

ORIGINAL

IN THE SUPREME COURT OF OHIO

In re: :  
Ronald Robinson (0029934), :  
Respondent :  
Disciplinary Counsel, :  
Relator :

12-2176

Case No. 12-053

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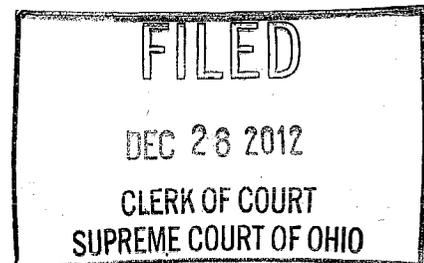
CERTIFICATION OF DEFAULT

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Richard A. Dove (0020256)  
Board of Commissioners on Grievances and Discipline  
Moyer Judicial Center  
65 South Front Street, 5<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 387-9370  
[richard.dove@sc.ohio.gov](mailto:richard.dove@sc.ohio.gov)

Ronald Robinson (0029934)  
1276 West 3<sup>rd</sup> Street, #424  
Cleveland, OH 44113 and  
4137 Feiner Drive  
Cleveland, OH 44122  
216-621-7061  
[revr.robinson@sbcglobal.net](mailto:revr.robinson@sbcglobal.net)

Jonathan E. Coughlan (0026424)  
Karen H. Osmond (0082202)  
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IN THE SUPREME COURT OF OHIO

In re: :

Ronald Robinson (0029934),  
Respondent : **CERTIFICATION**

: **Gov. Bar R. V, Section 6a(A)**

Disciplinary Counsel, :  
Relator

Pursuant to Rule V, Section 6a, of the Supreme Court Rules for the Government of the Bar of Ohio, I hereby certify that the respondent in the above-captioned matter has failed to file an answer to the formal complaint certified to the Board of Commissioners on Grievances and Discipline on August 6, 2012.

Attached to this certification is an affidavit setting forth the attempts to serve the complaint on the respondent and copies of documents referenced in the affidavit.



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

STATE OF OHIO

)

) ss:

COUNTY OF FRANKLIN

)

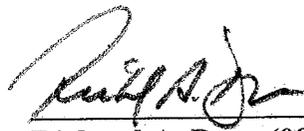
AFFIDAVIT

I, Richard A. Dove, having been duly sworn according to the laws of Ohio, hereby depose and say:

1. I am the Secretary to the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio ("Board"). Pursuant to Rule V of the Supreme Court Rules for the Government of the Bar of Ohio, I am responsible for serving certified disciplinary complaints on the parties and maintaining the records of cases certified to the Board.
2. On August 6, 2012, a formal complaint was certified to the Board in the matter of *Disciplinary Counsel v. Ronald Robinson*, Board Case No. 12-053.
3. On August 6, 2012, a notice and copy of the certified complaint were sent via certified mail to the respondent at 1276 W. 3<sup>rd</sup> Street, #424, Cleveland, Ohio, 44113. This address is the respondent's employer address as reflected in the attorney registration records maintained by the Supreme Court of Ohio, Office of Attorney Services.
4. On September 11, 2012, a notice and copy of the certified complaint were sent via certified mail to the respondent at 4137 Feiner Drive, Cleveland, Ohio, 44122. The address to which the certified mail was sent is the respondent's residence address as reflected in the attorney registration records maintained by the Supreme Court of Ohio, Office of Attorney Services.
5. On November 8, 2012, the mail referenced in ¶4 was returned to the Board from the United States Postal Service and marked "return to sender—unclaimed—unable to forward."
6. On November 13, 2012, the mail referenced in ¶3 was returned to the Board from the United States Postal Service and marked "return to sender—not deliverable as addressed—unable to forward." The Board has not received any returned mail or other indication that the notice of intent to certify was not delivered to the respondent.
7. On November 13, 2012, service of a notice and a copy of the certified complaint were sent to Kristina D. Frost, Clerk of the Supreme Court, with a request to accept service on behalf of the respondent as provided in Gov. Bar R. V, Section 11(B). On November 15, 2012, the Clerk of the Supreme Court certified that she was served with copies of the documents referenced in this paragraph.
8. On November 27, 2012, a notice of intent to certify the respondent's default was sent to the respondent at his last known address.

