

ORIGINAL

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,	:	
	:	
Relator,	:	Case No. 2011-2026
	:	
v.	:	
	:	
Marc Edward Dann,	:	
	:	
Respondent.	:	

RESPONDENT'S APPLICATION FOR REINSTATEMENT

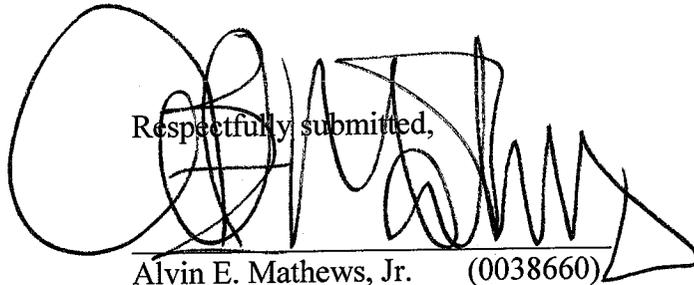
Now comes Respondent Marc E. Dann, by and through counsel, and hereby requests reinstatement to the practice of law in the State of Ohio. Attached hereto and made a part hereof are Respondent's Affidavit in support of this Application, and Appendices evidencing his compliance.

Respondent's license to practice law in the State of Ohio was suspended for a six-month period on November 20, 2012. Respondent submits that he has complied with all of the requirements for reinstatement set forth in Rule V(10)(A) of the Supreme Court Rules for the Government of the Bar and this Court's license suspension Order filed on November 20, 2012. Respondent's attached affidavit details his compliance with the Court's license suspension Order.

Accordingly, Respondent Marc E. Dann respectfully urges the Court to grant his application for reinstatement to the practice of law.

FILED
MAY 21 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Alvin E. Mathews, Jr.', is written over the text 'Respectfully submitted,' and extends across the line of the name below.

Alvin E. Mathews, Jr. (0038660)

JAMES E. ARNOLD & ASSOCIATES, LPA
115 W. Main Street, Fourth Floor
Columbus, OH 43215
Telephone: (614) 460-1619
Facsimile: (614) 469-1134
Email: amathews@arnlaw.com

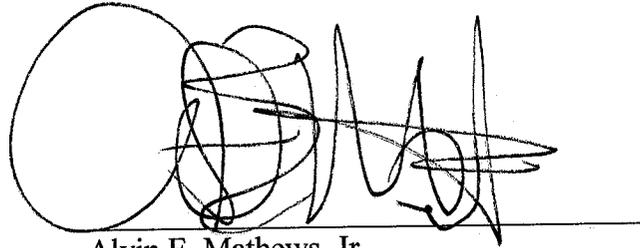
Counsel for Respondent
Marc Edward Dann

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Respondent's Application for Reinstatement was served upon the following via U.S. mail, postage prepaid, this 21st day of May, 2013.

Joseph M. Caligiuri, Esq.
Senior Asst. Disciplinary Counsel
Office of Disciplinary Counsel
The Supreme Court of Ohio
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

Richard A. Dove
The Ohio Supreme Court
Board of Commissioners on
Grievances & Discipline
65 South Front Street, 5th Floor
Columbus, Ohio 43215

A handwritten signature in black ink, appearing to read 'Alvin E. Mathews, Jr.', written over a horizontal line. The signature is highly stylized and cursive.

Alvin E. Mathews, Jr.

7. I have paid the publication costs of these proceedings in the amount of \$100.40 on April 16, 2013. Appendix D.

8. I have complied with all of the requirements set forth in this Court's Order of Suspension dated November 20, 2012.

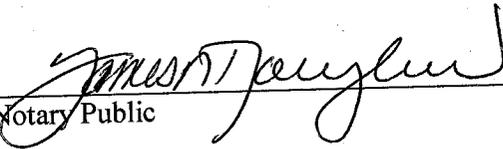
9. My disciplinary matter involved no claims to the Client Security Fund, and therefore there was no reimbursement necessary.

FURTHER AFFIANT SAYETH NAUGHT.



Marc E. Dann

Sworn to and subscribed in my presence this 20 day of ^{May}~~April~~, 2013.



Notary Public

JAMES R. DOUGLASS, Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date.
Section 147.03 O.R.C.

