

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

12-1002

In Re:	:	
Complaint against	:	Case No. 11-069
Timothy Andrew Shimko Attorney Reg. No. 0006736	:	Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio
Respondent	:	
Disciplinary Counsel	:	
Relator	:	

<p>FILED</p> <p>JUN 12 2012</p> <p>CLERK OF COURT SUPREME COURT OF OHIO</p>
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OVERVIEW

{¶1} This matter was heard on March 13 and 14, 2012 in Columbus, Ohio before a panel consisting of members Charles E. Coulson, Lawrence Elleman and Judge Robert Ringland, chair. None of the panel members resides in the district from which the complaint arose or was a member of the probable cause panel that certified this matter to the Board.

{¶2} Relator was represented by Joseph M. Caligiuri. Respondent was represented by Richard L. Alkire and was present at the hearing. Evidence was presented to the panel in a lengthy two-day hearing. Relator and Respondent agreed to submit closing arguments by way of written memoranda.

{¶3} On August 16, 2011, the Board certified a one-count formal complaint against Respondent alleging that Respondent made statements that he knew to be false or with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judicial officer in violation of Prof. Cond. R. 8.2(a). Respondent was also charged with engaging in conduct

that adversely reflects on his fitness to practice law in violation of Prof. Cond. R. 8.4(h).

Respondent answered the complaint admitting the statements but denying that such statements were false as well as denying that they impugned the qualifications or integrity of the judicial officer.

{¶4} The specific allegations involve events occurring between the visiting Judge Richard Markus and the Respondent, who was one of the attorneys for the parties in the case of *First Federal Bank of Ohio v. John Angelini, Jr., et al.*, 03 CV 0098, Crawford County. The issues involve statements made during three time periods.

{¶5} The first time period involved an unrecorded telephone conference on October 9, 2008 between visiting Judge Markus and the attorneys in the *First Federal Bank* case.

{¶6} During the telephone conference, which was initiated primarily to address Respondent's request for a continuance of the trial, the conversation shifted to Respondent's alleged unwillingness to enter into stipulations, despite having filed proposed stipulations before the telephone conference.

{¶7} The following day, Respondent filed a motion to recuse Judge Markus along with an affidavit of disqualification with the Supreme Court of Ohio, alleging that Judge Markus exhibited bias and prejudice against Respondent during the telephone conference. In the affidavit of disqualification, Respondent alleged that Judge Markus stated that he "had lost all respect for Respondent," thought Respondent was "incompetent for embarking upon such a trial strategy," and "impliedly threatened to punish Respondent's client if Respondent further disappointed [Judge Markus]." Relator's Ex. 6.

{¶8} In response to Respondent's affidavit of disqualification, Judge Markus denied making the comments attributed to him. Relator's Ex. 7.

{¶9} Affidavits were subsequently filed by other attorneys involved in the conference which neither supported the position of Judge Markus' denial or the position of Respondent. The content of the alleged statements of Judge Markus was the only factual dispute in this hearing. Relator's Ex. 8; Respondent's Ex. A.

{¶10} At the request of the Supreme Court's Master Commissioner, Judge Markus postponed the trial to January 26, 2009, so the Chief Justice could consider Respondent's affidavit of disqualification.

{¶11} On October 24, 2008, the Supreme Court of Ohio denied Respondent's affidavit of disqualification and ordered the case to proceed before Judge Markus. Relator's Ex. 9. Relator submitted this evidence to explain subsequent actions of Respondent, but does not allege that Respondent's action or representation in filing the first affidavit is misconduct.

{¶12} The second time period involved Judge Markus presiding over the trial in the *First Federal Bank* case. On February 6, 2009, Judge Markus declared a mistrial based upon (1) inconsistencies between the jury's verdict and answers to interrogatories, and (2) Respondent's misconduct during the trial, which deprived the plaintiff of a fair trial. The misconduct alluded to involved trial incidents, some of which are set forth below. These incidents were offered by Relator to show the mindset and later motivation of Respondent in making allegations concerning Judge Markus in Respondent's later court filings. It is the position of Relator, that these incidents, as transcribed, show that Respondent's later allegations were false. Respondent, on the other hand, relied on these excerpts from the trial to show that his allegations concerning Judge Markus were justified and reasonable.

