

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

In Re:

13-0569

Complaint against	:	
Steven James McBeth	:	Case No. 12-075
Attorney Reg. No. 0063426	:	
Respondent	:	Findings of Fact,
	:	Conclusions of Law, and
	:	Recommendation of the
Cincinnati Bar Association	:	Board of Commissioners on
	:	Grievances and Discipline of
Relator	:	the Supreme Court of Ohio
	:	
	:	

**FILED**  
APR 08 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

CONSENT TO DISCIPLINE

{¶1} This matter was submitted to the panel consisting of Lynn Jacobs, Martha Butler Clark, and John Polito, chair, all of whom are duly qualified members of the Board, as a consent to discipline matter pursuant to BCGD Proc. Reg. 11.

{¶2} The consent to discipline agreement was filed with the Board on January 31, 2013, which is within the time period following the appointment of the panel.

{¶3} The panel finds that this agreement conforms to BCGD Proc. Reg. 11 and the panel recommends acceptance of the agreement including the stipulations of facts and the violations of Prof. Cond. R. 1.1, Prof. Cond. R. 1.3, Prof. Cond. R. 1.4(a), Prof. Cond. R. 1.5(a), and Prof. Cond. R. 1.15(a).

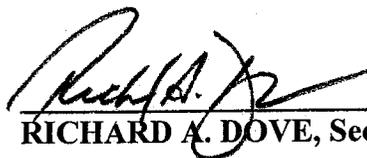
{¶4} The panel accepts the agreed sanction of a two-year suspension, with 18 months stayed on conditions of compliance with a two-year OLAP contract with monitored probation for

the duration of the suspension. The sanction is consistent with *Disciplinary Counsel v. Burchinal*, 133 Ohio St.3d 38, 2012-Ohio-3882.

### **BOARD RECOMMENDATION**

Pursuant to Gov. Bar R. V, Section 6(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on April 5, 2013. The Board voted to accept and adopt the agreement entered into by Relator and Respondent. The agreement sets forth the misconduct and a sanction of a two-year suspension from the practice of law in Ohio, with 18 months stayed on conditions of compliance with a two-year OLAP contract with monitored probation for the duration of the suspension. The Board recommends acceptance of the agreement and imposition of the agreed sanction. 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 Recommendations as those of the Board.**

  
\_\_\_\_\_  
RICHARD A. DOVE, Secretary

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

FILED

JAN 31 2013

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Steven James McBeth, Esq. (0063426)

BOC Case No. 12-075

Hamilton County Public Defender's  
Office  
230 E. 9th Street, 3rd Floor  
Cincinnati, OH 45202

Consent to Discipline

or

3600 Rio Bravo Trail  
Cleveland, OH 45002

Respondent,

CINCINNATI BAR ASSOCIATION  
225 East Sixth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

Relator.

(1) Conditioned upon the acceptance of this Consent to Discipline by the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, and based on the Stipulation of Facts submitted herewith, Respondent admits to violating his oath of office and the Ohio Rules of Professional Conduct, specifically Rules 1.1, 1.3, 1.4(a), 1.5(a), and 1.15(a), as follows:

- a. Rule 1.1, by failing to provide competent representation to Mr. Smith.
- b. Rule 1.3, by failing to diligently represent Mr. Smith.

- c. Rule 1.4(a), by failing to communicate with Mr. Smith.
- d. Rule 1.5(a), by charging a clearly excessive fee to Mr. Smith.
- e. Rule 1.15(a), by failing to hold Mr. Smith's retainer separate from his own property.

(2) Respondent and Relator agree to the following mitigating factors:

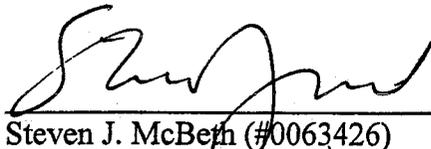
- a. Respondent has no prior disciplinary history.
- b. Respondent has been cooperative in the investigation process.
- c. Respondent suffers from diagnosed chemical dependency and mental health issues. He was admitted to an inpatient alcohol and drug treatment program on March 29, 2012. He successfully completed the program on April 24, 2012. Respondent's counselor determined that Respondent's misconduct was a result of these issues. *See attached Exhibit A.*
- d. Respondent has made restitution to each of the clients to whom he owed funds.

(3) Respondent and Relator agree to the following aggravating factor:

- a. Respondent exhibited a dishonest motive by accepting his client's retainer and spending it on himself.

(4) Respondent and Relator agree to the sanction of a two-year suspension, with 18 months stayed on the condition that Respondent signs and complies with an OLAP contract and serves monitored probation for the duration of his two-year suspension. Respondent and Relator also agree that Respondent will pay the costs of this action.

