

THE SUPREME COURT OF OHIO

ORIGINAL

Cincinnati Bar Association  
Relator

:

:

Case No. 2011-0023

v.

:

John W. Hauck,  
Respondent

:

:

RESPONDENT'S FIRST AMENDED  
APPLICATION FOR REINSTATEMENT  
AND  
AMENDED AFFIDAVIT

Respondent, John W. Hauck, pro se, moved the Supreme Court for reinstatement of his law license by Application filed September 7, 2012. That Application was made pursuant to the Supreme Court Rules for the Government of the Bar of Ohio, Rule V, Section 10, subsection (A)(1). Since that time, however, specifically on October 16, 2012, Relator Cincinnati Bar Association informed Respondent Hauck that it was initiating a "grievance investigation" against Respondent Hauck on an entirely new matter. The new matter primarily involves "fee-splitting" in a case that Respondent previously transferred, at the time of Respondent's first suspension, to another counsel.

Thus Respondent Hauck is submitting this *First Amended Application for Reinstatement* and an *Amended Affidavit* to reflect the "grievance investigation" undertaken by Relator on October 16, 2012. The facts and circumstances of the current "grievance investigation" are set forth in the Memorandum to this amended pleading.

FILED  
NOV 01 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

RECEIVED  
NOV 01 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

Respectfully submitted,  
By: Respondent pro se



John W. Hauck  
(Previous S. Ct. #0023153)  
1600 Central Parkway, 2<sup>nd</sup> Floor  
Cincinnati, Ohio 45202  
513/ 621-0805 Office (and cell)

## MEMORANDUM IN SUPPORT OF FIRST AMENDED APPLICATION

Rule V, Section 10, subsection (A)(1) of the Rules for the Government of the Bar of Ohio states that a Respondent shall be reinstated to the practice of law if a written application is made, in which the date of the suspension is recited and a request for reinstatement is made; an affidavit is provided; and five applicable conditions are satisfied.

This *First Amended Application for Reinstatement* is the written application. Respondent states that he was initially suspended from the practice of law by Order dated July 7, 2011 for a period of twelve (12) months, with six (6) months stayed on condition, *inter alia*, that Respondent commit no further misconduct. Respondent states that by Order dated March 5, 2012 he was found in contempt of the Court's order dated July 7, 2011, and Respondent was additionally suspended from the practice of law for a period of six months as of the date of the second Order.

Respondent makes his request for reinstatement to the practice of law in the State of Ohio by and through this *First Amended Application for Reinstatement*.

Respondent attaches an *Amended Affidavit*, executed by Respondent, indicating the following:

(a) There are *no formal disciplinary proceedings* of any kind now pending against Respondent. However, **Relator Cincinnati Bar Association** undertook a "*grievance investigation*" against **Respondent Hauck** by letter dated October 16, 2012. This letter was submitted to the Clerk's Office in the instant case by Respondent's letter dated October 18, 2012. Respondent then provided a written response to Relator in the "grievance investigation" by letter dated October 25, 2012, which was received by Relator on October 29, 2012. Respondent's evaluation of the complaint generating the "grievance investigation" is that the complaining witness, an attorney at law, seeks to mediate or arbitrate a fee generated in a contingent fee case that **Respondent Hauck**

handled prior to being suspended on July 7, 2011 and which Respondent timely conveyed to the succeeding attorney following his suspension.

Respondent believes that the merits of the “grievance filing” by the complaining attorney may be resolved to the mutual satisfaction of all parties within a reasonably short time. But as in all legal procedures, it is often very difficult to judge ahead of time what length of time may be required for a given investigation to be concluded. If the current investigation is concluded within a reasonably soon time, and no formal grievance action is filed against **Respondent Hauck**, then he would request the Court to rule upon this *First Amended Application*. If the grievance filing is not resolved within a short time, however, then Respondent will likely withdraw his *First Amended Application* until an appropriate time in the future to reapply.