FINDINGS OF FACT

Jury Challenge for Cause

{¶13} During voir dire, Respondent made a challenge for cause concerning a juror who was a depositor of one of the banks involved. The following discussion occurred outside of the jury's hearing:

Markus: I will deny that challenge for cause. His is an issue that we discussed briefly before, and I will tell counsel that I have, in fact, made some effort to research this question. It arises more commonly with mutual insurance companies than with mutual banks. There are virtually no decisions dealing with mutual banks.

* * *

Markus: I might add that if, in fact, we were to accept your view and to disqualify all of the jurors who are depositors in one of these two institutions, we may well have to seek a change of venue.

Respondent: Wouldn't bother me, Your Honor.

Markus: Are you moving for that?

Respondent: No, I am not.

Markus: Oh, all right.

Respondent: **Does it come with a change of judge?** (Emphasis added.)

Markus: I'm interested in your comment. Is that something that you think is appropriate?

Respondent: Well, Your Honor, I think we have all avoided speaking about the 400-pound gorilla elephant that's in this room. And I still must go on the record to say that the Angelini Defendants have no confidence that they can obtain a fair trial in this case.

Markus: I'm sorry that you have that view. I can assure you, sir, that I have no favor or disfavor for you or any of the lawyers or any of the litigants. I may disagree with your view on some legal issues or on some strategy that you choose to follow, but I can assure you that I will give you and every other litigant the best I can of a fair trial using the rules of law as I understand them and the evidence that I present—that I hear. I don't present evidence. I'm really sorry that you have to make that statement, Mr.—

Respondent: Indeed I am too, Your Honor.

Relator's Ex. 1, Vol. I at 184-187.

Cross-Examination

{¶14} During the *First Federal* trial, opposing counsel Chappellear called John Angelini in his case-in-chief. John Angelini was the father of Respondent's client and also one of Respondent's witnesses. [First Federal Tr. p. 68.] During a recess, Judge Markus advised Respondent that he was not permitted to use leading questions when questioning John Angelini.¹

Markus: I have advised counsel that my reading of Evidence Rule 611 indicates that a party questioning someone identified with an adverse party shall be permitted to use leading questions, and that is why I had no problem with the questions asked by counsel for the Plaintiff.

I suggested to other counsel that I view that this witness is identified with Jeffrey Angelini and, therefore, his counsel should avoid using leading questions; that counsel for Galion Bank can use leading questions. * * *

* * *

Respondent: Unless they call them in their direct case-in-chief, and that's what they did. And I'm entitled to cross examine in his case-in-chief, Your Honor.

Markus: I appreciate your position.

Respondent: Don't appreciate yours. (Emphasis added.)

* * *

Respondent: Let me assert one more, then. I think this is further evidence of a bias and prejudice of the Court, Your Honor.

Realtor's Ex. 1, Vol. IV at 542-546.

Use of Exhibit

{¶15} During the *First Federal* trial, Respondent, relying on the hearsay exception of

1. Judge Markus had spoken and written on Evid. R. 611 and previously advocated the modification of the "as on cross" rule. See Markus, J., "Cross-Examination of Adverse Parties," Ohio Judicial Conference Annual Meeting, *Evidence Evidence Evidence!* September 15, 2005.

past recollection recorded, was questioning a witness regarding a handwritten note the witness had made. Respondent displayed a blow-up of the note so the jury could see it. Id.

Respondent: Mr. Stone, looking at Exhibit 1 and looking at this, this poster, can you tell me whether or not this poster here is a true and accurate replica, although enlarged, of that note that you made?

Markus: Excuse me. May I see counsel? Would you take that down for a minute, please?

I presume that you're seeking to gain the admission of this evidence under Evidence Rule 803.5 as an exception to the hearsay rule. I think you have laid sufficient foundation for that purpose; however, 803.5 says it must be read to the jury but it may not be admitted into evidence.

Respondent: Right. I have not asked for its admission.

Markus: When you're displaying it, that's more than reading it. That's the problem.

Respondent: Well, I don't know Your Honor. I don't think that's the case. I think it's a visual aid. I don't think I'm seeking the admission of it.

