

IN THE SUPREME COURT OF OHIO

IN RE:)	
)	
COMPLAINT AGAINST)	CASE NO. 13-1934
)	
LARRY DEAN SHENISE)	BOARD OF COMMISSIONERS
)	ON GRIEVANCES AND DISCIPLINE
RESPONDENT)	CASE NO. 2013-037
)	
AKRON BAR ASSOCIATION)	
)	
RELATOR)	
)	

RELATOR'S OPPOSITION TO MOTION FOR HEARING

ROBERT M. GIPPIN #0023478
 Roderick Linton Belfance, LLP
 50 South Main Street, 10th Floor
 Akron, Ohio 44308
 (330) 315-3400
 Fax: (330) 434-9220
 rgippin@rlblp.com

KAREN C. LEFTON #0024522
 Brouse McDowell LPA
 388 S. Main Street, Suite 500
 Akron, Ohio 4431-4407
 (330) 535-5711
 Fax: (33) 253-8601
 klefton@brouse.com

SHARYL W. GINTHER#0063029
 234 Portage Trail, P.O. Box 535
 (330) 929-0507
 Fax: (330) 929-6605
 sharylesq@aol.com

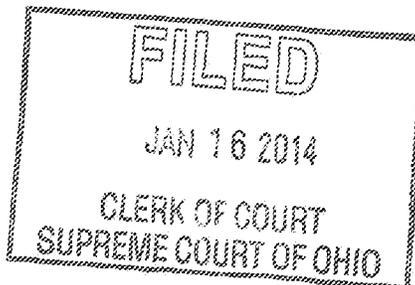
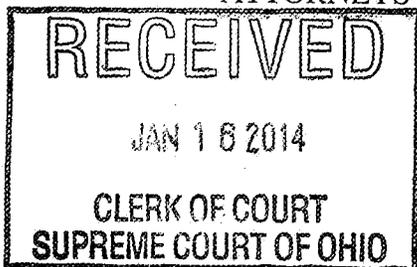
ATTORNEY FOR THE BEACON
 JOURNAL PUBLISHING COMPANY
 AND PHIL TREXLER

THOMAS P. KOT #0000770
 Akron Bar Association
 57 S. Broadway St.
 Akron, OH 44308
 (330) 253-5007
 Fax: (330) 253-2140
 tpkot@neohio.twcbc.com

LARRY D. SHENISE #0068461
 P.O. Box 471
 Tallmadge, Ohio 44278
 (330) 472-5622
 Fax: (330) 294-0044
 ldsheniselaw@gmail.com

RESPONDENT, PRO SE

ATTORNEYS FOR RELATOR



Relator Akron Bar Association (“Relator”) respectfully opposes the motion for hearing served by The Beacon Journal Publishing Company and Phil Trexler (jointly, “the Newspaper”) on January 14, 2014.

The Newspaper improperly seeks to substitute a hearing for its failure to file timely written oppositions to Relator’s motions (1) to hold Phil Trexler in contempt for failure to comply with a Board of Commissioners subpoena and (2) to dismiss the Newspaper’s attempted appeal from the order of the Panel Chair denying the Newspaper’s motion to quash that subpoena.

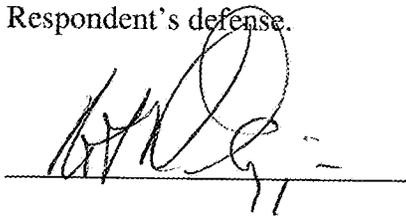
The Newspaper cites no authority for its hearing motion and there is none. There is no provision in S.Ct.Prac.Rules 4.01 or 17.01 for hearings on motions, even if there has been a timely written response filed. The failure to file a brief ordinarily forfeits a party’s right to be heard at all. S.Ct.Prac.Rules 16.07 and 17.03(B). See also, App.R. 18(C). Even assuming S.Ct.Prac.Rule 17.02 would apply, a hearing may only be requested after the filing of a response brief, not in lieu of such a brief.

The Newspaper is further quite wrong in suggesting that this matter presents any significant legal issues. The Newspaper now concedes that a reporter who is a witness to a crime may be compelled to testify in a criminal proceeding. It does not suggest that a reporter witness may not be compelled to testify in a civil proceeding. Relator’s authority in support of its contempt motion in fact demonstrates that such civil testimony may be compelled – as has occurred with the Newspaper’s reporters in the past.

The suggestion that attorney disciplinary proceedings are of less public importance than civil proceedings, so as to preclude the ability to compel reporter

witness testimony, flies in the face of this Court's precedents and is scarcely colorable. Reporters have in fact testified in disciplinary cases, as Relator's authority demonstrates. The Newspaper's statement that Relator will not be prejudiced by a hearing is likewise obviously wrong, if only because of the extensive further time Relator's counsel will have to spend on this issue if there is a hearing before this Court.

There is thus nothing to justify a hearing. Relator's motions are fully supported by its briefs and they should be granted by the Court. The interrupted disciplinary hearing can then resume with the taking of the reporter's testimony and Respondent's defense.



ROBERT M. GIPPIN #0023478
Roderick Linton Belfance, LLP
1 Cascade Plaza, 15th Floor
Akron, OH 44308
(330) 315-3400
Fax: (330) 434-9220
rgippin@rlblp.com

Respectfully submitted,

SHARYL W. GINTHER #0063029
Gibson & Lowry, LLC
234 Portage Trail
P.O. Box 535
Cuyahoga Falls, OH 44222
(330) 929-0507
Fax: (330) 929-6605
sharylesq@aol.com

THOMAS P. KOT #0000770
Bar Counsel
Akron Bar Association
57 S. Broadway St.
Akron, OH 44308
(330) 253-5007
Fax: (330) 253-2140
tpkot@neohio.twcbc.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the forgoing Opposition was sent by email and U.S. Mail this 15th day of January, 2014 to:

Larry D. Shenise
P.O. Box 471
Tallmadge, Ohio 44278
ldsheniselaw@gmail.com

and

Karen C. Lefton
Brouse McDowell
388 S. Main Street, Suite 500
Akron, Ohio 44311-4407
klefton@brouse.com



Robert M. Gippin (0028478)