

Original

IN THE SUPREME COURT OF OHIO

ORIGINAL

CASE NO. 1

Cuyahoga County Bar Association
NKA Cleveland Metropolitan Bar
Association,

Relator,

vs.

Steven A. Freedman

Respondent.

CASE NO. 2004-2112

RESPONDENT'S MOTION FOR
CLARIFICATION AND SPECIFICITY
AS TO THE GROUNDS UPON WHICH
RESPONDENT'S APPLICATION FOR
REINSTATEMENT FILED ON
OCTOBER 26, 2012 WAS DENIED
ON JANUARY 17, 2013

CASE NO. 2

Cuyahoga County Bar Association
NKA Cleveland Metropolitan Bar
Association,

Relator,

vs.

Steven A. Freedman

Respondent.

CASE NO. 2008-0772

RESPONDENT'S MOTION FOR
CLARIFICATION AND SPECIFICITY
AS TO THE GROUNDS UPON WHICH
RESPONDENT'S APPLICATION FOR
REINSTATEMENT FILED ON
OCTOBER 26, 2012 WAS DENIED
ON JANUARY 17, 2013

Now comes Steven A. Freedman, Respondent in both of the cases set forth above, and hereby submits concurrently in both of said cases his *Motion for Clarification and Specificity* as

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SUPREME COURT OF OHIO

to The Grounds Upon Which Respondent's Application for Reinstatement Filed on October 26, 2012 Was Denied on January 17, 2013, as set forth in this Court's Order of January 17, 2013.

In support of and for the Court's consideration in connection with this motion, Respondent submits the attached *Memorandum in Support of Motion*, which is incorporated herein by reference as if fully rewritten hereafter.

Respectfully submitted,



Steven A. Freedman, Respondent *pro se*
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SERVICE

Copies of this Motion and Memorandum have been sent by ordinary first-class United States mail to the Cleveland Metropolitan Bar Association fka the Cuyahoga County Bar Association, 1301 East 9th Street, Second Level - Cleveland, OH 44114-1253 and to the Board of Commissioners on Grievances & Discipline, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431.



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CASE NO. 1

**Cuyahoga County Bar Association
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vs.

Steven A. Freedman

Respondent.

CASE NO. 2004-2112

**MEMORANDUM IN SUPPORT OF
RESPONDENT'S MOTION FOR
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AS TO THE GROUNDS UPON WHICH
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OCTOBER 26, 2012 WAS DENIED ON
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**MEMORANDUM IN SUPPORT OF
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OCTOBER 26, 2012 WAS DENIED ON
JANUARY 17, 2013**

Research for precedent supporting this *Motion for Clarification and Specificity as to The Grounds Upon Which Respondent's Application for Reinstatement Filed on October 26, 2012 Was Denied on January 17, 2013* ("Motion") disclosed numerous instances in which this Court

summarily dismissed motions which, at least by caption, appeared to seek clarification from the Court of a previous order, but were, in reality, thinly-veiled subterfuges submitted for the true purpose of placing before the Court untimely and/or inappropriate motions to reconsider, rather than get clarification, of that earlier order. Such is not the case here. In fact, Respondent ("I" or other appropriate form of first-person) knows and acknowledges that if my *Application For Reinstatement* filed on October 26, 2012, was to be reconsidered *de novo* at this time, due to circumstantial changes (the addition of several required hours of continuing education being one) which have occurred in the time ensuing since it was originally submitted, the mandated outcome would be its denial. Therefore, I specifically and explicitly neither desire nor request reconsideration by the Court of that *Application* at this time. It is my intention, goal, and hope, that upon receiving the clarification from the Court sought by this Motion, the previous failures which caused the October 26th *Application* to be denied on January 17, 2013, will be corrected, and all new requirements imposed by the passage of time, will also be met and satisfied. At that time, and *not* before, I will again apply for reinstatement, and, hopefully, have a more successful outcome.

Simply stated, the instant *Motion* is submitted because the Court's general denial of my October twenty-sixth *Application* necessarily and implicitly means that the Court has determined that my statements that all requirements and conditions precedent for reinstatement had been satisfied, all of which I made in good faith and under oath by my Affidavit, were, in fact, not true. By this Motion, I now respectfully request this Honorable Court simply to clarify and identify those specific condition(s), requirement(s), action(s), agreement(s) and/or payment(s) which the Court found to be unmet, unsatisfied and/or uncompleted, so as to bar my reinstatement in January, and which, if done, will do so no longer.

