 17, 2009, the Defendants in the State Action caused it to be removed to the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. § 1441. The matter was assigned case number 1:09-CV-02165-PAG (“Federal Action”).
10. On or about December 14, 2009, the judge overseeing the Federal Action issued a Case Management Order that established various deadlines for the orderly administration of that matter. Among those deadlines were a May 12, 2010 Settlement Conference and a June 4, 2010 deadline for filing of dispositive motions.
11. Respondent attended the May 12, 2010 Settlement Conference in the Federal Action referenced above.
12. On or about June 1, 2010, the judge overseeing the Federal Action granted a motion filed by the Defendants seeking to extend the deadline for filing dispositive motions to June 18, 2010.

13. On or about June 18, 2010, Defendants in the Federal Action filed a Motion for Summary Judgment.
14. Pursuant to Local Civil Rule 7.1(d) of the United States District Court for the Northern District of Ohio, any memorandum in opposition to the Defendants' Motion for Summary Judgment in the Federal Action was to be served and filed within thirty days after service of the dispositive motion. Accordingly, Respondent, as counsel for Plaintiff in the Federal Action, was obliged to respond to the Motion for Summary Judgment (or seek an extension of the response deadline) not later than July 18, 2010.
15. Respondent did not oppose Defendants' Motion for Summary Judgment in the Federal Action by July 19, 2010, nor did Respondent seek an extension of that deadline.
16. On or about August 27, 2010, the judge overseeing the Federal Action issued a Memorandum and Opinion, and a Judgment Entry, granting Defendants' Motion for Summary Judgment based on the lack of merit of Mr. Rodger's claims.
17. Respondent did not receive a copy of the Defendants' Motion for Summary Judgment or the Court's Memorandum and Opinion and Judgment Entry because he was not properly registered to receive notice of filings through the ECF system administered by the United States District Court for the Northern District of Ohio.
18. During the time period at issue herein, Respondent had a valid and working electronic mail address of mark@americore.com and he used that e-mail address to communicate with counsel for Defendants regarding the Federal Action.
19. At no time during the pendency of the Federal Action did Respondent demonstrate good cause to be excused from the requirements of Local Rule 5.1(c) of the United States District Court for the Northern District of Ohio, nor was he otherwise excused from compliance with the rules, procedures, or Orders of that Court.

20. Respondent only learned of the judgment in favor of Defendants in the Federal Action when he called to confirm the time for an October 7, 2010 pretrial conference that had previously been scheduled. That conference had been canceled in light of the court's ruling in August 2010.
21. Respondent did not notify his client, Mr. Rodgers, of the Memorandum and Opinion and Judgment Entry, granting Defendants' Motion for Summary Judgment, until on or about October 7, 2010, when Respondent learned of the decision.
22. Respondent did not file a Motion under Rule 60 of the Federal Rules of Civil Procedure, seeking to set aside the Court's August 27, 2010 judgment, nor did he file a Notice of Appeal.
23. Respondent maintains that there was no basis in law or fact either to seek relief from the Court's August 27, 2010 judgment or to appeal same.
24. Respondent admits that his conduct violated Prof. Cond. Rule 1.3, which requires a lawyer to act with reasonable diligence and promptness in representing a client.
25. Respondent admits that his conduct violated Prof. Cond. Rule 1.4(a)(3), which requires a lawyer to keep his clients reasonably informed about the status of a matter.
26. Respondent admits that his conduct violated Prof. Cond. Rule 1.5(c)(1) which requires contingent fee agreements to be in writing and signed by the client and lawyer.

III. MITIGATION

- A. Respondent has been admitted to practice since 1991 and does not have any prior disciplinary record.
- B. Respondent did not have any dishonest or selfish motive.
- C. Respondent has registered with the electronic filing system of the United States District Court for the Northern District of Ohio and, therefore, receives notices via electronic mail.

D. Since obtaining counsel, Respondent has fully and freely made disclosures to Relator and cooperated in its investigation of him.

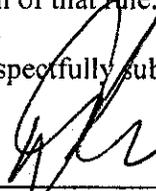
IV. SANCTION

Relator and Respondent do hereby agree that, in light of the above facts, that the sanction to be imposed upon Respondent is a public reprimand.