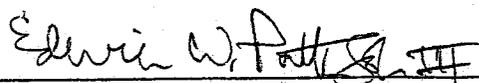
By:

  
\_\_\_\_\_  
Steven J. McBeth (#0063426)  
3600 Rio Bravo Trail  
Cleveland, OH 45002

By:

  
James A. Comodeca (#0038564)  
1900 Chemed Center  
255 E. 5<sup>th</sup> Street  
Cincinnati, OH 45202  
(513) 977-8358  
[jim.comodeca@dinsmore.com](mailto:jim.comodeca@dinsmore.com)

By:

  
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225 East Sixth St., 2<sup>nd</sup> Fl.  
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Phone: (513) 699-1403  
[ewpatterson@cincybar.org](mailto:ewpatterson@cincybar.org)

# Kirk Sheppard, MA, LMHC, PCC-S

1150 Harrison Avenue Suite 107 Harrison, OH 45030 (513) 367-4222  
[kirk@kirkthecounselor.com](mailto:kirk@kirkthecounselor.com) <http://www.kirkthecounselor.com>

December 27, 2012

Dinsmore & Shohl, LLP  
Attn: James A. Comodeca, Esquire  
255 East Fifth Street, Suite 1900  
Cincinnati, OH 45202

Mr. Comodeca

In response to Steven McBeth's request to provide information for his disciplinary proceedings, it is my clinical and expert opinion that Mr. McBeth's behavior was a result of his mental health issues and chemical dependency.

Mr. McBeth has a diagnosis of Cocaine Dependency and Mood Disorder NOS (304.23 and 296.90 in the DSM-IV TR respectively) and has been under my care since April 26, 2012. Prior to that, he was treated as an inpatient for the same issues. He is currently taking Seroquel to help control his mood and impulses.

Steve has been faithful in his attendance, has worked diligently on remaining sober, repairing his relationships, and getting his life together since we met. He has consistently attended AA and NA meetings, is working through the AA steps under the supervision of a sponsor, and has come to counseling regularly.

I believe that he will continue to be faithful in his recovery program as he has demonstrated for the last seven months. I believe that he will benefit from a continued therapeutic relationship with me and he has agreed to continue coming to counseling appointments.

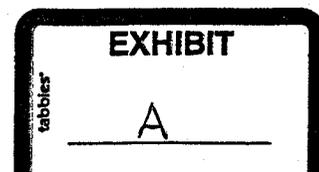
On a personal note, Steve has demonstrated to me a definitive desire to remain sober and to improve the quality of his life. He is committed to his family and his community and I would strongly urge you to consider the above during these proceedings.

If you have further questions, please contact me.

Sincerely,

 Kirk Sheppard, MA, LMHC, PCC-S

Kirk Sheppard, MA, LMHC, PCC-S  
Ohio License E.0700338



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ON GRIEVANCES AND DISCIPLINE OF  
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Complaint against

Steven James McBeth, Esq. (0063426)

Hamilton County Public Defender's  
Office  
230 E. 9th Street, 3rd Floor  
Cincinnati, OH 45202

BOC Case No. 12-075

STIPULATION OF FACTS

or

3600 Rio Bravo Trail  
Cleves, OH 45002

Respondent,

CINCINNATI BAR ASSOCIATION  
225 East Sixth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

Relator.

Come now Relator and Respondent, through counsel, and hereby enter into the following stipulations of fact:

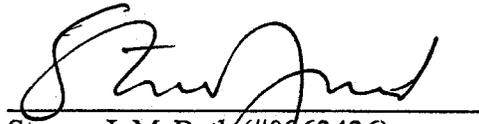
1. Respondent, Steven McBeth, has been licensed to practice law in the State of Ohio since November, 1994.
2. On March 11, 2011, Respondent agreed to represent Timothy J. Smith in a lawsuit against Mr. Smith's former girlfriend for property and personal injury damages. Mr. Smith paid Respondent a \$1,500.00 retainer fee.
3. Respondent represented to Mr. Smith that he filed a civil suit in June 2011. In fact, no suit was ever filed.

