

**THE SUPREME COURT OF OHIO**

Disciplinary Counsel

Case No. 2012-0644

Relator

v.

Robert Leon Schwartz

Respondent

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RESPONDENT'S MOTION TO PERMIT ARGUMENT BY WRITTEN SUBMISSION  
OR CONTINUE ORAL ARGUMENT UNTIL PERSONAL APPEARANCE IS POSSIBLE

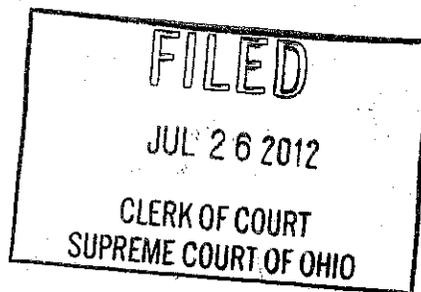
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Jonathan E. Coughlan (0026424)  
Disciplinary Counsel  
Relator

Philip A. King (0071895)  
Assistant Disciplinary Counsel  
Counsel of Record for Relator  
Office of Disciplinary Counsel of  
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Richard A. Dove, Secretary  
The Supreme Court of Ohio  
Board of Commissioners on  
Grievances & Discipline  
65 South Front Street  
Columbus, Ohio 43215-7411

Robert Leon Schwartz  
Respondent, pro se  
#04890-061  
Federal Prison Camp  
Unit A-1  
P.O. Box 6000  
Ashland, KY 41105-6000  
No telephone



THE SUPREME COURT OF OHIO

Disciplinary Counsel

Case No. 2012-0644

Relator

v.

Robert Leon Schwartz

Respondent

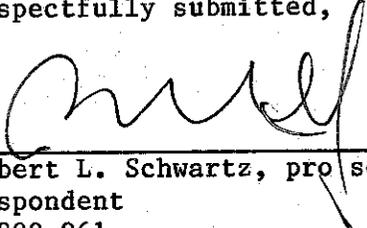
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RESPONDENT'S MOTION TO PERMIT ARGUMENT BY WRITTEN SUBMISSION  
OR CONTINUE ORAL ARGUMENT UNTIL PERSONAL APPEARANCE IS POSSIBLE

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Respondent, Robert L. Schwartz, pro se, is confined in a Federal Prison Camp in Ashland, Kentucky and is not able to attend an oral argument on the merits in this case, scheduled for Tuesday, August 21, 2012, by order of Federal Court. For the reasons that follow, and in the interest of justice and due process of law, the Respondent respectfully requests that the Oral Argument be amended to permit argument by written submissions or that it be continued until the release of Respondent from the Federal custody to permit his personal attendance.

Respectfully submitted,



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Robert L. Schwartz, pro se  
Respondent  
04890-061  
Federal Prison Camp  
P.O. Box 6000  
Ashland, KY 41105

MEMORANDUM

Relator filed a Motion to Strike Exhibits that were attached to Respondent's Objections to the Board's Report. Respondent was permitted to respond within ten days. The Respondent is in Federal Custody at a Federal Prison Camp. The mail often takes a full week each way. The "Respondent's Response to Relator's Motion to Strike Exhibits..." was unable to meet the deadline due to circumstances not in his ability to control. Relator's Motion was filed June 15, 2012. The Respondent's Response to the Motion was Sent on June 23, 2012, but not Received by the Clerk until June 28. The Clerk returned the Response to Respondent, not filed, because it was not received within 10 days, by June 25th. (See attached "Received" sheet of "Response" and letter from the Clerk, both dated June 28, 2012.)

Respondent had requested that the Court Dispense with Oral Argument for reason that his counsel withdrew from this case for inability of payment and he remains pro se and unable to attend any hearing.

The Court ordered that the Exhibits be stricken noting lack of a Response. The Court also denied Respondent's request to dispose of Oral Argument. (See attached Order dated July 13, 2012.)

