

IN THE SUPREME COURT OF OHIO

ORIGINAL

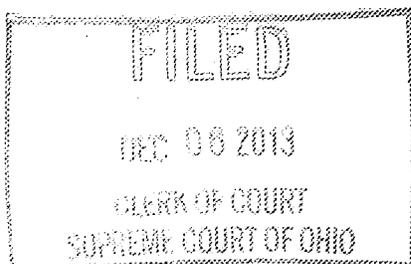
Cleveland Metropolitan Bar Association :
Relator :
: Case No. 2008-1203
Kevin T. McFaul Reg. No. 0033568 :
Respondent :

APPLICATION TO TERMINATE PROBATION

Mary L. Cibella, #0019011
614 West Superior Avenue, Suite 1300
Cleveland, Ohio 44113
216-344-9220
Facsimile: 216-664-6999
E-mail: mlcibella@worldnetoh.com
Counsel for Kevin T. McFaul, Esq.
Respondent

Jeffrey Pollock #0018707
McDonald Hopkins L.L.C.
600 Superior Avenue, Suite 2100
Cleveland, Ohio 44114-2614
216-348-5715
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Cleveland Metropolitan Bar Association
1301 East Ninth Street Second Level
Cleveland, Ohio 44114
216-696-3525
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E-mail: hzirke@clemetrobar.org
Counsel for Relator,
Cleveland Metropolitan Bar Association



IN THE SUPREME COURT OF OHIO

Cleveland Metropolitan Bar Association :
Relator :
: **Case Number 2008-1203**
Kevin T. McFaul :
Respondent : **APPLICATION TO**
TERMINATE PROBATION

Now Comes, Kevin T. McFaul, Esq., Respondent herein, by and through counsel, to respectfully submit his Application to Terminate Probation. For the reasons more fully set forth in the Memorandum in Support attached hereto and incorporated herein, Kevin T. McFaul, Esq., Respondent herein, respectfully requests that this Honorable Court terminate his probation.

Respectfully submitted,



Mary L. Cibella, #0019011
614 West Superior Avenue, Suite 1300
Cleveland, Ohio 44113
216-344-9220
Facsimile: 216-664-6999
E-mail: mlcibella@worldnetoh.com
Counsel for Kevin T. McFaul, Esq., Respondent

State of Ohio)

AFFIDAVIT

County of Cuyahoga)

KEVIN T. McFAUL, being first duly sworn according to law, deposes and says:

1. My name is Kevin T. McFaul. On December 3, 2008, the Honorable Supreme Court suspended me from the practice of law in the State of Ohio for a term of 2-years, with the entire 2-year suspension stayed upon listed conditions.
2. I make this Affidavit in support of my Application to Terminate Probation.
3. I have personal knowledge of the matters referred to herein.
1. On February 2, 2009, I paid the costs of \$2,785.47 as assessed by this Honorable Court as evidenced by a copy of the Supreme Court Docket attached hereto. On October 13, 2009, I paid the publication costs in the amount of \$400.94 as evidenced by a copy of the Supreme Court Docket attached hereto.
2. I have complied with this Honorable's Court's Order of Suspension issued on December 3, 2008.
3. I have complied with my all of my obligations of probation in the case of *State of Ohio v. Kevin McFaul*, Cuyahoga County Case No. CR-06-488677-A.
4. On December 6, 2010, per the recommendation of the Cuyahoga County Probation Department, my probation in *State v. McFaul, supra.*, was terminated on January 12, 2011. *See Exhibit 2 to the Application.*
5. I have complied with all of the other conditions placed upon me by the December 3, 2008 Supreme Court Order, including:
 - attending all required AA meetings;
 - complying with my OLAP contract;
 - complying with all requests of my Monitoring Attorney, John L. Goodman;
 - paying all costs assessed;
 - notifying my clients that I do not carry malpractice insurance per Prof. Cond. R. 1.4;
 - maintaining an IOLTA (Lawyer Trust) account.
6. There are no pending disciplinary proceedings against me.



7. I respectfully request that this Honorable Court grant my Application to Terminate Probation.

Further Affiant Sayeth Naught.



Kevin T. McFaul

SWORN TO BEFORE ME and subscribed in my presence this 5th day of December, 2013.