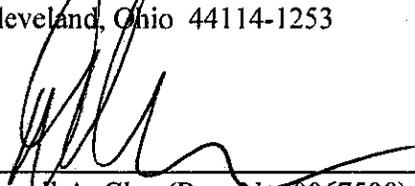
V. PARTIAL DISMISSAL

Following further review, Relator hereby voluntarily dismisses the charge in the Complaint that Respondent's conduct violated Rule 3.4(c), because Relator lacks sufficient evidence to establish a knowing violation of that rule.

Respectfully submitted,


for Heather M. Zirke, with
express
permission

Heather Zirke (Reg. No. 0074994)
Cleveland Metropolitan Bar Association
1301 East Ninth Street, Second Level
Cleveland, Ohio 44114-1253


Darrell A. Clay (Reg. No. 0067598)
Bonnie S. Finley (Reg. No. 0065565)
Walter & Haverfield LLP
1301 East Ninth Street, Suite 3500
Cleveland, Ohio 44114

**Counsel for Relator, Cleveland Metropolitan
Bar Association**


Audrey K. Bentz (Reg. No. 0081361)
Janik LLP
9200 South Hills Blvd., Suite 300
Cleveland, Ohio 44147

Counsel for Respondent, Mark Rudolf Gusley, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on February 17th, 2012, an Original and four copies of this Consent to Discipline and the Affidavit of Respondent, was sent via Overnight Federal Express to:

Richard A. Dove, Secretary
Board of Commissioners on Grievances and Discipline
65 South Front Street 5th Floor
Columbus, Ohio 43215

and a copy via Regular U.S. Mail to:

Audrey K. Bentz, Esq.
Janik LLP
9200 South Hills Blvd., Suite 300
Cleveland, Ohio 44147

Counsel for Respondent

and

Heather M. Zirke, Esq.
Cleveland Metropolitan Bar Association
1301 East Ninth Street - Second Level
Cleveland, Ohio 44114-1253

Counsel for Relator



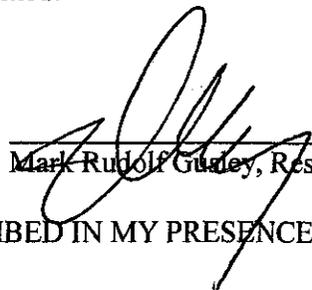
Darrell A. Clay (Reg. No. 0067598)
Counsel for Relator

STATE OF OHIO)
) SS: AFFIDAVIT
COUNTY OF CUYAHOGA)

I, Mark Rudolf Gusley, having been duly sworn according to the laws of the State of Ohio, hereby depose and say:

1. I was admitted to the practice of law in the State of Ohio on November 18, 1991.
2. I am the subject to the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio.
3. I admit the misconduct outlined in the Consent to Discipline Agreement. This admission is conditioned upon the acceptance of the Consent to Discipline Agreement by the Hearing Panel, the Board of Commissioners on Character and Fitness and the Supreme Court of Ohio.
4. I acknowledge that grounds exist for the imposition of a sanction against me for the misconduct.
5. The Consent to Discipline sets forth all grounds for discipline currently pending before the Board, and I admit the truth of the material facts relevant to the misconduct listed in the Consent to Discipline.
6. I agree to the sanction recommended to the Board in this Consent to Discipline.
7. These admissions and the Consent to Discipline are freely and voluntarily given, without coercion and duress. Further, I am fully aware of the implications of the admission and the Consent to Discipline on my ability to practice law in Ohio.
8. I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct I have admitted.

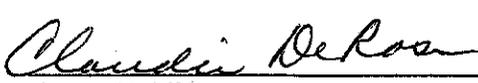
FURTHER AFFIANT SAYETH NAUGHT



Mark Rudolf Gusley, Respondent

~~UP~~ SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 27th DAY
OF ~~JANUARY~~, 2012.

FEBRUARY



Notary Public

CLAUDIA DEROSA
Notary Public, State of Ohio, Cuy. Cty.
My commission expires June 14, 2014

BEFORE THE BOARD OF COMMISSIONERS

ON GRIEVANCES AND DISCIPLINE

OF

THE SUPREME COURT OF OHIO

FILED

DEC 05 2011

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against:

Mark Rudolf Gusley (Reg No. 0056243)

(Name of Attorney)

6600 Park Avenue

Cleveland, OH 44105

(Address)

RESPONDENT

Cleveland Metropolitan Bar Association

(Name of Bar Association or Disciplinary Counsel)

