

ORIGINAL

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

In Re: : SCO Case No. 2008-2493

Reinstatement of : BCGD Case No. 2008-025

Aaron Anthony Ridenbaugh :  
Attorney Reg. No. 0076823 :

Disciplinary Counsel :  
Relator : **Findings of Fact,  
Conclusions of Law, and  
Recommendation of the  
Board of Commissioners on  
Grievances and Discipline of  
the Supreme Court of Ohio**

FILED  
APR 08 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

**ON PETITION FOR REINSTATEMENT TO THE PRACTICE OF LAW PURSUANT  
TO GOV. BAR R. V, SECTION 10**

{¶1} This matter was heard on January 4, 2013 in Columbus upon the petition of Aaron Anthony Ridenbaugh for reinstatement to the practice of law, pursuant to Rule V, Section 10(A) of the Rules for the Government of the Bar of Ohio, before a panel consisting of Robert Gresham, Alvin R. Bell, and Bernard K. Bauer, chair. None of the panel members was from the appellate district in which Petitioner resides or of the appellate district in which Petitioner resided at the time of his suspension.

{¶2} Petitioner was represented by Kenneth L. Gibson and Relator was represented by Heather L. Coglianesse. Petitioner was present.

{¶3} The burden is on Petitioner to show by clear and convincing evidence that he should be reinstated to the practice of law. Petitioner must establish that he possesses all of the mental, educational, and moral qualifications that were required of an applicant for admission to

the practice of law at the time of his original admission, and that he is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action. Petitioner must also show by clear and convincing evidence that he has made restitution to persons harmed by his misconduct, and that he has complied with the continuing legal educational requirements as prescribed by Gov. Bar R. X, Section 3(G). Additionally, based upon the order of suspension, the Petitioner must show that he has complied with the terms of his court ordered community control, completed his Ohio Lawyer's Assistance Program (OLAP) contract and continued his psychiatric treatment, and is able to return to the competent, ethical and professional practice of law.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

{¶4} At the hearing, the panel heard testimony from Petitioner and three witnesses on his behalf and considered the agreed stipulations and exhibits of the parties.

{¶5} Petitioner was admitted to the practice of law in the State of Ohio on November 10, 2003, and is subject to the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.

{¶6} Petitioner received an interim suspension for conviction of a felony on February 7, 2008. See *In re Ridenbaugh*, 116 Ohio St.3d 1511, 2008-Ohio-441.

{¶7} Petitioner "was indicted on three counts of intercepting wire, oral, or electronic communications in violation of R.C. 2933.32(A)(1), a felony of the fourth degree, and four counts of voyeurism in violation of R.C. 2907.08(A), a misdemeanor of the third degree, for acts occurring on April 21, 2005, September 27, 2006, and May 21, 2007. He eventually pleaded guilty to a bill of information charging him with three counts of pandering sexually oriented matter involving a minor in violation of R.C. 2907.322(A)(5), a felony of the fourth degree, and

one count of the illegal use of a minor in nudity-oriented material or performance in violation of R.C. 2907.323(A)(3), a felony of the fifth degree, for acts occurring on November 9, 2006.”

*Disciplinary Counsel v. Ridenbaugh*, 122 Ohio St.3d 583, 2009-Ohio-4091, at ¶7.

{¶8} Specifically based upon the stipulations of the parties, the Court found that Petitioner “has admitted violations of DR 1-102(A)(3), prohibiting a lawyer from engaging in illegal conduct involving moral turpitude, and Prof.Cond.R. 8.4(b), prohibiting a lawyer from committing an illegal act that reflects adversely on the lawyer’s honesty or trustworthiness. He also admits violations of DR 1-102(A)(6) and Prof.Cond.R. 8.4(h), both prohibiting a lawyer from engaging in conduct that adversely reflects on the lawyer’s fitness to practice law. We accept these stipulations and find the requisite clear and convincing evidence that respondent committed this professional misconduct.” *Id.* at ¶9.

{¶9} Based upon these findings and conclusions, Petitioner was indefinitely suspended from the practice of law on August 20, 2009.

{¶10} Petitioner has not previously petitioned for reinstatement, and more than two years have elapsed since his indefinite suspension was ordered on August 20, 2009.

{¶11} There are no formal disciplinary proceedings pending against Petitioner.

{¶12} Petitioner has completed CLE attendance as required by the order of suspension and by Gov. Bar R. X (3)(G) and is in compliance with CLE and registration requirements in the State of Ohio as of the filing of his petition.

{¶13} All costs of the prior proceeding have been paid.

{¶14} There was no requirement of restitution.

{¶15} Petitioner completed his contract with OLAP on or about June 12, 2012.

{¶16} Petitioner complied with the terms of his community control sanctions imposed by the Stark County Court of Common Pleas and was released by the court on or about August 16, 2010.

{¶17} It is likewise clear to this hearing panel that Petitioner has continued his psychiatric treatment and is able to return to the competent, ethical, and professional practice of law.

{¶18} Petitioner offered the testimony of Stephen Levin, M.D., a well-qualified psychiatrist, who has continuously treated the Petitioner since June 2007.

{¶19} Dr. Levine's initial assessment of the Petitioner revealed that he suffered from dysthymia, voyeurism, attention deficit disorder, a long history of marijuana dependence, and a passive socially avoidant personality pattern.

{¶20} Dr. Levine testified that the Petitioner "was a shy, unconfident person, very smart, but socially inhibited from making contact -- intimate contact with women." Hearing Tr. 28.