Notary Public
HOLZEL S. SARCZYK
Notary Public • State of Ohio
My Commission Exp. August 22, 2014

MEMORANDUM IN SUPPORT

I Statement of Facts

This Honorable Court, by Order dated December 3, 2008, suspended Kevin T. McFaul Esq., from the practice of law for two years, with entire two-year suspension stayed upon listed conditions. *See Exhibit 1, attached hereto and incorporated herein.*

On January 12, 2011, Mr. McFaul's probation ended in the case of *State of Ohio v. McFaul*, Cuyahoga County Common Pleas Court Case No. CR-06-488677. *See Exhibit 2, attached hereto and incorporated herein.* Mr. McFaul's probation in *McFaul, supra*, was terminated early per the recommendation of the Cuyahoga County Probation Department. *See Exhibit 2.*

Mr. McFaul has been sober since October 2006, and has maintained his sobriety continuously for over 7 years. Mr. McFaul's compliance with his sobriety has been monitored through the Cuyahoga County Probation Department, the Ohio Lawyer's Assistance Program ("OLAP") and by the monitoring attorney appointed by Relator.

Mr. McFaul's probation has been supervised through the Cleveland Metropolitan Bar Association by Monitoring Attorney John L. Goodman. Attorney Goodman has been Mr. McFaul's Monitoring Attorney, notice being filed with the Court on December 22, 2008. *See Exhibit 3a, attached hereto and incorporated herein.*

II Argument

As evidenced by the Affidavit of Kevin McFaul, Esq., Exhibit 4, attached hereto and incorporated herein, Mr. McFaul has complied with the following terms of the probation as Ordered by this Honorable Court on December 3, 2008:

1. Completed the outpatient treatment as required by the court in his criminal case;
2. Complied with the terms of his OLAP contract;
3. Submitted to random drug tests either through the Cuyahoga County Probation Department or OLAP;
4. No convictions or pleas to any other drug or alcohol-related offenses;
5. Obtained legal malpractice insurance in the minimum requirements or advised his clients of his lack of insurance pursuant to Prof. Cond. R. 1.4;
6. Completed over 5 years of monitored probation of his law practice pursuant to Gov. Bar R. V(9);
7. Complied with the terms of his monitored probation through the Cleveland Metropolitan Bar Association and its assigned Monitoring Attorney, John L. Goodman.

As set forth in Exhibit 3, attached hereto and incorporated herein, Mr. McFaul has been monitored by Attorney Goodman during his term of probation. Mr. McFaul has consistently complied with Attorney Goodman's requests and with all AA meeting requirements. Attorney Goodman states: "Kevin has been extremely successful not only in maintaining his sobriety but completely changing his outlook on life." *See Exhibit 3, paragraph 2.*

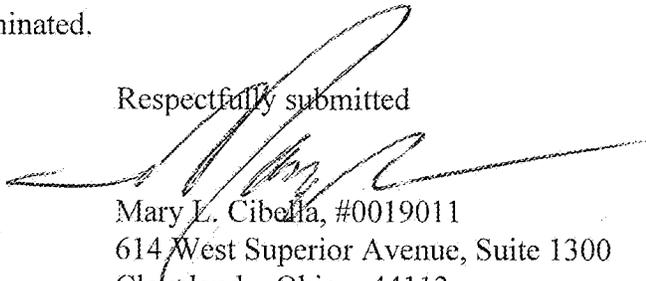
Per Paul A. Caimi, JD, LCDC-III, Associate Director of OLAP, writes: "Mr. McFaul has been in full compliance with his OLAP contract since its inception. ... I am impressed with Kevin T. McFaul's attitude and efforts. I am particularly impressed with the example he has set for other OLAP participants with his helpfulness, openness and honesty." *See Exhibit 5, attached hereto and incorporated herein.*

NO formal disciplinary proceedings are pending against Mr. McFaul. Mr. McFaul has also paid the costs of these proceedings as evidenced by Exhibit 4A, attached hereto and incorporated herein.

As set forth in Exhibit 3, Exhibit 4, and Exhibit 5 attached hereto and incorporated herein, Mr. McFaul has complied with the terms of his probation as set forth in this Honorable Court's December 3, 2008 Order.