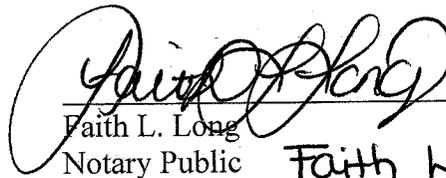
9. As of the date of this affidavit, the respondent has not filed an answer to the formal complaint pending before the Board or otherwise responded to the certification of the complaint or the notice of intent to certify his default.
10. Attached to this affidavit are true and accurate copies of the following documents contained in the case file that is maintained in the Board offices:
- a. The formal complaint certified to the Board on August 6, 2012 and sent to the respondent via certified mail on that date;
  - b. The envelopes sent to the respondent by certified mail at the addresses reflected in ¶3-4 of this affidavit and returned to the Board by the United States Postal Service on November 8 and 13, 2012;
  - c. A copy of the certification from the Clerk of the Supreme Court indicating her acceptance of service on behalf of the respondent on November 15, 2012;
  - d. The notice of intent to certify the respondent's default sent on November 27, 2012.

**FURTHER AFFIANT SAYETH NAUGHT.**



**Richard A. Dove (0020256)**  
**Secretary, Board of Commissioners**  
**on Grievances and Discipline**

Sworn to before me and subscribed in my presence this 28 day of December, 2012.



Faith L. Long  
Notary Public

Faith L. Long  
expires : 10/7/2013

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

RECEIVED

JUL 03 2012

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Ronald Robinson, Esq.  
1276 W. 3<sup>rd</sup> Street, #424  
Cleveland, OH 44113

12 - 053

No. \_\_\_\_\_

Attorney Registration No. (0029934)

COMPLAINT AND CERTIFICATE

Respondent,

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

Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411

FILED

AUG 06 2012

Relator.

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

Now comes relator and alleges that respondent, Ronald Robinson, an attorney at law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent was admitted to the practice of law in the state of Ohio on November 4, 1985.
2. As an attorney, respondent is subject to the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
3. On February 6, 1995, relator filed a disciplinary complaint against respondent alleging that he had engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation among other violations. *Disciplinary Counsel v. Robinson*, 83 Ohio St.3d 319, 1998-Ohio-91, 699 N.E.2d 931.

4. During the course of the disciplinary proceedings, respondent was attacked while jogging. As a result of the attack, respondent sustained a serious brain injury, which required him to undergo several surgeries.
5. On September 30, 1998, the Supreme Court of Ohio suspended respondent from the practice of law for six months; however, the Court stayed respondent's suspension based in part on the fact that respondent suffered from bi-polar disorder at the time of his misconduct.
6. The Court further ordered that respondent complete a two-year probationary period under a monitor selected by Disciplinary Counsel. To date, respondent has never applied for termination of his probation. Respondent remains on probation to this day.

***Count One - IOLTA***

7. On March 21, 2011, PNC Bank notified relator that respondent's IOLTA (account no. XXXXXX6965) was overdrawn by \$91.61.
8. On April 7, 2011, relator sent respondent a Letter of Inquiry regarding the overdraft in his IOLTA.
9. On April 20, 2011, respondent provided a response to relator's Letter of Inquiry. In his response, respondent implied that the overdraft in his IOLTA was caused when he inadvertently deposited \$250 from his client, Alvin Character, into his business account on March 11, 2011, but then wrote four checks totaling \$250 (\$50 for a filing fee, \$22 for an Application for Certificate of Transfer, \$35 for an accounting, and \$143 for attorney fees) from his IOLTA on behalf of Mr. Character.

10. With his response, respondent also provided a client ledger that was not in compliance with Prof. Cond. R. 1.15(a)(2).
11. Upon receipt of respondent's explanation for the overdraft in his IOLTA, relator subpoenaed records from respondent's IOLTA and business account.
12. After reviewing the subpoenaed records, relator determined that respondent's April 20, 2011 explanation for the overdraft was false and/or misleading. Although there had been a \$250 deposit into respondent's business on March 11, 2011, the deposit was in no way related to Alvin Character. Moreover, there were no checks written from respondent's IOLTA in the amounts stated in respondent's April 20, 2011 response.
13. On May 27, 2011, relator gave respondent another opportunity to explain the cause of the March overdraft in his IOLTA. In this same letter, relator asked respondent to explain a second overdraft that had occurred in his IOLTA on April 6, 2011 and to provide responses to a number of questions triggered by relator's review of respondent's IOLTA records. Relator requested a response to this letter by June 15, 2011.
14. Respondent did not reply to relator's May 27, 2011 letter, nor did he request an extension of time to respond.
15. On June 28, 2011, relator sent respondent a second letter requesting that he reply to the questions in relator's May 27, 2011 letter by July 10, 2011.
16. Respondent did not reply to relator's June 28, 2011 letter, nor did he request an extension of time to respond. Therefore, relator requested a subpoena be issued for respondent's appearance in relator's office on August 4, 2011.