Appendix A

The Supreme Court of Ohio

FILED

NOV 20 2012

Case No. 2011-2026

CLERK OF COURT
SUPREME COURT OF OHIO

Disciplinary Counsel,
Relator,
v.
Marc Edward Dann,
Respondent.

ON CERTIFIED REPORT BY THE
BOARD OF COMMISSIONERS ON
GRIEVANCES AND DISCIPLINE OF
THE SUPREME COURT

ORDER

The Board of Commissioners on Grievances and Discipline filed its final report in this court on December 5, 2011, recommending that pursuant to Rule V(6)(B)(3) of the Supreme Court Rules for the Government of the Bar of Ohio respondent, Marc Edward Dann, be suspended from the practice of law for a period of six months. Respondent filed objections to said final report, relator filed an answer, and this cause was considered by the court.

On consideration thereof, it is ordered and adjudged by this court that pursuant to Gov.Bar R. V(6)(B)(3) and consistent with the opinion rendered herein, respondent, Marc Edward Dann, Attorney Registration Number 0039425, last known business address in Cleveland, Ohio, is suspended from the practice of law for a period of six months.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that respondent is hereby forbidden to counsel or advise, or prepare legal instruments for others or in any manner perform such services.

It is further ordered that respondent is hereby divested of each, any, and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1), and from receiving, disbursing, or otherwise handling any client trust funds or property.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$1,808.02, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order and the matter may be

referred to the Attorney General for collection. It is further ordered that respondent may not apply for reinstatement until costs and all accrued interest are paid in full.

It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that, pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1), for each six months, or portion of six months, of the suspension.

It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio; (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

It is further ordered that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the

court or agency before which the litigation is pending for inclusion in the respective file or files;

5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;

6. File with the clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the respondent may receive communications; and

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

It is further ordered that respondent shall keep the clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

It is further ordered that on or before 30 days of the date of this order respondent shall surrender his attorney registration card for the 2011/2013 biennium.

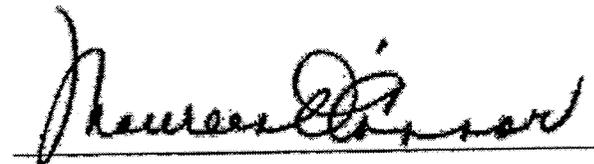
It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, to respondent's last known address.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed November 20, 2012 in Supreme Court case number 2011-2026

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 20th day of November, 2012

CLERK OF COURT
by Miss L. P. [Signature], Deputy



Maureen O'Connor
Chief Justice

Appendix B

The Supreme Court of Ohio

CERTIFICATE

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Alvin Earl Mathews Jr.

was admitted to the practice of law in Ohio on November 16, 1987; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 19th day of November, 2012.

SUSAN B. CHRISTOFF

Director, Attorney Services Division


Teresa L. McCoy
Attorney Services Specialist

The Supreme Court of Ohio

OFFICE OF ATTORNEY SERVICES
65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE
MAUREEN O'CONNOR

DIRECTOR
SUSAN B. CHRISTOFF

JUSTICES
PAUL E. PFEIFER
TERRENCE O'DONNELL
JUDITH ANN LANZINGER
SHARON L. KENNEDY
JUDITH L. FRENCH
WILLIAM M. O'NEILL

TELEPHONE 614.387.9327
FACSIMILE 614.387.9329
www.supremecourt.ohio.gov

April 17, 2013

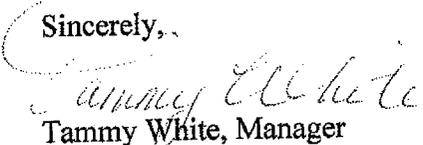
Marc Dann
4600 Prospect Avenue
Cleveland, Ohio 44103

Dear Mr. Dann:

Per your request, I am enclosing a certified transcript indicating you have completed a total of 8.75 hours, including six hours of ethics instruction, 2 hours of professionalism instruction, and .50 hour of substance abuse instruction since your suspension on November 20, 2012.

If you have any questions regarding this matter, please contact our office at 614.387.9330.