1301 E. Ninth Street, Second Level

Cleveland, OH 44114

(Address)

RELATOR

No. 11-117 

**COMPLAINT
AND
CERTIFICATE**

(Rule V of the Supreme Court
Rules for the Government of
the Bar of Ohio)

RECEIVED

NOV 23 2011

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

Now comes Relator, Cleveland Metropolitan Bar Association, and alleges that Respondent, Mark Rudolf Gusley, an Attorney at Law, duly licensed and admitted to the practice of law in the State of Ohio, is guilty of the following misconduct:

1. Mark Rudolf Gusley, Ohio Supreme Court Attorney Registration Number 0056243 (hereinafter "Respondent"), was admitted to the practice of law in Ohio on November 18, 1991, and as such is subject to the Supreme Court Rules for the Government of the Bar of Ohio and the Ohio Rules of Professional Conduct.

2. Respondent was admitted to the Bar of the United States District Court for the Northern District of Ohio on or about June 18, 1992.

3. As of August 31, 2011, Respondent was not registered to participate in the Electronic Case Filing ("ECF") system administered by the United States District Court for the Northern District of Ohio.

4. Since at least February of 2008, Local Civil Rule 5(c) of the United States District Court for the Northern District of Ohio has provided as follows:

The Court requires attorneys to receive notice of filings electronically and to file documents electronically, absent a showing of good cause, unless otherwise excused by the rules, procedures or Orders of the Court. While parties and pro se litigants may register to receive "read only" electronic filing accounts so that they may access documents in the system and receive electronic notice, typically only registered attorneys, as Officers of the Court, will be permitted to file electronically. The Judicial Officer may, at his or her discretion, grant a pro se litigant who demonstrates a willingness and capability to file documents electronically permission to register to do so. Permission to file electronically may be revoked at any time. (emphasis added)

5. On or about August 31, 2009, Respondent, on behalf of his client, Plaintiff Alfred Rogers, filed a Complaint in the Court of Common Pleas, Cuyahoga County, Ohio, against Defendants City of Cleveland, Mayor Frank G. Jackson, and Ronald Leery. The matter was assigned case number CV 09 702822 ("State Action").

6. The State Action generally alleged that Rogers was the subject of unlawful discrimination during his employment with the City of Cleveland, as to which the Equal Employment Opportunity Commission had issued a Right To Sue Letter.

7. Respondent agreed to represent Mr. Rogers on a contingent fee basis. Respondent and Mr. Rogers did not enter into a written contingency fee agreement.

8. On or about September 17, 2009, the Defendants in the State Action caused it to be removed to the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. § 1441. The matter was assigned case number 1:09-CV-02165-PAG ("Federal Action").

9. On or about December 14, 2009, the judge overseeing the Federal Action issued a Case Management Order that established various deadlines for the orderly administration of that matter. Among those deadlines were a May 12, 2010 Settlement Conference and a June 4, 2010 deadline for filing of dispositive motions.

10. Respondent personally attended the May 12, 2010 Settlement Conference in the Federal Action referenced above.

11. On or about June 1, 2010, the judge overseeing the Federal Action granted a motion filed by the Defendants seeking to extend the deadline for filing dispositive motions to June 18, 2010.

12. On or about June 18, 2010, Defendants in the Federal Action filed a Motion for Summary Judgment.

13. Pursuant to Local Civil Rule 7.1(d) of the United States District Court for the Northern District of Ohio, any memorandum in opposition to the Defendants' Motion for Summary Judgment in the Federal Action was to be served and filed within thirty days after service of the dispositive motion. Accordingly, Respondent, as counsel for Plaintiff in the

Federal Action, was obliged to respond to the Motion for Summary Judgment (or seek an extension of the response deadline) not later than July 18, 2010.

14. Respondent did not oppose Defendants' Motion for Summary Judgment in the Federal Action by July 18, 2010, nor did Respondent seek an extension of that deadline.

15. On or about August 27, 2010, the judge overseeing the Federal Action issued a Memorandum and Opinion, and a Judgment Entry, granting Defendants' Motion for Summary Judgment.

16. Respondent did not receive a copy of the Defendants' Motion for Summary Judgment or the Court's Memorandum and Opinion and Judgment Entry because he was not properly registered to receive notice of filings through the ECF system administered by the United States District Court for the Northern District of Ohio.

