

ORIGINAL

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

In re: :

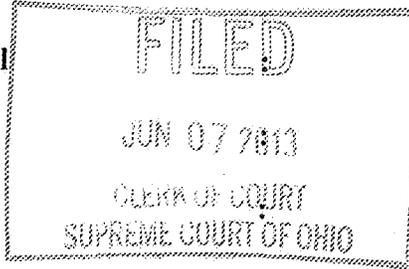
Complaint against : BOC Case No. 2011-110

Phillip Douglas Lehmkuhl : SCO Case No. 2012-1719

Respondent

Disciplinary Counsel

Relator



SUPPLEMENTAL BOARD REPORT ON REMAND

By order dated May 15, 2013, the Supreme Court remanded this matter to the Board for clarification of differences in the rule violations found by the panel and those contained in the record and the Board report filed with the Court on October 9, 2012.

Upon consideration of the Supreme Court's remand order, the Board directed the Secretary to report the following. At its October 5, 2012 meeting, the Board considered a report from the hearing panel assigned to hear the case of *Disciplinary Counsel v. Lehmkuhl*, Board Case No. 11-110. After discussion, the Board adopted a motion to amend the panel report to delete ¶¶20-21 of the report [the proposed findings of violations of Prof. Cond. R. 8.4(d) and 8.4(h)] and to otherwise adopt the findings of fact and conclusion of law presented by the hearing panel. The Board adopted a second motion to amend the panel report to remove ¶26 of the hearing panel report, for the purpose of correcting an error, and to otherwise adopt the panel's recommended finding of a single mitigating factor and the sanction of a public

reprimand. Both motions to amend were adopted without objection and with the consent of the hearing panel.

Gov. Bar R. V, Section 6(K) requires only that the Board "file a final certified report of its proceedings, including its findings of fact and recommendations, with the Clerk of the Supreme Court." Accordingly, the Board's action on October 5, 2012 to amend the panel's proposed findings of fact, conclusions of law, and recommendation of the hearing panel was not documented in the form of an amended panel report. However, the Board's findings of fact and recommendations were reflected in the content of the Board report that was certified to and filed with the Supreme Court on October 9, 2012.

On June 6, 2013, the Board directed the Secretary to take the following action: (1) prepare and file with the Supreme Court a corrected panel report that removes ¶¶20, 21, and 26 of the original panel report, as reflected in the minutes of the Board's October 5, 2012 meeting; (2) clarify that both the hearing panel and the Board found clear and convincing evidence of violations of Prof. Cond. R. 3.1 and Gov. Bar R. V, Section 4(G) and dismissed the remaining violations alleged in the certified complaint, as reflected in ¶¶19 and 20 of the Board report certified to the Supreme Court on October 9, 2012; and (3) reaffirm the Board's finding of a single mitigating factor and its recommendation of a public reprimand as the appropriate sanction in this matter.



RICHARD A. DOVE, Secretary