

ORIGINAL

IN THE SUPREME COURT OF OHIO

Toledo Bar Association,

Case No. 2006-1148

Relator

v.

Steven L. Crossmock,

Respondent.

RELATOR'S ANSWER BRIEF

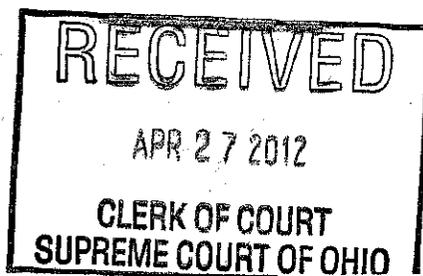
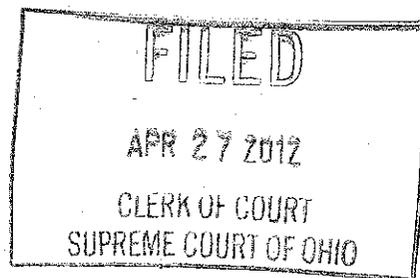
**TO RESPONDENT'S OBJECTIONS TO THE BOARD OF COMMISSIONERS
FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATIONS**

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INTRODUCTION

On February 12, 2012, the Board of Commissioners on Grievances and Discipline (“the Board”) issued its *Findings of Fact, Conclusions of Law, and Recommendations* regarding the reinstatement of Steven Lynn Crossmock to the practice of law. On March 23, 2012, Respondent Crossmock (“Respondent”) filed *Objections to the Findings of Facts and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio and Brief in Support*. Now comes Relator, Toledo Bar Association, through counsel, and files its *Answer Brief* to Respondent’s *Objections*.

FACTS AND ANALYSIS

On November 10, 2011, a Panel of the Board heard the matter of Respondent’s Petition for Reinstatement to the practice of law. On February 12, 2012, the Board adopted the conclusion of the Panel and recommended that Respondent Crossmock be denied reinstatement.

Among other things, the Panel concluded as a matter of law that Respondent was “a proper person to be readmitted to the practice of law in the state of Ohio, notwithstanding the previous disciplinary action, but for his violation of the Supreme Court’s order of November 15, 2006.”

At ¶21 of its Findings of Fact, the Panel noted that Respondent disclosed evidence of an “arguable failure” to follow the November 15, 2006 order of the Supreme Court which stated in part:

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 advice or prepare legal instruments for others or in any manner perform such services.

In recommending denial of reinstatement, the Panel found at ¶25 that Respondent's preparation of certain documents, including an appellate brief and replies to summary judgment, for licensed lawyers was problematic because Respondent had been ordered not to "prepare legal instruments for others" or "in any manner perform such services." The Panel stated that "considering [Respondent's] original violations involved dishonesty and a failure to follow the rules governing this Bar, this 'ghostwriting' could be construed as a continuation of his disregard for following the rules and orders of the Court."

The Board adopted these findings by the Panel, and also adopted the Panel's conclusion that Respondent be denied reinstatement.

Relator Toledo Bar Association has satisfied itself that Respondent was in compliance with the Supreme Court's Order of November 15, 2006. Relator has deposed Respondent, obtained and reviewed medical records, contacted Respondent's former partner, and obtained an independent psychological evaluation of Respondent by Dr. Stephen Noffsinger. Relator has identified no failure by Respondent to comply with the Court's Order regarding his indefinite suspension.

Further, on the issue of Respondent's "ghostwriting" for licensed attorneys, Relator was satisfied that Respondent's preparation of documents for licensed lawyers did not constitute the practice of law, but was instead akin to the work of a non-lawyer assistant or paralegal as contemplated under Rule 5.3 of the *Ohio Rules of Professional Conduct*, which provides that a lawyer shall be responsible for the conduct of a non-lawyer employed by, retained by, or associated with a lawyer.

Relator interpreted the prohibition on Respondent performing legal work "for others" to mean he was forbidden from representing himself as a lawyer, holding himself out as a lawyer,

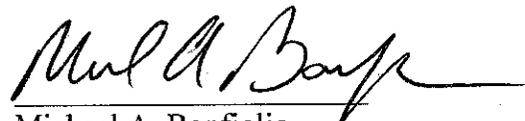
or performing legal work for lay people, or non-lawyer members of the public. Respondent's functioning as "ghostwriter" or a paralegal or non-lawyer assistant was, in Relator's estimation, compatible with Respondent's suspension from the practice of law and was not violative of the Supreme Court's November 15, 2006 Order.

Therefore, Relator does not oppose Respondent's Petition for Reinstatement. However, Relator respectfully defers to the Court's wisdom and interpretation in this regard. If the Court deems Respondent's reinstatement inappropriate at this time, perhaps the Court could include a clarification of the specific parameters applicable to an indefinitely suspended lawyer's ability to "ghostwrite" for licensed lawyers.

CONCLUSION

For the foregoing reasons, Relator Toledo Bar Association does not oppose Respondent's Petition for Reinstatement to the practice of law at this time, but respectfully defers to the Court's ruling as to Respondent's reinstatement.

Respectfully submitted,



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Michael J. Manahan

Ellen Grachek

Counsel for Relator Toledo Bar Association

CERTIFICATION

This is to certify that a copy of the foregoing was sent this 26th day of April 2012 to:

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