Markus: I understand, but in this case—

Respondent: The other thing, Your Honor, there was no objection from Plaintiff's counsel here. Why—Why if he's not objecting, why is it bothering you? I mean he's—

Markus: I suppose because I try to follow the evidence rules. I don't know, maybe I shouldn't.

Respondent: **Maybe you should just let us try our case.** (Emphasis added.)

Markus: Maybe you should give a little deference in consideration for the judge. I think that's important, too.

Respondent: Yeah, but, Your Honor, throughout this—

Markus: That's enough. Do you have a view on the subject?

Chappellear: I object to the display of this document to the jury.

Relator's Ex. 1, Vol. XII at 1718-1719.

Jury Charge

{¶16} Before closing argument, Respondent had objected to Judge Markus' jury instruction.

Markus: It would assist me at this time if you tell me specifically what language you wish me to use instead of the language I have. I don't have those instructions immediately before me. If you want me to look at them again—

Respondent: Would it change your mind Your Honor? I doubt it would. But I have them in front of me.

Markus: If you wish me to consider something, you'll have to give it to me.

Respondent: I'm gonna need it back. Only copy I got left here.

Markus: Which part of this? You've given me something that contains a lot of subjects that were not meaningful before.

Respondent: That's why I submitted it before and I rest on them. And I know the Court does have it, so I refer the Court to the proposed jury instructions that I filed before.

Markus: Mr. Shimko, I don't have those in front of me. Now, the file in this case is extremely voluminous.

I'm now asking you not for a generic description of many things, but on this subject to Contract Duties, what language do you propose that is different from the language I have?

Relator's Ex. 1, Vol. XV at 2153-2154

{¶17} Respondent then proceeded to read his entire set of jury instructions into the record. Relator's Ex. 1, Vol. XV at 2154-2179. Respondent alleges that he was forced to do so by Judge Markus.

Closing Argument

{¶18} At Respondent's closing argument, the court *sua sponte* gave cautionary instructions.

Respondent: But the fact of the matter is, Ladies and Gentlemen, this bank here is acting like every other bank in this country throwing its weight around, saying it can do

what it wants. If we break it, you folks have to fix it and we don't have to pay the cost. We're above the law. That's what the message of First Federal was to you in this courtroom, Ladies and Gentlemen.

Markus: Ladies and Gentlemen, I instruct you to disregard an argument that appeals to your feelings about other banks.

Respondent: I made no such argument, Your Honor.

Markus: All right, if you didn't, then they won't worry about it.

Respondent: Then why make the instruction, Your Honor?

Respondent: I am going to leave you with one last thought, Ladies and Gentlemen, one last thought to reflect upon. Sir Edmund Burke, Prime Minister of Great Britain in the 18th century made the following comment: He said, "all that is necessary for tyranny to triumph is for good men and good women to do nothing."

Ladies and Gentlemen, it is time to stop doing nothing. It is time for you to decide and let your verdict rendered without bias, passion, prejudice say to your community that things as you have seen happen here shall not be permitted. And send that message, Ladies and Gentlemen, in the only language that banks understand. Thank you very much.

Markus: Again, Ladies and Gentlemen, you're to disregard any argument about what banks generally may or may not do.

Respondent: May I approach the bench, Your Honor?

Markus: Not at this time. Please sit down.

Respondent: I object to the comments, Your Honor.

Id. at 2321-2322.

{¶19} In addition to the scenarios discussed above, Respondent cites other examples during trial as well as pre- and post-trial to demonstrate that Judge Markus was biased and acted on his bias or at the very least made a strong showing of an appearance of bias. For example, Judge Markus ruled that based on Respondent's lateness in paying an expert witness fee, Respondent could not use the witness deposition at trial. While Respondent concedes he could be sanctioned, he argues that such sanction was unusually harsh, contrary to his experience in

practice, and designed to have an impact on the merits of the case. Respondent also relies on the court suggesting during trial that counsel read DR 8-102(b) further evincing the bias or appearance of bias toward him. Respondent also argues that the reasons for Judge Markus' granting of mistrial particularly the allegation of Respondent's misconduct, was unwarranted. Additionally, Respondent points to a post-trial hearing and phone conference where Judge Markus *sua sponte* held that because Respondent had not properly substituted parties he precluded Respondent from participating in the hearing and required him to pay for his own court reporter in the phone conference. Finally, Respondent presented two attorneys who witnessed many of the events; they opined that Judge Markus gave the appearance of bias against Respondent and his client.²