Accordingly, Kevin T. McFaul, Esq., Respondent, respectfully requests that his by probation by Relator be terminated.

Respectfully submitted



Mary L. Cibella, #0019011
614 West Superior Avenue, Suite 1300
Cleveland, Ohio 44113
216-344-9220
Facsimile: 216-664-6999
E-mail: mlcibella@earthlink.net
Counsel for Kevin T. McFaul, Esq., Respondent

PROOF OF SERVICE

I, Mary L. Cibella, Counsel for Kevin T. McFaul, Esq., Respondent, do hereby certify that a copy of the foregoing Application to Terminate Probation was served upon the following this 6th day of December, 2013:

Via Hand Delivery

Mark H. Reed, Clerk
The Supreme Court of Ohio
65 South Front Street 8th Floor
Columbus, Ohio 43215-3431

Via Regular U.S. Mail

Jeffrey Pollock, Esq., Counsel for Relator
McDonald Hopkins, L.L.C.
600 Superior Avenue, Suite 2100
Cleveland, Ohio 44114

Heather M. Zirke, Esq., Assistant Counsel
Cleveland Metropolitan Bar Association
1301 East Ninth Street Second Level
Cleveland, Ohio 44114-1253



Mary L. Cibella, #0019011
Counsel for Kevin T. McFaul, Esq., Respondent

120 Ohio St.3d 293 (Ohio 2008)

898 N.E.2d 585, 2008-Ohio-6145

CLEVELAND METROPOLITAN BAR ASSOCIATION

v.

McFAUL.

No. 2008-1203.

Supreme Court of Ohio.

December 3, 2008

Submitted Aug. 26, 2008.

[898 N.E.2d 586] McDonald Hopkins, L.L.C., R. Jeffrey Pollock, and Mathew M. Nee; and Heather M. Zirke, Cleveland, for relator.

McGinty, Hilow & Spellacy Co., L.P.A., and Mary L. Cibella, Cleveland, for respondent.

PER CURIAM

{¶ 1} Respondent, Kevin T. McFaul of Cleveland, Ohio, Attorney Registration No. 0033568, was admitted to the practice of law in Ohio in 1986. The Board of Commissioners on Grievances and Discipline recommends that we suspend respondent's license to practice for two years and stay the suspension on remedial conditions, based on findings that he (1) took liberties on sign-in sheets at a juvenile detention center to gain access for a client's girlfriend and (2) was convicted of attempted drug possession after years of alcohol and cocaine addiction. We find that respondent violated the Code of Professional Responsibility and agree that a two-year stayed suspension is appropriate.

{¶ 2} Relator, Cleveland Metropolitan Bar Association, charged respondent with three counts of professional misconduct, later dismissing the allegations in Count II. A panel of the board heard the case, making findings of misconduct and recommending the two-year suspension, stayed on conditions including monitored probation and drug screening. The board accepted the panel's findings and recommendation.

{¶ 3} The parties have jointly waived objections and moved for our adoption of the board's report.

{¶ 4} While representing Jose Reyes in September 2006, respondent allowed Reyes's girlfriend, Whitney Matta, to pose as a legal assistant so that she could visit Reyes in the county juvenile detention center. Although regulations limited visitors other than detainees' legal representatives, respondent passed two checkpoints during restricted hours, signing in Matta first as his "legal assistant" and then as his "paralegal." Matta was not technically in respondent's employ, although she had helped him with his investigation in Reyes's case, and respondent had credited Reyes \$250 for Matta's services.

{¶ 5} The parties stipulated and the board found that respondent's misrepresentation violated DR 1-102(A)(6) (prohibiting conduct that adversely reflects on a lawyer's fitness to practice law). We accept this finding of misconduct. The parties also stipulated that relator had dismissed a charged violation of DR 1-102(A)(4) (prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation).

[898 N.E.2d 587] The board mistakenly stated that the parties had stipulated to that misconduct and found a violation of that rule. We reject that finding.

Count III

{¶ 6} Respondent has been addicted to alcohol and crack cocaine for many years. In November 2006, he was indicted on two counts of possession of drugs in violation of R.C. 2925.11. In May 2007, respondent pleaded guilty to a reduced charge of attempted drug possession, a first-degree misdemeanor. Respondent was sentenced to a jail term of six months, which the court suspended, and was placed on probation for five years.