17. The subpoena was hand delivered to respondent on July 20, 2011.
18. On July 21, 2011, respondent contacted relator's office and stated that he needed more time to respond to relator's inquiries.
19. Respondent was given until August 1, 2011 to respond to relator's inquiry and was told that he would be advised no later than August 2, 2011 whether he needed to appear for the deposition on August 4, 2011.
20. On July 28, 2011, respondent called relator and stated that he needed an additional extension of time beyond August 1, 2011 to respond to relator's inquiries.
21. In light of respondent's request, relator agreed to cancel the deposition scheduled for August 4, 2011 and give respondent until August 10, 2011 to provide a response to relator's May 27, 2011 letter.
22. On August 1, 2011, respondent provided a response to relator's May 27, 2011 letter. Upon review of respondent's August 1, 2011 letter and respondent's bank records, relator determined that respondent had:
  - deposited funds that he received as a reimbursement of filing fees into his IOLTA;
  - deposited earned fees into his IOLTA to cover "accounting errors or small client centered expenses;"
  - written a check from his IOLTA to the Cuyahoga County Clerk of Courts for filing fees even though funds received from his client for this purpose were not deposited into his IOLTA; and
  - used funds from his IOLTA to advance filing fees on behalf of at least one client.
23. Moreover, respondent's August 1, 2011 letter revealed that respondent:
  - was not keeping records of all funds deposited into his IOLTA;

- was not always depositing client funds into his IOLTA;
  - was using funds from his IOLTA to pay business/personal expenses, such as a parking ticket for a person who met with him regarding a case and the cost of an identification badge for a student who did an externship in his office; and
  - had failed to appear for a hearing on behalf of a client.
24. On August 8, 2011, relator sent respondent a detailed letter listing several concerns that relator had with the way respondent was managing his IOLTA. Having recently completed another investigation of respondent's IOLTA, relator required respondent to meet with an attorney who practices in the area of professional ethics and receive professional advice on how to manage his IOLTA in accordance with the Rules of Professional Conduct.
25. On August 23, 2011, respondent contacted relator via email and advised relator that he could not afford the services of a professional ethics attorney, but that the Cleveland Metropolitan Bar Association had offered to replay a trust account CLE for him. Respondent inquired whether watching the CLE would satisfy relator's requirement that he obtain professional advice regarding his IOLTA.
26. On the same day, relator advised respondent that watching the CLE would satisfy relator's requirement. Relator also requested that after watching the CLE, respondent perform a "mini-audit" on his IOLTA, that he create a revised general ledger and client ledgers, and that he provide the results of his mini-audit, as well as his revised ledgers to relator. Relator requested this information by September 10, 2011.
27. Respondent did not provide any information to relator by September 10, 2011. Accordingly, on September 16, 2011, relator sent respondent another letter

requesting that he provide the results of his "mini-audit," as well as copies of his revised general ledger and client ledgers.

28. On September 23, 2011, respondent sent an email to relator, which stated that "crucial pro bono work has slowed me in responding to your demands for office documents," but that he would mail the requested information "post haste."
29. On September 30, 2011, respondent provided a general ledger and client ledgers that were not in compliance with the Rules of Professional Conduct. Accordingly, relator requested a meeting with respondent to discuss his IOLTA.
30. On December 8, 2011, respondent met with relator's counsel and a paralegal from relator's office. During this meeting, respondent created a client ledger that was in compliance with the Rules of Professional Conduct and worked through several hypothetical situations involving client and non-client funds. Respondent was also given the opportunity to ask questions of relator's counsel and/or the paralegal before leaving the meeting.
31. On December 12, 2011, relator sent respondent a follow up letter. Relator requested that respondent send his IOLTA statement, general ledger, and client ledgers to relator each month for the next three months. Per the letter, respondent's December information was due on January 15, 2012, his January information was due on February 15, 2012, and his February information was due on March 15, 2012.
32. Respondent did not provide his December information (IOLTA statement, general ledger, or client ledgers) to relator by January 15, 2012.