{¶20} The third series of events involve the filings of post-trial appellate briefs and additional affidavits of bias and prejudice. Respondent filed an appeal in the Third District Court of Appeals on September 1, 2009. Relator's Ex. 11. In his brief, Respondent made several comments regarding Judge Markus' integrity:

- Yet, the trial declared a mistrial holding that the jury was obviously confused and that appellant's counsel had engaged in unethical and inflammatory conduct. Neither ground for the court's decision are true.
- The trial court conducted itself throughout the entire trial under the influence of an ethical impediment that drove it to the point of becoming an advocate for the appellee, First Federal Bank. The ethical impediment under which the court conducted itself during this trial was an intense bias that it harbored against appellant's counsel for having previously filed an affidavit of disqualification against the person of the trial court. The trial court's bias so blinded its vision that it could not acknowledge that the jury was in no way confused and that it had returned a verdict consistent with this court's instructions and intentions to the letter. Even though the Answers to Interrogatories clearly established that Jeffrey Angelini ("Jeff") had proven not only his counterclaim, but also his affirmative defense to First Federal's case, the trial court contrived a reason to deny Jeffrey Angelini of his

2. Both attorneys had or were assisting Respondent for trial and viewed Judge Markus' remarks and action from that perspective.

verdict.

- When the trial court realized that the Answers to the Interrogatories mandated a judgment in favor of Jeffrey Angelini and against First Federal, the trial court's bias once again surfaced and he contrived a means to find that the jury was now somehow confused, even though they had followed his instructions to the letter.
- The court's ruling, motivated by its own agenda, was nothing but an abuse of discretion.
- Throughout the trial, the trial judge was so vindictive in his attitude toward appellant's counsel that he became an advocate for First Federal. In short, the trial judge was trying First Federal's counsel's case for him.

{¶21} In response to the Appellee brief, Respondent filed a reply brief, [Relator's Ex.

12] in which he further discussed Judge Markus's integrity:

- A closing argument, such as the one appellant's counsel made, could only be seen as inflammatory by someone that had become, for whatever reason, personally invested in the outcome of this case. No one else could see it as such.
- The absurdity of the trial court's conduct in this instance ought to underscore the whimsical lengths to which it was willing to go to deny Jeffrey Angelini his verdict.
- The entire proposition that appellant's counsel engaged in attorney misconduct is a convenience created by the person of the trial court to justify his own arbitrary and capricious conduct in rejecting his earlier adopted protocol and in granting a new trial.
- In fact, the trial court felt that its contention that the jury was confused was so thin that it had to resort to manufacturing allegations of attorney misconduct to obscure his own abuse of discretion.
- When the trial court realized that the jury had returned a verdict for Jeffrey Angelini, he arbitrarily disregarded the protocol he had originally adopted, and fabricated allegations of attorney misconduct to camouflage his own unreasonable and injudicious conduct.

{¶22} While the case was pending on appeal, Respondent filed a second affidavit of disqualification, [Relator's Ex. 13] casting many of the same allegations contained in his

appellate briefs. For example, Respondent asserted:

- The holding by [Judge Markus] to the effect that Affiant had committed misconduct was completely fabricated to make true on [Judge Markus'] threat to punish Affiant's client, and to deflect any potential examination into [Judge Markus'] own misconduct.
- In order to justify [Judge Markus'] decision to grant a new trial, he cited jury confusion, and for the first time in the trial, accused Affiant of multiple acts of misconduct throughout the trial and of engaging in inflammatory argument during closing argument. [Judge Markus] completely fabricated the basis for his decision to grant a new trial. He did so to obscure his own misconduct. He deliberately misrepresented the state of the record.
- [Judge Markus] had become such an advocate for First Federal in this action that he was also willing to fabricate grounds to support his ruling to take away the verdict in favor of Affiant's client.
- A trial judge is not a trial lawyer, but just as a trial lawyer is not permitted to fabricate grounds for appeals or motions, so too, a trial judge should not be permitted to fabricate reasons and grounds that do not exist in the record.