{¶ 7} Among the terms of respondent's probation are the requirements that he perform 50 hours of community service, submit to random drug testing, successfully complete a substance-abuse treatment program, including a minimum of six months of inpatient treatment, and attend aftercare and outpatient treatment as necessary for his recovery. Respondent was also fined \$500 and ordered to pay a \$200 supervision fee and court costs.

{¶ 8} The parties stipulated and the board found that respondent's conviction violated DR 1-102(A)(6). We accept this finding of misconduct.

Sanction

{¶ 9} A two-year suspension stayed on stringent conditions for his recovery from drug or alcohol dependence is a commensurate sanction for respondent's misconduct. When lawyers have successfully sought treatment for alcohol or substance abuse, either because



of or in lieu of a drug-related conviction, we have similarly ordered two-year suspensions, stayed on remedial conditions, depending

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also on the weight of other mitigating and aggravating features of the case. See *Disciplinary Counsel v. Wolf*, 110 Ohio St.3d 411, 2006-Ohio-4709, 853 N.E.2d 1169 (lawyer's addiction to painkilling medication resulted in two felony convictions for procuring dangerous prescription drugs by deception), and *Disciplinary Counsel v. May*, 106 Ohio St.3d 385, 2005-Ohio-5320, 835 N.E.2d 372 (lawyer's addiction to a painkilling prescription drug resulted in his being charged with two felonies for obtaining a dangerous drug by deception and his treatment in lieu of conviction).

{¶ 10} We have considered respondent's ethical breaches and the sanctions that have been ordered in similar cases and have weighed the relevant aggravating and mitigating factors, including those listed in Section 10(B)(1) and (2) of the Rules and Regulations Governing Procedure on Complaints and Hearings Before the Board of Commissioners on Grievances and Discipline ("BCGD Proc.Reg."). *Disciplinary Counsel v. Broeren*, 115 Ohio St.3d 473, 2007-Ohio-5251, 875 N.E.2d 935, ¶ 21. The parties stipulated to the extent of respondent's recovery from his addictions, a mitigating factor under BCGD Proc.Reg. 10(B)(2)(g)(i) through (iv) (requiring proof that a lawyer has been diagnosed with a chemical dependence by a qualified health-care professional, that the dependence contributed to cause the lawyer's misconduct, and that the lawyer has successfully completed an approved treatment program, and a prognosis by a qualified health-care provider that the lawyer will be able to return to competent, ethical practice).

{¶ 11} Respondent has been diagnosed with chemical dependence on both alcohol and cocaine, and his addictions contributed to cause his misconduct. In October 2006, he entered an inpatient treatment facility for chemical dependence. He was transferred in July 2007 to the Alternatives Agency, Inc., in compliance with the terms of his probation. He later transferred to another treatment program in October [898 N.E.2d 588] 2007 and was released in January 2008. Respondent, who ceased practicing law for at least six months while in treatment, has successfully completed all these programs.

{¶ 12} Respondent has been subject to random drug testing since his conviction and, as of the April 9, 2008 panel hearing, had never tested positive. On December 12, 2006, respondent entered into an Ohio Lawyers Assistance Program ("OLAP") recovery contract, with which he was also in compliance as of the panel hearing. Respondent has experienced a sustained period of sobriety and treatment. Medical prognosis supports that he is able to return to the competent, ethical, professional

practice of law.

{¶ 13} Respondent has no prior disciplinary record, did not act out of self-interest, and has cooperated in the disciplinary process. See BCGD Proc.Reg. 10(B)(2)(a), (b), and (d). Respondent has shown that with sobriety, he is considered of good character and reputation in the community. See BCGD

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Proc.Reg. 10(B)(2)(e). Respondent has also acknowledged his wrongdoing, which included the failure in his solo practice to maintain a trust account and to advise clients that he lacked malpractice insurance as required by DR 1-104.