A Notice of Oral Argument was also issued setting Oral Argument for Tuesday, August 21, 2012. (See Notice of Oral Argument, dated July 13, 2012.)

The Arguments of both Relator and Respondent have been fully briefed and Respondent remains under Federal legal disability to attend. Since this Court has Ordered Oral Argument, Respondent respectfully moves that argument be amended to permit a written submission from each side, or that the Oral Argument be continued until Respondent may physically attend, following his out date, the latest of which may be in about one year or at latest January, 2014.

A third method to permit Respondent's participation in the ordered Oral Argument would be a telephone arrangement through the authorities at the Ashland Prison Camp. This was done for the hearing before the Panel.

None of these methods would prejudice the Board. The inability of Respondent to participate in argument, while the Relator may argue, would prejudice the Respondent.

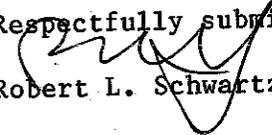
Due to the absence of Respondent for his ordered term, there would be no risks which would concern the bar.

Most important, by the time of Oral Argument, Respondent may be able to report the progress of a pending full satisfaction of restitution. There is presently a settlement proposed, but it may not be completed by the time scheduled for Oral Argument. There are numerous participants, including the professional liability carriers of other attorneys, payments from the Trusts and Estate and the need for approval of the Probate and Federal Courts.

The prospect of total satisfaction of restitution should have relevance to the issue before this Court. Similarly, the recommendation of the Panel was for Indefinite Suspension with the responsible conditions of full restitution and completion of the 3 year supervised release before Respondent may apply for reinstatement. Such an Order would make these issues moot but accomplish the same purpose.

#### CONCLUSION

Respondent respectfully requests that due to his pro se status, his inability to respond to the Relator's prior Motions, and in the interest of justice, he be permitted to participate in the ordered Oral Argument by the parties submitting written arguments, the rescheduling to permit his personal participation, or telephone participation.

Respectfully submitted,  
  
Robert L. Schwartz, pro se

CERTIFICATE OF SERVICE

I certify that an accurate copy of this foregoing document has been served upon those below by regular mail, postage prepaid, on July 23, 2012:

Jonathan E. Coughlan  
Disciplinary Counsel  
Relator  
Supreme Court of Ohio  
65 South Front Street  
Columbus, Ohio 43215-3431

Philip A. King  
Assistant Disciplinary Counsel  
The Supreme Court of Ohio  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43115-7411

Richard A. Dove, Secretary  
The Supreme Court of Ohio  
Board of Commissioners on  
Grievances and Discipline  
56 South Front Street  
Columbus, Ohio 43215-7411



---

Robert L. Schwartz, Respondent  
pro se, 04890-061  
Federal Prison Camp  
Unit A-1  
P.O. Box 6000  
Ashland, KY 41105-6000

THE SUPREME COURT OF OHIO

Disciplinary Counsel

Relator

Case No. 2012-0644

v.

Robert Leon Schwartz

Respondent

---

RESPONDENT'S RESPONSE TO RELATOR'S MOTION TO STRIKE EXHIBITS ATTACHED  
TO RESPONDENT'S OBJECTIONS TO THE BOARD'S REPORT AND RECOMMENDATIONS

---

Jonathan E. Coughlan (0026424)  
Disciplinary Counsel  
Relator

Philip A. King (0071895)  
Assistant Disciplinary Counsel  
Counsel of Record for Relator  
Office of Disciplinary Counsel of  
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Robert Leon Schwartz  
Respondent, pro se  
#04890-061  
Federal Prison Camp  
Unit A-1  
P.O. Box 6000  
Ashland, KY 41105-6000  
No Telephone

RECEIVED

JUN 28 2012

CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE  
MAUREEN O'CONNOR

JUSTICES  
PAUL E. PFEIFER  
EVELYN LUNDBERG STRATTON  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
ROBERT R. CUPP  
YVETTE MCGEE BROWN