33. On February 1, 2012, relator sent respondent a letter giving him until February 15, 2012 to provide his December 2011 and January 2012 information.
34. On February 10, 2012, respondent sent a letter to relator. In his letter, respondent stated that he is "not sure that today [he] can follow the IOLTA rules completely." He requested "a little more time to study the matter" and prove that he can manage his IOLTA correctly.
35. Relator gave respondent until March 15, 2012 to provide his IOLTA statements, general ledger, and client ledgers for December 2011, January 2012, and February 2012.
36. As of June 7, 2012, relator has received no further information from respondent.
37. Respondent's conduct with respect to his IOLTA violates the Rules of Professional Conduct, specifically Prof. Cond. R. 1.15(a) (requiring a lawyer to hold property of clients or third persons separate from the lawyer's own property); Prof. Cond. R. 1.15(a)(2) (requiring a lawyer to maintain a record for each client on whose behalf funds are held that sets forth all of the following: the name of the client; the date, amount, and source of all funds received on behalf of such client; the date, amount, payee, and purpose of each disbursement made on behalf of such client; and the current balance for each client); Prof. Cond. R. 1.15(b) (permitting a lawyer to deposit the lawyer's own funds in a client trust account for the sole purpose of paying or obtaining a waiver of bank service charges); and Prof. Cond. R. 1.15(d) (requiring a lawyer to deposit legal fees and expenses that have been paid in advance to be withdrawn by the lawyer only as fees are earned or expenses incurred).

38. Respondent's conduct with respect to relator's investigation of his IOLTA violates the Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio, specifically Prof. Cond. R. 8.1(a) (prohibiting a lawyer from knowingly making a false statement of fact in connection with a disciplinary matter); Prof. Cond. R. 8.1(b) (requiring a lawyer to respond to a demand for information from a disciplinary authority); and Gov. Bar. R. V(4)(G) (requiring a lawyer to cooperate with a disciplinary investigation).

***Count Two - Darcelle Banks***

39. On December 14, 2011, Darcelle Banks was arrested.
40. On December 22, 2011, Banks was indicted in the Cuyahoga County Court of Common Pleas on two counts of kidnapping, two counts of rape, one count of attempted rape, and one count of carrying a concealed weapon.
41. On December 28, 2011, the court appointed Attorney Steven L. Bradley to represent Banks.
42. Around this same time, Banks' girlfriend/fiancée, Kandeise Barkley, retained respondent to represent Banks.
43. Barkley paid respondent \$700 to represent Banks.
44. On December 29, 2011, respondent filed a Motion for Bill of Particulars, a Demand for Discovery, a Motion for Evidence of Notice, and a Motion for Continuance on behalf of Banks.
45. Thereafter, respondent participated in four pre-trial conferences on January 3, 2012, January 18, 2012, February 1, 2012, and February 22, 2012. He also

corresponded with Attorney Kristin Karkutt, the Cuyahoga County Assistant Prosecutor assigned to Banks' case.

46. Banks' trial was scheduled for March 12, 2012.
47. On March 5, 2012, respondent failed to appear for the final pre-trial conference.
48. Thereafter, Attorney Karkutt attempted to contact respondent at least once, and the court attempted to contact respondent at least twice. Neither Attorney Karkutt nor the court received a response from respondent.
49. On March 12, 2012, respondent failed to appear for Banks' scheduled trial.
50. On March 12, 2012, the court converted Banks' trial into a pre-trial and continued the matter in order to locate respondent.
51. Unable to locate respondent, on March 19, 2012, the court re-appointed Attorney Steven Bradley to represent Banks.
52. On or about March 16, 2012, Barkley filed a grievance against respondent with the Cleveland Metropolitan Bar Association (CMBA).
53. On March 23, 2012, the CMBA notified relator of Barkley's grievance. Because relator already had one open investigation on respondent (count one), Barkley's grievance was transferred to relator for further handling.
54. On April 17, 2012, relator sent respondent a Letter of Inquiry via certified mail regarding Barkley's grievance.
55. Respondent failed to claim this letter; therefore, it was returned to relator on or about May 6, 2012.
56. On May 7, 2012, relator sent respondent a Second Letter of Inquiry via certified and regular mail.

57. Respondent failed to claim the certified letter; therefore, it was returned to relator on or about May 27, 2012. The regular mail letter was not returned.
58. As of June 7, 2012, respondent has not refunded any portion of the \$700 that he received from Barkley to represent Banks.
59. Respondent's conduct with respect to Darcelle Banks violates the Ohio Rules of Professional Conduct, specifically Prof. Cond. R. 1.3 (requiring a lawyer to act with reasonable diligence and promptness in representing a client); Prof. Cond. R. 1.4 (requiring a lawyer to comply as soon as practicable with reasonable requests for information from the client); and Prof. Cond. R. 8.4(d) (prohibiting a lawyer from engaging in conduct that adversely reflects on the lawyer's fitness to practice law).
60. Respondent's conduct with respect to relator's investigation of Barkley's grievance violates the Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio, specifically Prof. Cond. R. 8.1(b) (requiring a lawyer to respond to a demand for information from a disciplinary authority) and Gov. Bar. R. V(4)(G) (requiring a lawyer to cooperate with a disciplinary investigation).