{¶ 14} In agreeing on a two-year stayed suspension, the parties jointly proposed as conditions for the stay that respondent (1) complete a five-year monitored probation of his practice pursuant to Gov.Bar R. V(9) by an attorney appointed by relator, (2) complete any outpatient treatment as required by his treatment provider or by the court in his criminal case, (3) continue to comply with the terms of his OLAP contract during the entire five-year probation period, including submitting to random drug testing with periodic OLAP updates to his monitoring attorney, (4) avoid a guilty or no-contest plea to, or conviction of, any drug- or alcohol-related offense, (5) open and maintain a trust account, and (6) either obtain professional-liability insurance in the amount of at least \$100,000 per occurrence and \$300,000 in the aggregate or advise his clients that he lacks insurance in accordance with Prof.Cond.R. 1.4, the successor to DR 1-104.

{¶ 15} We accept the recommendations of the board. Respondent is suspended from the practice of law in Ohio for two years; however, the suspension is stayed on the listed conditions. If respondent fails to comply with the conditions of the stay or probation, the stay will be lifted, and respondent will serve the entire two-year suspension. Costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., and PFEIFER, LUNDBERG
STRATTON, O'CONNOR, O'DONNELL,
LANZINGER, and CUPP, JJ., concur.



66227783

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
Plaintiff

2010 DEC -6 A 10:43

KEVIN MCFAUL
Defendant

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

Case No: CR-06-488677-A

Judge: BRIDGET M MCCAFFERTY

INDICT: 2925.11 DRUG POSSESSION
2925.11 DRUG POSSESSION

JOURNAL ENTRY

PER RECOMMENDATION OF PROBATION DEPARTMENT, THE DEFENDANT'S PROBATION MAY EXPIRE ON 1/12/11
IF NO FURTHER VIOLATIONS.

12/02/2010
CPSXK 12/02/2010 11:56:25

Judge Signature

Date

W. J. Agnes

THE STATE OF OHIO Cuyahoga County	} SS.	I, THE CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <i>Original</i> <i>Journal Entry</i> <i>CR# 488677</i>		
NOW ON FILE IN MY OFFICE <i>4</i>		
WITNESS MY HAND AND SEAL OF SAID COURT THIS _____ DAY OF <i>January</i> <i>13</i>		
CUYAHOGA COUNTY CLERK OF COURTS		
By <i>Bridget McCafferty</i> , Deputy		

HEAR
12/02/2010



JOHN L. GOODMAN

Attorney at Law

The Rockefeller Building

614 West Superior Avenue, Suite 1300

Cleveland, Ohio 44113

Phone: 216-589-4950

Fax: 216-664-6999

December 4, 2013

Heather Zirke
Assistant Counsel
Cleveland Metropolitan Bar Association
1301 East Ninth Street, Second Level
Cleveland, Ohio 44114

RE: Monitored Probation
Cleveland Metropolitan Bar Association vs. Kevin McFaul, Esq
Case No 08-1203

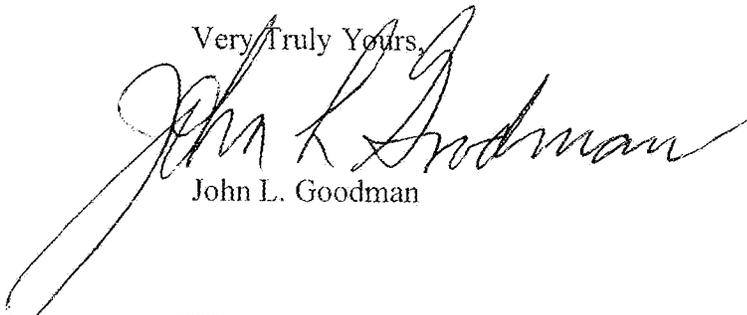
Dear Ms. Zirke,

Pursuant to an Ohio Supreme Court Order filed December 3, 2008 Kevin McFaul was placed on a monitored probation for five years. You requested that I assume the role of his Monitor and to meet with him, guide, counsel, and do what I could to assist him in maintaining sobriety.

I can report to you that I have carried out those duties subsequent to your request and that Kevin has been extremely successful not only in maintaining his sobriety but completely changing his outlook on life. During the five years I have regularly forwarded you records from his AA attendance. During that period we have both attended a Tuesday noon meeting in downtown Cleveland so I have been able to see and talk to Kevin on a very regular basis. While there are no guarantees in what we could call the "sobriety business" I would be very surprised if Kevin went back to his former problems with substance abuse. He has been most cooperative and great to work with.