Respondent intends to inform the Court within the next fourteen (14) days of the status of the “grievance investigation” against him. In addition, if desired by Relator, Relator may give input directly to the Court on the “grievance investigation” by that time.

(b) Respondent has not been arrested, charged, prosecuted, nor convicted of any felony criminal offense, and thus Respondent has not been required to serve any probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction;

(c) Respondent has complied with the continuing legal education requirements of Gov. Bar R. X, Section 3(G), specifically having taken 16.5 hours of CLE during his suspension, of which 3.5 hours are professional responsibility courses. This obligation was fulfilled as of the date of the original Application in this case, namely Sept. 7, 2012.

Respondent states that he has fully complied with all other conditions of reinstatement, in addition to the requirements set forth in (a) through (c) above, as set forth in Gov. Bar R. V, Section 10 (A)(2), as follows:

(a) All costs of the proceedings as ordered by the Supreme Court have been paid;

(b) The Respondent has complied with the initial Order of suspension dated July 7, 2011.

(c) The Respondent has complied with the Order to Show Cause, dated October 10, 2012, as to the filing of an Affidavit of Compliance following his second imposed suspension on March 5, 2012. The Affidavit of Compliance for the suspension ordered March 5, 2012 has been proffered to the Court.

In addition, Respondent states that Respondent sent a separate Application for Reinstatement to the Office of Attorney Services, pursuant to Gov. Bar R. VI, Sec. 5, for reinstatement of his attorney registration in the State of Ohio. Respondent has been informed, several times, that he cannot reinstate as a registered attorney until his law license first is reinstated, but that both applications, for the license and for the registration, should be made available to the Supreme Court at or about the same time.

For these reasons, Respondent requests the Supreme Court to reinstate his law license. Respondent states that he will strictly follow and abide by all Rules of the Supreme Court if he is reinstated on his law license.

**Respectfully submitted,**

**By: Respondent pro se**



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**John W. Hauck**  
**(Previous S. Ct. #0023153)**  
1600 Central Parkway, 2<sup>nd</sup> Floor  
Cincinnati, Ohio 45202  
513/ 621-0805 Office (and cell)

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Respondent's First Amended Application for Reinstatement and attached Amended Affidavit has been sent to the following persons by ordinary U.S. mail on this 31 day of October, 2012.

**James K. Rice, Esq. (#0023385)**  
Cincinnati Bar Association  
207 Thomas More Parkway  
Crestview Hills, Kentucky 41017



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John W. Hauck (previous #0023153)  
1600 Central Parkway, Second Floor  
Cincinnati, Ohio, 45202

THE SUPREME COURT OF OHIO

Cincinnati Bar Association  
Relator

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Case No. 2011-0023

v.

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John W. Hauck,  
Respondent

RESPONDENT'S  
AMENDED AFFIDAVIT

State of Ohio

:  
:

SS

County of Hamilton

:

DATE: October 31, 2012

Respondent, John W. Hauck, first being duly cautioned and sworn, deposes and affirms as follows:

- 1) I am the Respondent filing the attached First Amended Application for Reinstatement in the above entitled case at this time;
- 2) There are no *formal* disciplinary proceedings of any kind pending against Respondent;
- 3) The Relator Cincinnati Bar Association has undertaken a "grievance investigation" of Respondent as set forth in a letter dated October 16, 2012. Respondent answered said letter on October 25, 2012 with his own explanation of the complaints set forth in the investigation.
- 4) Respondent has not been arrested, charged, prosecuted, nor convicted of any felony criminal offense, and thus Respondent has not been required to serve any probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction;
- 5) Respondent complied with the continuing legal education requirements of Gov. Bar R. X, Section 3(G), as of the date of his original filing of an Application on September 7, 2012, specifically having taken 16.5 hours of CLE during his suspension, of which 3.5 hours are professional responsibility courses.

John W. Hauck

Sworn to and subscribed before me, a notary public in and for the State of Ohio, by John W. Hauck on this 31 day of October, 2012.



Richard J. Kinney  
Notary Public, State of Ohio  
My Commission Expires 05-16-2017