{¶23} By entry dated March 16, 2010, Chief Justice Moyer dismissed Respondent's second affidavit of disqualification. Relator's Ex. 15.

{¶24} On May 17, 2010, Respondent filed a third affidavit of disqualification against Judge Markus in which he again reiterated many of the allegations previously mentioned in this complaint. Relator's Ex. 16.

{¶25} On May 24, 2010, the Third District Court of Appeals affirmed Judge Markus' granting of a mistrial. Relator's Ex. 17. On May 26, 2010, Chief Justice Brown dismissed Respondent's third affidavit of disqualification, stating "Shimko is cautioned that the filing of any further frivolous, unsubstantiated, or repeated affidavits of disqualification involving the underlying case may result in an imposition of appropriate sanctions." Relator's Ex. 18.

{¶26} Respondent does not deny writing the above comments in his briefs or affidavits indicating he believed them to be true but denies he intended them to impugn Judge Markus'

integrity and claims that to find a violation of Prof. Cond. R. 8.2(a) and Prof. Cond. R. 8.4(h) would chill the right to file affidavits or bias of further litigants.

{¶27} Respondent and his counsel argue that Respondent had a “firmly held belief” that Judge Markus violated his duty as a judge and had a right to complain about the conduct of Judge Markus. Respondent in his closing argument asks rhetorically whether (Ohio) “attorneys must sacrifice their client’s constitutional right to a fair and impartial trial at the altar of judicial deference.”

{¶28} These arguments miss the point of the complaint. Respondent has had and continues to have the right to allege violations of judicial officers in the proper forum and in using the proper method under the rules provided by our Supreme Court. We stress that we find no violation in the filing or specific factual examples used to support these allegations. What we find as actionable violations are the use in appellate briefs and post-trial affidavits of ad hominem attacks and hyperbole; *i.e.*, “fabricating allegations,” “completely fabricating the basis for his decision,” “deliberately misrepresenting,” “contriving a reason,” “personally invested in the outcome.” Such use of hyperbole lessen the effectiveness of his appellate briefs.

{¶29} Respondent concedes that attorneys do not have an unfettered right to say whatever they desire about a member of the judiciary during or after trial. They apparently argue that as long as the subjective belief appears reasonable to the declarant, all comments are permissible regardless of the reckless disregard of the truth. Such subjective test is unworkable for the test of falsity or reckless disregard of it.

{¶30} Respondent has summarized this as a disagreement between two strong-willed personalities. It was, however, more than that. Under our system of jurisprudence, only one of the personalities is charged with the responsibility of seeing that the rules of evidence and trial

procedure are followed. The record disclosed that Judge Markus was quick to take control and address what he legitimately considered violations of such rules and left no doubt as to who was in control of the trial process. On the other hand, Respondent “clearly felt there was something personal there.” As a result, he was quick to take offense at the judge’s rulings and acted out his pique in a repeatedly disrespectful and confrontational manner.

CONCLUSION OF LAW

{¶31} The findings of Chief Justices Moyer and Brown as to lack of claimed bias of Judge Markus are binding on this panel and res judicata. *State v. Getsy*, 84 Ohio St.3d 180, 1998-Ohio-533; *Haney v. Trout*, 2002-Ohio-564. The findings of the Third District Court of Appeals as to Respondent’s misconduct are not res judicata or binding on this panel.

{¶32} In the alternative, upon independent review of the actions of Judge Markus no objective, reasonable evidence exists to support the allegations in Respondent’s briefs or affidavits as to the specific claimed impropriety or bias of Judge Markus. The fact that the trial court ruled against Respondent in matters of evidence or procedure does not equate to bias or show in and of itself improper conduct of the court.

{¶33} Respondent did not violate any code of conduct in filing his first affidavit of bias, and Relator is not seeking any claim for such.