I would recommend that his monitored probation be terminated. Please let me know when a decision has been made. Thank you.

Very Truly Yours,


John L. Goodman

JLG:hab

cc. Mary Cibella
Kevin McFaul





1301 EAST NINTH STREET • SECOND LEVEL • CLEVELAND, OHIO 44114-1253

PH: (216) 696-3525 • FAX: (216) 696-2413

WWW.CLEMETROBAR.ORG

December 18, 2008

Via Regular Mail

Kristina D. Frost
Clerk of Court
The Supreme Court of Ohio
65 South Front Street, 8th Floor
Columbus, Ohio 43215-3431

**Re: Notice of Appointment of Monitoring Attorney
Case No. 08-1203
Cleveland Metropolitan Bar Association v. Kevin McFaul**

Dear Ms. Frost:

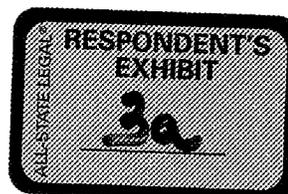
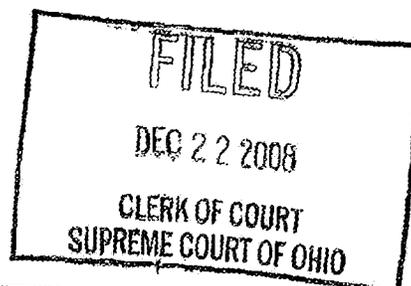
Pursuant to the Court's Order of December 3, 2008, I am writing to inform you that the following lawyer has been appointed as the Monitoring Attorney for Kevin McFaul during his five-year probationary period:

John L. Goodman, Esq.
Attorney Registration No. 0001119
614 W. Superior Avenue, Suite 1300
Cleveland, OH 44113
(216) 589-4950 – Telephone
(216) 696-0679 – Facsimile
jlgjd@aol.com

Please feel free to contact me with any questions at (216) 539-5971.

Very truly yours,

Heather M. Zirke
Assistant Counsel



CERTIFICATE OF SERVICE

A copy of the foregoing letter was forwarded by regular U.S. Mail on this 18th day of December, 2008 to:

Mary L. Cibella, Esq.
McGinty, Hilow & Spellacy, Co., LPA
614 W. Superior Avenue, Suite 1300
Cleveland, OH 44113

John L. Goodman, Esq.
614 W. Superior Avenue, Suite 1300
Cleveland, OH 44113



Heather M. Zirke (0074994)
Cleveland Metropolitan Bar Association
1301 East Ninth Street - Second Level
Cleveland, Ohio 44114-1253
(216) 696-3525 - Telephone
(216) 696-2413 - Facsimile
hzirke@clevelandbar.org

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

Mark H. Reed
Clerk

Search Results: Case Number 2008-1203

The Supreme Court of Ohio

CASE INFORMATION

GENERAL INFORMATION

Case: 2008-1203 Disciplinary Case/On Report of Board

Filed: 06/19/08

Status: Case Is Disposed

Cleveland Metropolitan Bar Association [f.k.a. Cleveland Bar Association] v. Kevin T. McFaul

PARTIES and ATTORNEYS

Board of Commissioners on Grievances and Discipline (Board of Commissioners on Grievances and Discipline)
Goodman, John L. (Monitoring Attorney)
Cleveland Metropolitan Bar Association (Relator) Represented by: Pollock, Robert (18707) , Counsel of Record Nee, Matthew (72025)
McFaul, Kevin Thomas (Respondent) Represented by: Cibella, Mary (19011) , Counsel of Record

PRIOR JURISDICTION

Jurisdiction Information	Prior Decision Date	Case Number(s)
Board of Commissioners on Grievances & Discipline	06/05/2008	07084