Sincerely,


Tammy White, Manager
Office of Attorney Services

Enclosure

The Supreme Court of Ohio

COMMISSION ON CONTINUING LEGAL EDUCATION
 65 SOUTH FRONT STREET, 5th FLOOR, COLUMBUS, OHIO 43215-3431 (614) 387-9325

Activities from November 20, 2012 through April 17, 2013

Marc Edward Dann	Attorney Registration Number: 0039425
	Date of Admission: 11/16/1987
	Current Registration Status: Active

Activity Date	Activity Code	Activity Title	Location	Credit Type	Hours							Total			
					Gen	Eth	S.A.	Prof	JFair	NGen	NProf		NOff	NFund	
01/01/2013	252336	Bias Against Women in the Legal Profession	Self-St	Self Study	0.00	0.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
01/01/2013	252372	Ethically Protecting Client Confidences	Self-St	Self Study	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
01/01/2013	252333	Ethics & Social Media	Self-St	Self Study	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
01/01/2013	252342	Legal Ethics: An Overview of the Model Rules	Self-St	Self Study	0.00	3.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.25
04/12/2013	257156	2013 Public Practice: Ethics & Professionalism Semina	Toledo	Attendance	0.00	1.00	0.50	1.00	0.00	0.00	0.00	0.00	0.00	0.00	2.50
					0.00	6.25	0.50	2.00	0.00	0.00	0.00	0.00	0.00	0.00	8.75

This Listing does not reflect your official CLE status. It merely lists the seminars and activities added to your record as taken during the above identified period.

I HEREBY CERTIFY this document to be a true and accurate copy of the original document on file with the Office of Attorney Services of the Supreme Court of Ohio

Susan B. Christoff



Director, Office of Attorney Services

Appendix C

From: Alvin Mathews
To: Terrilynn Ashby
Subject: Fwd: Automated Update for Case: Disciplinary Counsel v. Marc Edward Dann
Date: Wednesday, December 05, 2012 12:10:15 PM

Sent from my iPhone

Begin forwarded message:

From: "CaseActivityNotification@sconet.state.oh.us"
<CaseActivityNotification@sconet.state.oh.us>
Date: December 5, 2012, 12:00:02 EST
To: Alvin Mathews <amathews@arnlaw.com>
Subject: Automated Update for Case: Disciplinary Counsel v. Marc Edward Dann

Please do not reply to this automatically generated email.

Docket item filed for:

Case number 2011-2026.

Disciplinary Counsel
v.
Marc Edward Dann

Payment of board costs in the amount of \$1,808.02 by Marc Edward Dann; receipt #1587308

Notification Date/Time: 12/5/2012 12:00:02 PM

Generally, scanned documents will be available within one business day from the date of filing.

For more information:
<http://www.supremecourtfohio.gov/clerk/ecms/resultsbycasenumber.asp?>

[type=3&year=2011&number=2026&myPage=searchbycasenumber.asp](#)

Appendix D

**THE SUPREME COURT
OF OHIO**

Clerk's Office
65 South Front Street, 8th Floor
Columbus OH 43215-3431
614-387-9541 Fax 614-387-9547

FILED

APR 09 2013
CLERK OF COURT
SUPREME COURT OF OHIO

INVOICE

Disciplinary Counsel v. Marc Edward Dann, Case No. 11-2026

To: Marc Edward Dann

DESCRIPTION	AMOUNT
Publication in the Cleveland Bar Journal	\$ 100.40
PLEASE REMIT WITHIN NINETY DAYS.	TOTAL
	\$ 100.40

The court has ordered you to pay these publication costs in its November 20, 2012 order in the above-captioned case. If you do not pay publication costs within 90 days from the date of this invoice, interest at the rate of 10% per annum will accrue on the unpaid balance as of 90 days from the date of this invoice and the court may take further action against you.