{¶34} The following statements concerning a judicial officer which Respondent admits writing were proved by clear and convincing evidence to be unreasonable and objectively false with a *mens rea* of recklessness:

- “contriving a reason to deny Jeffrey Angelini his verdict;”
- “contriving a means to find the jury was somehow confused;”
- being “motivated by his own agenda;”

- “trying First Federal’s case for him;”
- being “personally invested in the outcome of the case;”
- “manufacturing allegations of attorney misconduct;”
- “fabricating allegations of attorney misconduct to camouflage his own unreasonable and injudicious conduct;”
- “completely fabricating the basis for his decision to grant a new trial;” and
- “deliberately misrepresenting the state of the record.”

{¶35} Requiring Respondent to be held accountable for such conduct does not violate or chill his First Amendment rights under the United State Constitution or his rights under Section II, Article I of the Ohio Constitution. *Disciplinary Counsel v Gardner*, 99 Ohio St.3d 416, 2003-Ohio-4048. Rules of Conduct that prohibit the impugning of the integrity of judges are not designed to shield judges from offensive criticism but are to preserve public confidence in the fairness and impartiality of our system of justice. *In re Disciplinary Action Against Graham*, (Minn.1990), 453 N.W.2d 313, cited in *Gardner*, supra.

{¶36} An objective standard rather than a subjective standard is to be used in determining the reasonableness of Respondent’s claims. See *Disciplinary Counsel v. Gardner*, supra; *Matter of Holtzman*, 78 N.Y.2d 184, 577 N.E.2d 30, 573 N.Y.S.2d 39, (1991).

{¶37} Relator has proved by clear and convincing that Respondent as such has violated Prof. Cond. R. 8.2(a) [making statements known to be false or with reckless disregard to their truth or falsity concerning the qualification or integrity of a judicial officer], and a violation of Prof. Cond. R. 8.4(h) [conduct that adversely reflects on the fitness to practice law].

AGGRAVATION, MITIGATION, AND SANCTION

{¶38} Relator seeks a one-year suspension. Respondent seeks dismissal or, in the alternative, a fully stayed suspension.

{¶39} On four separate occasions, Respondent made written statements accusing a judicial officer of dishonesty and improper motive in his rulings. These statements were deliberate and calculated, not made in a moment of anger or off-the-cuff as well as made over a nine-month period. While Relator argues that Respondent made false statements during the disciplinary hearing, these were reiterations of his previous factual and legal assertions that he could not back up at hearing. The panel, however, does not find that these assertions were more in the manner of argument supporting his position and not false or deceptive evidence or practices at hearing. Respondent, however, was unapologetic and did not acknowledge any wrongful nature of his conduct but continued to maintain the reasonableness of his accusations of Judge Markus' bias. Respondent has received a public reprimand on June 23, 2009 from the Arizona Supreme Court from which he was reciprocally disciplined in Ohio. *Disciplinary Counsel v. Shimko*, (December 15, 2009), Case No. 2009-1957. These constitute factors in aggravation.

{¶40} In mitigation, Respondent was cooperative in the disciplinary process. No apparent damage has occurred to Judge Markus' reputation. Respondent has an excellent reputation with the bench and bar, is an intelligent, accomplished, competent attorney who zealously represents his clients to the best of his ability. Based on his demeanor, he subjectively, yet honestly, believes in the rightfulness of his position albeit his outlook may be clouded by the emotions involved in the clash of personalities. As such, we cannot conclude that his motives were dishonest. Finally, his sanctionable statements were made in a forum in such a way that only the bench and opposing counsel would see them; at no time was the sanctionable activity shown to the jury or general public.

{¶41} Based upon the reasoning in *Disciplinary Counsel v. Gardner*, 99 Ohio St.3d 416,

2003-Ohio-4048; and *Disciplinary Counsel v. Procter*, 131 Ohio St.3d 215, 2012-Ohio-684, as well as the consideration of the aggravating and mitigating factors above, this panel recommends a six-month suspension.

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 June 7, 2012. The Board adopted the Findings of Fact, Conclusions of Law, and Recommendation of the panel and recommends that Respondent, Timothy Andrew Shimko, be suspended from the practice of law for a period of six months. 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 Recommendation as those of the Board.



**RICHARD A. DOVE, Secretary
Board of Commissioners on
Grievances and Discipline of
the Supreme Court of Ohio**