

**IN THE SUPREME COURT OF OHIO**

**Disciplinary Counsel,  
Relator,**

**Case No.: 2008-2493**

**Aaron Anthony Ridenbaugh,  
Petitioner.**

**RELATOR'S ANSWER TO  
PETITIONER'S OBJECTIONS  
TO THE BOARD OF COMMISSIONERS'  
REPORT AND RECOMMENDATIONS**

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**INTRODUCTION**

Now comes relator, Disciplinary Counsel, and hereby submits this answer to petitioner, Aaron A. Ridenbaugh's, objections to the Board of Commissioners on Grievances and Discipline's report ("report"). Petitioner has objected to the board's recommendation that his petition for reinstatement following an indefinite suspension be denied.

The relevant facts of this matter are set forth in the board's report filed with this Court. As set forth therein, the hearing panel recommended that petitioner be reinstated to the practice of law; however, the board rejected the panel's recommendation and recommended that this Court deny him readmission.

The report was certified to this Court and a show cause order was issued. On May 8, 2013, petitioner filed objections to the board's report. Following is relator's response to those objections.

## STATEMENT OF FACTS

On August 20, 2009, petitioner, Aaron A. Ridenbaugh, was indefinitely suspended from the practice of law. *Disciplinary Counsel v. Ridenbaugh*, 122 Ohio St.3d 583, 2009-Ohio-4091, 913 N.E.2d 443. Petitioner was given credit for the interim suspension of his license pursuant to Gov. Bar R.V(5)(A)(4). *In re: Ridenbaugh*, 116 Ohio St.3d 1511, 2008-Ohio-441, 880 N.E.2d 486.

This Court placed three additional conditions on petitioner's reinstatement in addition to the requirements of Gov. Bar R. V(10)(C). Petitioner had to 1) comply with the terms of his community control sanction, 2) complete his contract with the Ohio Lawyer's Assistance Program (OLAP), and 3) continue his psychiatric treatment and demonstrate that he is able to return to the competent, ethical and professional practice of law.

On August 23, 2012, petitioner filed his petition for reinstatement and a hearing was held on January 4, 2013. Petitioner presented evidence that he possessed the requisite qualifications for reinstatement, including testimony from his treating psychiatrist, Dr. Steven Levine.

Relator participated in the hearing, but did not take a position on petitioner's reinstatement. (Tr. 100).

The panel recommended that petitioner's license to practice law be reinstated; however, the board did not agree and instead recommended that petitioner be denied reinstatement. The board did not provide a basis for its decision.

## RELATOR'S RESPONSE TO PETITIONER'S OBJECTIONS

Relator files this brief in response to petitioner's objections, but still does not take a position on petitioner's reinstatement.

This Court has set forth the requirements for reinstatement in Gov. Bar R.V(10)(E). Petitioner must prove that he “is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action.” Gov. Bar R.V(10)(E)(4).

It should be noted that this court has held that indefinite suspensions imposed upon attorneys suffering from mental illness or substance abuse “protect the public while leaving open the possibility that with proper rehabilitation, the sanctioned attorney might one day be able to resume the competent, ethical, and professional practice of law.” *Columbus Bar Assn. v. Van Sickle*, 128 Ohio St.3d 376, 2011-Ohio-774, 944 N.E.2d 677.

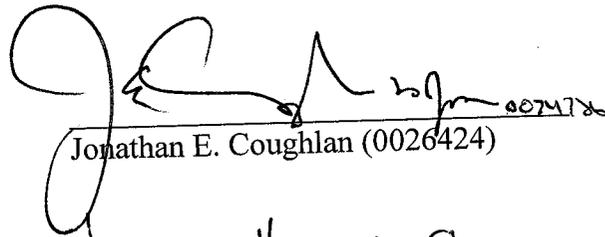
This Court has also stated that its “duty is not only to protect the public from attorneys who are not ethically fit to practice law, but also to ‘take care not to deprive the public of attorneys who, through rehabilitation, may be able to ethically and competently serve in a professional capacity’.” *Columbus Bar Assn. v. Larkin*, 128 Ohio St.3d 368, 2011-Ohio-762, 944 N.E.2d 669, quoting *Disciplinary Counsel v. Young*, 102 Ohio St.3d 113, 2004-Ohio-1809, 807 N.E.2d 317.

## CONCLUSION

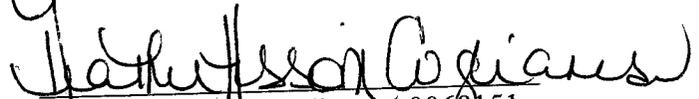
Regarding petitioner's application for readmission to the practice of law, relator defers to the judgment of this Court.

Although relator has no objections to the panel's findings and recommendation, he declines to take a formal position regarding petitioner's application for reinstatement. This position is consistent with relator's position at the hearing in this matter.

Respectfully submitted,



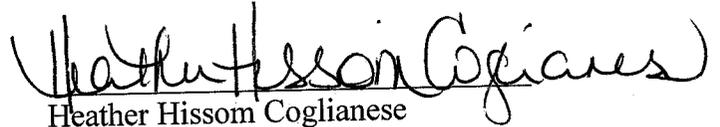
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing answer brief was served via U.S. Mail, postage prepaid, upon respondent's counsel, Kenneth Lee Gibson, Esq., Gibson and Lowry, 234 Portage Trail, Cuyahoga Falls, OH 44221, and upon Richard A. Dove, Secretary, Board of Commissioners on Grievances and Discipline, 65 S. Front Street, 5<sup>th</sup> Floor, Columbus, Ohio 43215 this 23<sup>rd</sup> day of May, 2013.

  
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