The necessity of this Motion and the request to learn what is lacking is enhanced by a side-to-side comparison between the checklist of the requirements for reinstatement, as set forth in the Court's suspension orders and Rules, and as understood by this Respondent, and the factual conditions which existed at the time of submission of the Application, also as understood by this Respondent. This comparison is best made as set forth below:

Conditions for Reinstatement

Respondent's Action

- | | |
|--|--|
| 1. "Respondent must file all overdue tax returns" (Case No. 2004-2112, @¶19) | 1. All tax returns required of Respondent for the years 1992 through 2011 have been filed
(Affidavit of M. I. Safenovitz, CPA) |
| 2. Respondent must "present evidence of restoration of his mental health"
(Case No. 2004-2112, @¶19) | 2. Mental health restored; Respondent presents no danger to potential clients, and, from a mental health standpoint, is fully capable of practicing law
(Report from Gary M. Echt, LICDC SAP, Clinical Director, Advanced Psychotherapy Services) |
| 3. Respondent must "pay all of his outstanding Federal, state and local tax obligations, or enter Plans to meet those obligations"
(Case No. 2004-2112, @¶19) | 3. All RITA (local taxes) paid to date;
(Printout from RITA)
Payment plan made with State of Ohio for monthly payments with semi-annual review and adjustment;
(Copy of plan and correspondence)
Collection forbearance payment plan entered with IRS, with continuous payment of current taxes, and application of all refunds to past-due obligations
(Letter from IRS) |
| 4. All court costs paid
Supreme (Case No. 2004-2112, @¶19) | 4. Payment confirmed by Clerk, Supreme Court of Ohio, and Special Counsel, Ohio Attorney General |

5. Respondent shall complete one (1) hour of general continuing legal education for each month or part thereof during the term of suspension and one (1) hour of continuing legal education related to professionalism for each six months or part thereof during the term of suspension
(Gov. Bar R. X and (Case No. 2008-772)
6. Reimbursement of all monies owed to the Clients' Security Fund
(Gov. Bar R. X and (Case No. 2008-772) ever owed to the Fund by Respondent)
7. There must be no pending disciplinary actions against Respondent
8. All terms of probation, community control, intervention in lieu of conviction, or any other sanction imposed as part of a sentence has been completed
9. All terms of any suspensions for a specified period must have expired
10. Respondent must have complied with all Orders of the Court, including all orders of suspension, and submit any application for reinstatement in proper form and number
5. Compliance confirmed by Attorneys' Services Division, Supreme Court of Ohio
6. Compliance confirmed by the Clients' Security Fund
(No money or reimbursement was
7. Confirmed by the Board against the Commissioners on Grievance and Discipline and the Cleveland Metropolitan Bar Association
8. Not applicable per Affidavit of Respondent
9. More than one (1) year transpired between November 16, 2005, the date on which Respondent's one-year suspension commenced, and more than six (6) months transpired from October 14, 2008, the date on which Respondent's six-month suspension commenced, and October 26, 2012, the date on which Respondent filed his Application for Reinstatement
10. Compliance with such orders was sworn-to as fact to the best knowledge, information and belief of Respondent, and confirmed by acceptance of the Application by the Clerk of the Supreme Court

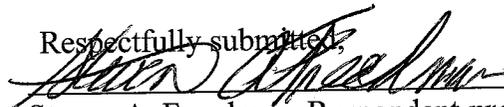
11. Respondent must have complied with all Rules of the Court, including those dealing with the procedures and requirements for reinstatement

11. Compliance with such orders sworn to as fact to the best knowledge, information and belief of Respondent and confirmed by acceptance of Application by the Clerk

Based upon the foregoing comparison, there are only two possible reasons for which the Application could have been denied: first, due to lack of knowledge on the part of this Respondent, the left-hand column is incomplete and does not contain one or more conditions precedent to reinstatement, which, for lack of my knowledge, I did not satisfy; or, two, the list of requirements and conditions is accurate and complete, but the actions of Respondent do not satisfy the Court as substantially complying and/or completing those requirements. This is all that Respondent requests that the Court clarify: Was a required action omitted, and thus not satisfied, or, was there a failure on the part of Respondent to meet his burden with respect to one or more of the requirements shown?

Because this Court has unambiguously and often stated that the primary purpose of the entire process of attorney-disciplinary is for the protection of the public and not the punishment of the offending attorneys, the denial of my Application inherently implies that the specific reason that caused that denial also continues to leave the public in danger if I were to be reinstated. That being the case, I sincerely request from this Court a simple, clarifying order setting forth the specific course of conduct, or single act, the completion or accomplishment of which it still requires from me for reinstatement.

Respectfully submitted,



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