### **CONCLUSION**

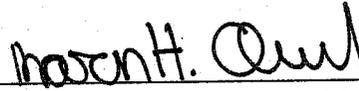
Wherefore, pursuant to Gov. Bar R. V and the Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.

Respectfully Submitted,



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Jonathan E. Coughlan (0026424)  
Disciplinary Counsel



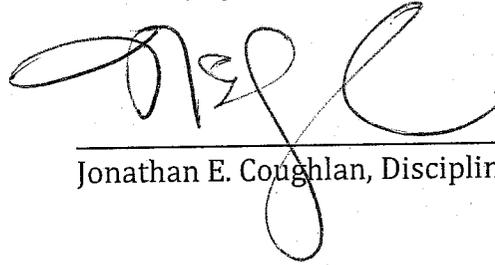
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Karen H. Osmond (0082202)  
Staff Attorney  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411  
(614) 461-0256

## CERTIFICATE

The undersigned, Jonathan E. Coughlan, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Karen H. Osmond is duly authorized to represent relator in the premises and has 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: July 3, 2012



Jonathan E. Coughlan, Disciplinary Counsel

### **Gov. Bar R. V, § 4(I) Requirements for Filing a Complaint.**

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

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(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.





# The Supreme Court of Ohio

## CERTIFICATION

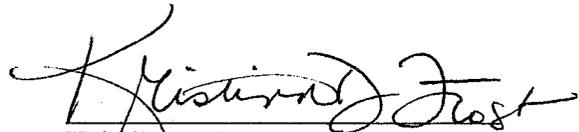
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BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

I, Kristina D. Frost, certify that I was served on the Fifteenth day of November, 2012, with a copy of the Notice to Respondent of Filing of Complaint, a copy of the Complaint and Certificate, and a copy of an Entry, issued in the case of In re: Complaint Against Ronald Robinson, Respondent; Disciplinary Counsel, Relator (Case No. 12-053).

I received true and attested copies of the documents set forth above, addressed to the Respondent at his last known address, from the Secretary of the Board of Commissioners on Grievances and Discipline in conformity with Rule V, Section 11(B) of the Rules for the Government of the Bar.



Kristina D. Frost  
Clerk of the Court

# The Supreme Court of Ohio

## BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

65 SOUTH FRONT STREET, 5<sup>TH</sup> FLOOR, COLUMBUS, OH 43215-3431

614.387.9370 888.664.8345

RICHARD A. DOVE  
SECRETARY

FAX: 614.387.9379  
www.supremecourt.ohio.gov

MICHELLE A. HALL  
SENIOR COUNSEL

November 27, 2012

Ronald Robinson  
1276 West 3<sup>rd</sup> Street, Suite 424  
Cleveland, OH 44113

Re: Disciplinary Counsel v.  
Ronald Robinson  
Case No. 12-053

Dear Mr. Robinson:

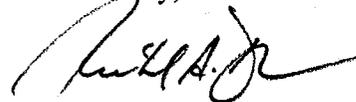
On August 6, 2012, the Board of Commissioners on Grievances and Discipline certified a formal complaint naming you as the respondent in the above-captioned disciplinary matter. A copy of the enclosed complaint was sent to you via certified mail to 1276 W. 3<sup>rd</sup> Street, Suite 424, Cleveland and service was returned as undeliverable. The complaint was also sent to you via certified mail to 4137 Feiner Drive, Cleveland and was returned as unclaimed. Pursuant to Gov. Bar R. V, Section 11, the complaint was served on the Clerk of the Supreme Court, and the Clerk accepted service on November 15, 2012. As of the date of this letter, the Board has not received your answer to the formal complaint or a motion to extend the time for filing an answer.

Pursuant to Gov. Bar R. V, Section 6a, you are hereby notified that the Board will certify your default to the Supreme Court thirty days from the date of this letter. To avoid certification of default, you must file an answer to the formal complaint with the Board prior to the expiration of the thirty-day period. No extension of time to file an answer is authorized by the rule.

Please note that the certification of default may result in your immediate suspension from the practice law by the Supreme Court of Ohio.

If you have questions regarding this matter, please contact the Board of Commissioners on Grievances and Discipline at (614) 387-9370.

Sincerely,



Richard A. Dove

Enclosure

cc: Jonathan E. Coughlan  
Karen H. Osmond