CLERK OF THE COURT  
KRISTINA D. FROST

TELEPHONE 614.387.9530  
FACSIMILE 614.387.9539  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

June 28, 2012

Robert L. Schwartz  
04890-061  
Federal Prison Camp  
Unit A-1  
P. O. Box 6000  
Ashland, KY 41105

Re: 2012-0644

Dear Mr. Schwartz:

The enclosed document was not filed because it does not comply with the Rules of Practice of the Supreme Court of Ohio. Specifically, it is untimely. S.Ct. Prac. R. 14.4(B) requires that a memorandum opposing a motion be filed within 10 days of filing the motion. Since the motion to strike was filed on June 15, 2012, the enclosed document was due on or before June 25, 2012. It was not received until June 28, 2012. The clerk's office is prohibited from filing untimely documents by S.Ct. Prac. R.14.1(D).

A copy of the case docket is enclosed. A copy of the Rules of Practice of the Supreme Court of Ohio was sent to you last month.

Sincerely,



JoElla  
Deputy Clerk

Enclosures

FILED

JUL 13 2012

CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

Disciplinary Counsel,  
Relator,

Case No. 2012-0644

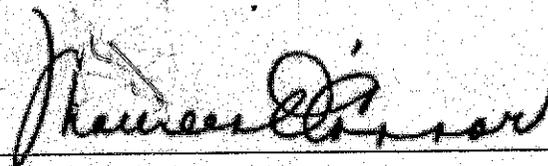
v.

Robert Leon Schwartz,  
Respondent.

## ORDER

This cause is pending before the court upon the filing by the Board of Commissioners on Grievances and Discipline of a report recommending that respondent, Robert Leon Schwartz, be permanently disbarred. On June 15, 2012, relator, Disciplinary Counsel, filed a motion to strike exhibits 2 through 6 attached to respondent's objection to the board's report and recommendation. Respondent did not file a response. In addition, on June 20, 2012, respondent filed a request for the court to dispense with oral argument. On June 22, 2012, relator filed a response to respondent's request.

Upon consideration thereof, it is ordered by this court that relator's motion to strike is granted and attachments 2 through 6 to respondent's objections are stricken from the record. In addition, it is further ordered by this court that respondent's request to dispense with oral argument is denied.



Maureen O'Connor  
Chief Justice

FILED

JUL 13 2012

CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

July 13, 2012

Disciplinary Counsel

v.

Case No. 2012-0644

Robert Leon Schwartz

## NOTICE OF ORAL ARGUMENT

TO: Philip A. King

Robert Leon Schwartz

The Supreme Court of Ohio will hold an oral argument on the merits in this case on Tuesday, August 21, 2012. Time allowed for oral argument will be 15 minutes per side.

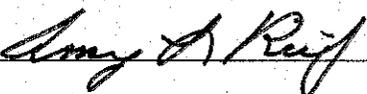
Attorneys who argue before the court must comply with the provisions of Rule 9.2 through 9.5 of the Rules of Practice of the Supreme Court of Ohio and the instructions that follow. Pursuant to Rule 9.3, counsel for either or both parties may waive oral argument and submit the case upon briefs. The Clerk must be notified in writing of the waiver at least seven days before the date scheduled for the oral argument.

Court convenes promptly at 9 a.m. Counsel in all cases are expected to be present when court convenes. Counsel must register with the Chief Deputy Clerk **prior to 8:45 a.m.** at the information desk outside the Courtroom on the first floor of the Ohio Judicial Center.

For more information on protocol for presenting oral argument before the Supreme Court of Ohio, counsel may refer to the "Guide for Counsel Presenting Oral Argument" located at [www.supremecourt.ohio.gov/clerk](http://www.supremecourt.ohio.gov/clerk).

*Note: Assignments in the Supreme Court take precedence over other assignments.*

KRISTINA D. FROST CLERK

 CHIEF DEPUTY CLERK