DOCKET ITEMS

- Most documents that were filed in Supreme Court cases after December 1, 2006, 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
06/19/08  View	Report recommending two-year suspension with the entire two years stayed upon conditions <i>Filed by:</i> Board of Commissioners on Grievances and Discipline
06/19/08  View	Statement of board costs in the amount of \$2,785.47 <i>Filed by:</i> Board of Commissioners on Grievances and Discipline
06/19/08	Original board papers <i>Filed by:</i> Board of Commissioners on Grievances and Discipline
06/27/08  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
07/02/08  View	Notice of county for publication under Gov.Bar R. V(8)(D)(2)
07/03/08	Return receipt; received by Kevin T. McFaul [no date] (R&B)
07/03/08	Return receipt for Mary L. Cibella, Esq.
07/07/08	Return receipt for Cleveland Metro Bar Assn
07/07/08	Return receipt for R. Jeffrey Pollock, Esq.
07/07/08	Return receipt for Matthew M. Nee, Esq.
07/17/08  View	Joint notice of intent not to file objections and joint motion to adopt the findings of fact, conclusions of law and recommendation of the Board of Commissioners <i>Filed by:</i> Cleveland Metropolitan Bar Association <i>Filed by:</i> McFaul, Kevin
12/03/08  View	DECISION: Attorney suspended for a period of 2 years, stayed on conditions. Respondent placed on probation. See opinion at 2008-Ohio-6145. 
12/15/08	Ordinary mail returned - undeliverable - Matthew Nee, Esq.
12/16/08	Return receipt for Mary Cibella, Esq.
12/22/08  View	Notice of appointment of John L. Goodman as monitoring attorney <i>Filed by:</i> Cleveland Metropolitan Bar Association
02/09/09	Certified mail returned - unclaimed -Kevin Thomas McFaul (R&B)
02/09/09	Order resent by regular mail

02/27/09	Payment of board costs in the amount of \$2,785.47 by Kevin T. McFaul; receipt #1586617 <i>Filed by: McFaul, Kevin</i>
07/24/09  View	Invoice of publication costs in the amount of \$400.94
10/13/09	Payment of publication costs in the amount of \$400.94 by Kevin T. McFaul; receipt #1586693 <i>Filed by: McFaul, Kevin</i>
01/09/13  View	Application for termination of probation <i>Filed by: McFaul, Kevin</i>
 View	01/31/13: Denied.
02/13/13	Return receipt; received by Mary L Cibella Esq.

[Back](#)

Question or Comments?

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Ohio Lawyers Assistance Program, Inc.

46 Chapin Plaza, # 106, Cleveland, Ohio 44022 * 1-800-618-8606 * Local: 440-338-4463 * www.ohiolap.org * Fax 440-338-1151

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PAUL A. CAIMI, J.D., LCDC-III, CADC
ASSOCIATE DIRECTOR
800-618-8606

STEPHANIE KRZMARICH, MSW, LISW, LCDC-III
CLINICAL DIRECTOR (800-348-4343)

MEGAN R. SNYDER, MSW, LSW
CLINICAL ASSOCIATE (800-348-4343)

December 2, 2013

Mary Cibella, Esq.
614 Superior Ave., Ste. 1300
Cleveland, OH 44113

Re: Kevin T. McFaul, Esq.

Dear Ms. Cibella:

I am an Associate Director of the Ohio Lawyers Assistance Program Inc. ("OLAP"), an attorney with approximately 28 years of experience, and a licensed chemical dependency counselor. I am pleased to report that I am Kevin T. McFaul's monitor with regard to his participation with OLAP. He entered into a contract with OLAP on December 9, 2008. **Mr. McFaul has been in full compliance with his OLAP contract since its inception.**

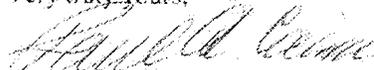
Among other things, Mr. McFaul's OLAP contract requires him to stay sober, contact me regularly, to submit to and pass random alcohol and other drug tests, and to regularly attend Alcoholics Anonymous Meetings. He has done all of this, and additionally he has actively participated in the OLAP weekly group meeting.

Finally, his discussions with me indicate that he is actively practicing the 12 steps of recovery, and I believe that he has internalized recovery principles such that his prognosis for future abstinence is excellent.

In short, I am impressed with Kevin T. McFaul's attitude and efforts. I am particularly impressed with the example he has set for other OLAP participants with his helpfulness, openness and honesty.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,


Paul A. Caimi, JD, LCDC-III

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient. This information has been disclosed to you from records whose confidentiality may be protected from disclosure by ORC SECTION 5122.31, which prohibits making any further disclosures of information without the specific and informed release of the patient, his or her authorized representative, or as otherwise permitted by law. A general authorization for release of information is NOT sufficient for this purpose.