4. Mr. Smith attempted to call and email Respondent numerous times after June 2011. Respondent finally made telephone contact with Mr. Smith in January 2012.
5. Respondent admitted to Mr. Smith that he had never filed a lawsuit, and had spent his \$1,500.00 retainer on personal items.
6. When Relator's investigator spoke with Respondent in July 2012, Respondent readily admitted that he took \$1,500.00 from Mr. Smith, spent the money, and provided no legal services to him.
7. Respondent also indicated that he owed money to two other former clients to wit: Mr. Williams (\$525) and Peggy Whittington (\$300).
8. Respondent confirmed he has been suffering from chemical dependency and mental health issues. He successfully completed an inpatient alcohol and drug treatment program on April 24, 2012.
9. Respondent has fully cooperated with Relator's investigation.
10. Respondent has made full restitution to each of the clients to whom he owed funds.



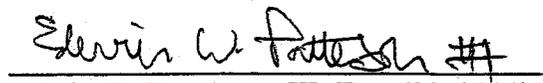
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Steven J. McBeth (#0063426)  
3600 Rio Bravo Trail  
Cleveland, OH 45002



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Edwin W. Patterson, III, Esq. (0019701)  
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Phone: 513-699-1403  
Email: [ewpatterson@cincybar.org](mailto:ewpatterson@cincybar.org)

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Steven James McBeth, Esq. (0063426)

Hamilton County Public Defender's  
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230 E. 9th Street, 3rd Floor  
Cincinnati, OH 45202

BOC Case No. 12-075

Affidavit of Steven James McBeth

or

3600 Rio Bravo Trail  
Cleveland, OH 45002

Respondent,

CINCINNATI BAR ASSOCIATION  
225 East Sixth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

Relator.

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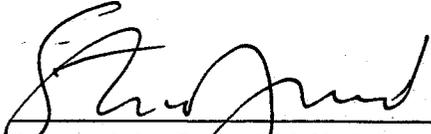
STATE OF OHIO                    )  
  )     SS:  
COUNTY OF HAMILTON         )

I, Steven McBeth, an attorney licensed to practice law in Ohio, being duly cautioned and sworn, state upon personal knowledge the following:

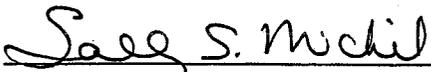
1. The Supreme Court of Ohio admitted me to the practice of law in the State of Ohio in 1994, and the Attorney Services Division, Attorney Registration Section, assigned Attorney Registration No. 0063426.
2. I make this Affidavit as a part of and to carry into effect an agreement I made with the Cincinnati Bar Association (the "Bar") in December, 2012. The Bar and I made the agreement entitled "Consent to Discipline," under Section 11 of the Rules and Regulations Governing Procedure on Complaints and Hearings Before the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.
3. On March 11, 2011, I agreed to represent Timothy J. Smith in a lawsuit against Mr. Smith's former girlfriend for property and personal injury damages. Mr. Smith paid me a \$1,500.00 retainer fee.
4. I represented to Mr. Smith that I filed a civil suit in June 2011. In fact, no suit was ever filed.
5. Mr. Smith attempted to call and email me numerous times after June 2011. I finally made telephone contact with Mr. Smith in January 2012.
6. I admitted to Mr. Smith that I had never filed a lawsuit, and had spent his \$1,500.00 retainer on personal items.
7. When Relator's investigator spoke with me in July 2012, I readily admitted that I took \$1,500.00 from Mr. Smith, spent the money, and provided no legal services to him.
8. When Relator's investigator spoke with me in July 2012, I admitted to owing money to two other former clients: Samuel Williams (\$525) and Peggy Whittington (\$300).
9. I suffer from diagnosed chemical dependency and mental health issues. I was admitted to an inpatient alcohol and drug treatment program on March 29, 2012. I successfully completed the program on April 24, 2012.

10. I have made restitution to each of the clients to whom I owed funds.
11. I admit that these facts constitute grounds for the Supreme Court of Ohio to impose discipline for misconduct and I admit that I committed the misconduct set forth herein.
12. I acknowledge that the agreement sets forth all charges of misconduct against me.
13. As a sanction of my misconduct, I agree to accept the sanction of a two-year suspension, with 18 months stayed on the condition that I sign and comply with an OLAP contract and serve monitored probation for the duration of my two-year suspension. I further agree to pay the costs of this action.
14. Without coercion or duress, I freely and voluntarily admit the facts serving as the basis of the Cincinnati Bar Association's complaint against me and agree to consent to discipline. I am fully aware of the implications of the admissions and the agreement on my ability to practice law in Ohio.
15. I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanctions for the misconduct I have admitted.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Steven J. McBeth (#0063426)  
3600 Rio Bravo Trail  
Cleveland, OH 45002

Sworn and subscribed in my presence this 30 day of January, 2013.

  
\_\_\_\_\_  
Notary Public

SALLY SUE MICHEL  
Notary Public, State of Ohio  
My Commission Expires Jan. 22, 2018