

ORIGINAL

IN THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN)
BAR ASSOCIATION)

Relator)

vs.)

KEVIN McFAUL)
Attorney Reg. No. 0033568)

Respondent)

CASE NO. 2008-1203

RELATOR'S REPORT
REGARDING RESPONDENT'S
COMPLIANCE WITH
TERMS AND CONDITIONS
OF PROBATION

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COMPLIANCE WITH TERMS AND CONDITIONS OF PROBATION

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INTRODUCTION

On December 3, 2008, this Court filed an order suspending Respondent, Kevin T. McFaul, from the practice of law for two years stayed on conditions for engaging in conduct adversely reflecting on his fitness to practice law and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. The conditions of Respondent's stayed suspension required him to (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 or advise his clients that he lacks insurance in accordance with Prof. Cond. R. 1.4.

Now comes Relator, Cleveland Metropolitan Bar Association, and submits a report regarding Respondent's compliance with the terms and conditions of his probation.

RELATOR'S REPORT

Relator appointed Attorney John L. Goodman (0001119) as Respondent's monitor. Mr. Goodman was asked to submit quarterly reports about the status of Respondent's compliance with the terms of probation and to immediately report any probation violations. During Respondent's five-year probationary period, Mr. Goodman submitted monthly reports concerning Respondent's attendance at Alcoholics Anonymous (AA) and reported no probation violations.

Relator has been notified that Respondent successfully completed his probation with the Cuyahoga County Probation Department as well as his OLAP contract. Relator has also been provided with copies of Respondent's standard fee agreement which contains the required disclosure statement about Respondent's lack of malpractice insurance. Respondent's counsel has represented that Respondent has an IOLTA.

Respondent has complied in all respects with the terms of his probation. Relator submits this report pursuant to this court's order of December 3, 2008, and as required by Gov. Bar R. V (9)(D).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of Relator's Report Regarding Respondent's Compliance with
Terms and Conditions of Probation was served via U.S. Mail, postage prepaid, on this 17
day of December, 2013 on:

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Counsel for Relator,
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