17. During the time period at issue herein, Respondent had a valid and working electronic mail address of mark@americore.com and he used that e-mail address to communicate with counsel for Defendants regarding the Federal Action.

18. At no time during the pendency of the Federal Action did Respondent demonstrate good cause to be excused from the requirements of Local Rule 5.1(c) of the United States District Court for the Northern District of Ohio, nor was he unless otherwise excused from compliance therewith by the rules, procedures, or Orders of that Court.

19. Respondent only learned of the judgment in favor of Defendants in the Federal Action when he called to confirm the time for an October 7, 2010 pretrial conference that had previously been scheduled. That conference had been canceled in light of the court's ruling in August 2010.

20. At no time during the Federal Action did Respondent file a Motion under Rule 60 of the Federal Rules of Civil Procedure, seeking to set aside the Court's August 27, 2010 judgment.

21. Respondent did not file a Notice of Appeal following entry of judgment in favor of the Defendants in the Federal Action.

22. Respondent did not notify his client, Mr. Rogers, of the Memorandum and Opinion and Judgment Entry, granting Defendants' Motion for Summary Judgment, until on or about October 8, 2011.

23. Respondent's actions and omissions describe above violated the following provisions of the Ohio Rules of Professional Conduct:

Rule 1.3: "A lawyer shall act with *reasonable* diligence and promptness in representing a client."

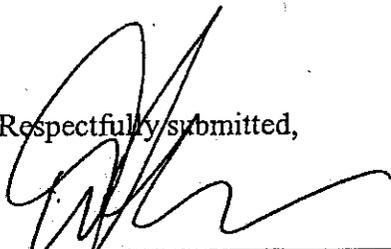
Rule 1.4(a)(3): A lawyer shall "keep the client *reasonably* informed about the status of the matter."

Rule 1.5(c)(1): "Each contingent fee agreement shall be in a *writing* signed by the client and the lawyer"

Rule 3.4(c): "A lawyer shall not . . . *knowingly* disobey an obligation under the rules of a *tribunal*, except for an open refusal based on a good faith assertion that no valid obligation exists."

WHEREFORE, Relator prays that Respondent be appropriately disciplined for his misconduct.

Respectfully submitted,



Darrell A. Clay (Reg. No. 0067598)

Email: dclay@walterhav.com

Direct Dial: 216.928.2896

Bonnie S. Finley (Reg. No. 0065565)

Email: bfinley@walterhav.com

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WALTER & HAVERFIELD LLP

1301 E. 9th Street, Suite 3500

Cleveland, OH 44114

(216) 781-1212 (Phone)

(216) 575-0911 (Fax)

*Attorneys for Relator Cleveland
Metropolitan Bar Association*

CERTIFICATE

The undersigned **STEPHEN R. LAZARUS, CHAIRPERSON** of the **CLEVELAND METROPOLITAN BAR ASSOCIATION'S CERTIFIED GRIEVANCE COMMITTEE** hereby certifies that **DARRELL A. CLAY, ESQ.** and **BONNIE S. FINLEY, ESQ.** are duly authorized to represent Relator in the premises and have accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: _____

4/15/99
Stephen R. Lazarus
STEPHEN R. LAZARUS, Chairperson

Rule V of the Supreme Court Rules for the Government of the Bar of Ohio Section (4)

(4) (I) (8) The Complaint; Where Filed; By Whom Signed. A complaint shall mean a formal written complaint alleging misconduct or mental illness of one who shall be designate as the Respondent. Six (6) copies of all such complaints shall be filed in the office of the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall not be accepted for filing unless signed by one or more members of the Bar of Ohio in good standing, who shall be counsel for the Relator, and supported by a certificate in writing signed by the President, Secretary or Chairman of the Certified Grievance Committee, which Certified Grievance Committee shall be deemed the Relator, certifying that said counsel are duly authorized to represent said Relator in the premises and have accepted the responsibility of prosecuting the complaint to conclusion. It shall constitute the authorization of such counsel to represent said Relator in the premises as fully and completely as if designated and appointed by order of the Supreme Court of Ohio with all the privileges and immunities of an officer of such Court. The complaint may also, but need not, be signed by the person aggrieved.

Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

Upon the filing of a complaint with the Secretary of the Board, Relator shall forward a copy thereof to Disciplinary Counsel, to the Certified Grievance Committee of the Ohio State Bar Association, to the local bar association and to any Certified Grievance Committee serving the county or counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.