

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

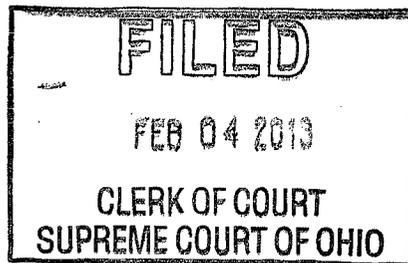
In re:	:	
Complaint against	:	Case No. 12-001
Maureen Frances Gechter Attorney Reg. No. 0042136	:	13-0225 Findings of Fact, Conclusions of Law, and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio
Respondent	:	
Disciplinary Counsel	:	
Relator	:	

OVERVIEW

{¶1} On May 4, 2012, Teresa Sherald, Janica Pierce Tucker, and McKenzie K. Davis, chair were appointed panel members in the captioned matter. None of the panel members is from the appellate district from which the complaint originated, nor did any of the panel members serve on the probable cause panel that certified the grievance.

{¶2} Karen Osmond represented Relator. Maureen Frances Gechter appeared pro se.

{¶3} Based on the evidence presented and the parties' stipulations, the panel finds that Respondent is suffering from a mental illness, as defined in R.C. 5122.01, and recommends that Respondent be suspended pursuant to Gov. Bar R. V, Section 7. The panel further recommends that proceedings on the formal complaint be stayed.



PROCEDURAL HISTORY

{¶4} On November 1, 2011, the Supreme Court of Ohio suspended Respondent from the practice of law for failing to file a certificate of registration and failing to pay applicable attorney registration fees. Respondent remains under suspension.

{¶5} On February 13, 2012, Relator filed a two-count complaint against Respondent.

{¶6} Count One of the complaint alleges violations of Prof. Cond. R. 1.1 [competence]; Prof. Cond. R. 1.3 [diligence]; Prof. Cond. R. 1.4(a)(4) [comply as soon as practicable with reasonable requests for information from a client]; Prof. Cond. R. 8.4(c) [conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. R. 8.4(d) [conduct that is prejudicial to the administration of justice]; Prof. Cond. R. 8.1(b) [requiring a lawyer to respond to a demand for information from an admission or disciplinary authority]; and Gov. Bar R. V, Section 4(G) [requiring a lawyer to cooperate with a disciplinary investigation].

{¶7} Count Two of the complaint alleges violations of Prof. Cond. R. 3.4 [prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal]; Prof. Cond. R. 8.4(d); Prof. Cond. R. 8.1(b); and Gov. Bar R. V, Section 4(G).

{¶8} Respondent filed an answer on May 3, 2012. In the answer, Respondent denied the majority of the allegations for “lack of knowledge or information sufficient to form a belief.” This response was given because, at the time of the alleged violations, Respondent was suffering from severe mental health illness.

{¶9} Given the basis for Respondent’s answer, Relator contacted Respondent regarding how to proceed. After being presented various options, Respondent asserted that a mental illness suspension would be most appropriate.

{¶10} On August 28, 2012, Respondent and Relator filed a joint request for psychiatric examination of Respondent. Shortly after, the panel ordered Respondent to submit to a psychiatric examination by Dr. Arthur L. Rosenbaum.

{¶11} After copies of Dr. Rosenbaum's report were distributed to the parties, Relator filed an objection to the report. Specifically, Relator objected to the incomplete nature of the report. The panel agreed and ordered Respondent to submit to a second psychiatric examination.

{¶12} On December 10, 2012, Respondent met with Dr. Dennis Helmuth. Dr. Helmuth's report was distributed to the parties on December 21, 2012. Neither party objected to Dr. Helmuth's report. His report is the basis for the request for a mental illness suspension.

{¶13} Dr. Helmuth held a face-to-face interview with Respondent. He clearly described his role in the matter.

{¶14} The report indicated that Respondent is currently receiving services from Portage Path Behavioral Health, but is unsure of her diagnosis. The report further stated Respondent is depressed and acknowledges she has had suicidal thoughts as recent as a month ago (November of 2012).

{¶15} Dr. Helmuth concluded that, "with reasonable medical certainty, that Maureen Gechter does suffer from a clinically significant mental illness" (recurrent major depressive disorder that is currently of moderate to severe severity). Helmuth Report. Additionally, "her condition does meet the Section 7 criterion that it 'substantially impairs the ability of an attorney to practice law.'" *Id.* Finally, the report concluded it would be a number of years before she could be restored to the mental capacity for practicing law. *Id.*

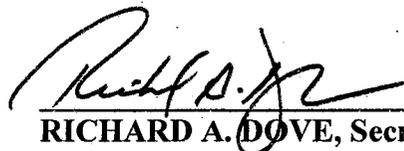
PANEL RECOMMENDATION

{¶16} The panel finds by clear and convincing evidence that Respondent suffers from an existing mental illness that substantially impairs her ability to practice law. The panel recommends that Respondent be placed on a mental illness suspension pursuant to Gov. Bar R. V, Section 7(B), that further proceedings in this matter be stayed, and that the Board forthwith certify the complaint to the Supreme Court of Ohio pursuant to Gov. Bar R. V, Section 7.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 7, the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on February 1, 2013. The Board adopted the findings and recommendation of the panel and recommends that Respondent, Maureen Frances Gechter, be placed on a mental illness suspension by the Supreme Court pursuant to Gov. Bar R. V, Section 7. The Board further recommends that the costs 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