Payment must be made by cashier's check or money order payable to:
Clerk, Supreme Court of Ohio

If you have any questions concerning this invoice, call Clerk's Office at (614) 387-9531

The Supreme Court of Ohio & The Ohio Judicial System

Clerk's Office
65 South Front Street, 8th Floor
Columbus, Ohio 43215-3431
800.826.9010
614.387.9530

Kristina D. Frost
Clerk of Court

Search Results: Case Number 2011-2026

The Supreme Court of Ohio

CASE INFORMATION

GENERAL INFORMATION

Case: 2011-2026 Disciplinary Case/On Report of Board
Filed: 12/05/11
Status: Case Is Disposed

Disciplinary Counsel v. Marc Edward Dann

PARTIES and ATTORNEYS

Board of Commissioners on Grievances and Discipline (Board of Commissioners on Grievances and Discipline)

Disciplinary Counsel (Relator)

Represented by:

Caligiuri, Joseph (74786) , Counsel of Record

Coughlan, Jonathan (26424)

Dann, Marc Edward (Respondent)

Represented by:

Mathews, Alvin (38660) , Counsel of Record

PRIOR JURISDICTION

Jurisdiction Information	Prior Decision Date	Case Number(s)
Board of Commissioners on Grievances & Discipline	12/01/2011	11-024

DOCKET ITEMS

- Most documents that were filed in Supreme Court cases after December 1, 2006,

<http://www.sconet.state.oh.us/Clerk/ecms/resultsbycasenumber.asp?type=3&year=...> 5/21/2013

are scanned. They are available for viewing via the online dockets, generally within one business day from their date of filing.

- Supreme Court orders that were issued after January 1, 2007, are also available via the online docket as PDFs. Orders scanned prior to April 6, 2009, may not bear the signature of the Chief Justice. These online orders are identical to the original orders in all other respects.
- A  symbol in an online docket denotes a scanned filing or an electronic version of a Supreme Court order. Clicking the icon opens an image of the filing or order.

Date Filed	Description
12/05/11  View	Report recommending six-month suspension <i>Filed by:</i> Board of Commissioners on Grievances and Discipline
12/05/11  View	Statement of board costs in the amount of \$1,808.02 <i>Filed by:</i> Board of Commissioners on Grievances and Discipline
12/05/11	Original board papers <i>Filed by:</i> Board of Commissioners on Grievances and Discipline
12/13/11  View	DECISION: Order to show cause; objections and brief in support due 20 days from the date of this order; answer brief due 15 days
12/19/11  View	Stipulation of time to file objections and brief in support to 1/23/12 <i>Filed by:</i> Dann, Marc
12/19/11	Return receipt; received by Joseph M Caligiuri
12/19/11	Return receipt; received by Alvin E Mathews Esq
12/27/11	Certified mail returned - undeliverable - Marc E Dann (R)
12/29/11	Return receipt; received by Marc E Dann (P)
12/29/11	Return receipt; received by Marc E Dann (B)
01/23/12  View	Objections and brief in support <i>Filed by:</i> Dann, Marc
01/27/12  View	Stipulation to extension of time to 2/27/12 to file answer brief <i>Filed by:</i> Disciplinary Counsel
02/16/12	Oral argument scheduled for Tuesday, April 3, 2012
02/17/12  View	Notice of oral argument to be held Tuesday, April 3, 2012
02/22/12  View	Answer brief <i>Filed by:</i> Disciplinary Counsel
04/03/12	Oral argument held
04/06/12  View	Notice of change of address <i>Filed by:</i> Dann, Marc
11/20/12  View	DECISION: Attorney suspended for a period of six months. See opinion at 2012-Ohio-5337. 
12/05/12	Attorney registration card <i>Filed by:</i> Dann, Marc
12/05/12	Payment of board costs in the amount of \$1,808.02 by Marc Edward Dann; receipt #1587308

	<i>Filed by:</i> Dann, Marc
12/07/12	Return receipt; received by Marc E Dann (B)
12/07/12	Return receipt; received by Marc E Dann (P)
12/07/12	Return receipt; received by Alvin E Mathews Esq.
12/12/12	Certified mail returned - undeliverable - Marc E Dann (R)
12/18/12	Affidavit of compliance <i>Filed by:</i> Dann, Marc
 View	
03/04/13	Notice of imposition of reciprocal discipline by U.S. District Court for the Southern District of Ohio, Western Division
 View	
03/11/13	Notice of compliance <i>Filed by:</i> Dann, Marc
 View	
04/09/13	Invoice of publication costs in the amount of \$100.40
 View	
04/16/13	Payment of publication costs in the amount of \$100.40 by Marc Edward Dann; receipt #1587378 <i>Filed by:</i> Dann, Marc

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