{¶21} Petitioner's depression and attention deficit disorder were treated with medications, "[b]ut the treatment for the paraphilia had to do with psychotherapy and the continuing probing and trying to understand the remote developmental factors and the current social factors that were supporting before his arrest these socially, if you'll excuse the expression, ridiculous behaviors." Hearing Tr. 29.

{¶22} In terms of his current situation, Dr. Levine's opinions about the Petitioner are:

Well, the dysthymia, that is the chronic depression, I think is gone. And as I wrote in a previous report, I can't actually be sure how much it's dependent on the dose of antidepressant which he's taking, which he's totally compliant with, or it's just the maturational shift that has occurred between the OLAP processes and his psychotherapy and time; but I don't really think Aaron is dysthymic or depressed any longer. He's actively engaged in life and he -- he's much more optimistic about his capacity to be in the

world. And I think he's much more confident about his capacity to solve problems.

And as I'm sure all of you are aware, the conditions under which he has been living for the last five years has required a great deal of humility and sort of compliance and acknowledging that there are other views about everything. And so he's been a very good, eager student to learn about how to live a better life. And as a result of that, I think his depression is gone. So that's the first thing.

The paraphilia or the voyeurism -- "paraphilia" is a term that psychiatrists use for a range of unusual behaviors, sexual behaviors; and that's just one of them, voyeurism. I think his voyeurism was a product of the sense of being left out of the world, left out of life processes. And the closest he could get to living a life would be participating surreptitiously in the lives of other people like you would participate if you're looking at pornography or as in the crime that he committed in terms of eavesdropping electronically on other couples.

But as he has grown in the past five years and as he has been punished severely for his criminal activity, he has naturally developed an aversion for anything that -- involving pornography or voyeurism or anything what we would call socially obnoxious or criminal.

In questioning Aaron repeatedly over many, many years, I wasn't just interested in the absence of the behavior, but the absence of fantasy about the behavior; and he doesn't really seem to be preoccupied in any sense with those activities, and I would say that he is no longer paraphilic. He's no longer voyeuristic. He no longer has an interest in pornography. And I think he's now participating in life, in sexual life and he has discovered what ideally we would love all of our patients to discover; that the actual participation with a real live human being is far better than the imagination with pixels or pictures of human beings. And many people with paraphilias, voyeurism and others, even when they have access to a real person as a partner, prefer pictures; and that's not true for Mr. Ridenbaugh. And so I think that's very reassuring.

As to the diagnosis of ADD, whatever residual of attention deficit disorder exists, he will just have to live with. I'm not impressed -- we don't talk about ADD. He takes his medicine. He seems to function vocationally extremely well. So I consider that a nonissue. I just renew his medicine once a year.

And about his character disorder, what I call his passive-dependent, social-avoidant style, he's made dramatic progress in this in that he's engaged in problem solving in an intimate relationship; and he now, rather than being a forlorn, alcohol-dependent, marijuana-dependent person is engaged in things that he likes to do. He loves to golf, so he -- he's always talking about his rare opportunities to golf. He likes to bowl. He likes to do things around his house -- mulch the beds, whatever, take care of the property. He's much more engaged in his life.

He's even engaged in his -- you know, his vocational life in a way that indicates -- I sense that he really enjoys the work that he does. I mean, he enjoyed the years of being a lawyer and now he's enjoying the role he plays -- the lesser role he plays. And I know, of course, he's looking forward to being reinstated if that's possible.

So Aaron is -- you know, if all psychiatrists had patients like Aaron, we'd have a much better reputation as being useful. So --

Hearing Tr. 30-34.

{¶23} Further, marijuana use is no longer an issue in Petitioner's life, according to Dr. Levine.

{¶24} As a consequence of his training, education, experience, and his five years of treatment of Petitioner, it is Dr. Levine's opinion, to a reasonable degree of certainty that Petitioner "could be ethical, moral, cognitively intact, excellent attorney in his field." Hearing Tr. 39.

{¶25} Further, Petitioner has a sustained period of successful treatment. Hearing Tr. 52.

{¶26} Based upon the foregoing, the panel determines, by clear and convincing evidence, that:

- The Petitioner possesses all of the mental, educational and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of his original admission;
- The Petitioner has complied with the continuing legal education requirements of Rule X(3)(G) of the Rules for the Government of the Bar; and

- The Petitioner is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action.

### **RECOMMENDATION**

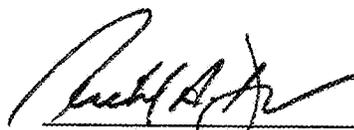
{¶27} Relator has taken no position regarding reinstatement. However, on questioning by the panel, Relator's counsel stated that, "In the original hearing, Dr. Levine was crucial to the panel and everyone's understanding of the Respondent's behavior and what was occurring. And also because the Respondent had only been in therapy for a couple of years at that period of time, there was a lot that was unknown about the progression of his behavior; and today Dr. Levine was able to certainly give a much broader and fuller opinion of that progression over the past five years." Hearing Tr. 99-100.

{¶28} Accordingly, the Panel unanimously recommends that Petitioner be readmitted to the practice of law in Ohio forthwith.

### **BOARD RECOMMENDATION**

Pursuant to Gov. Bar R. V, Section 10, the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on April 5, 2013. A majority of the Board concluded that Petitioner is not a proper person to be readmitted to the practice of law in Ohio and recommends that the petition for reinstatement be denied. The Board further recommends that the cost of these proceedings be taxed to Petitioner 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**