

IN THE SUPREME COURT OF OHIO

In re: Application of Thomas Donald
Baudendistel

Case No: 2014-0424

APPLICANT’S MOTION TO SEAL THE
RECORD

Pursuant to Gov.Bar. R. I §13(C), Applicant Thomas Donald Baudendistel moves this Court to keep the record and all orders in this matter under seal, and requests that all matters contained therein remain confidential.

The Staff Notes to the Supreme Court Rules for the Government of the Bar of Ohio recognize that “there may be circumstances that weigh against releasing all of the character and fitness information in an applicant’s record,” including where “a case includes sensitive medical information about the applicant.” 1997 Staff Note, Gov.Bar. R. I. Applicant’s record contains such sensitive medical information about the Applicant, specifically in a letter sent on behalf the Ohio Lawyers Assistance Program (“OLAP”). With respect to the privacy of Applicant’s medical records, Applicant respectfully requests that his record remain confidential, or in the alternative that the OLAP letter remain confidential.

Moreover, the prejudicial nature of the information contained within the Report of the Board of Character and Fitness weighs heavily against releasing the Applicant’s record. While the Applicant respects the determination of the Board, the release of Applicant’s record will negatively impact the Applicant’s ability to secure gainful employment—either as an attorney or outside the legal field.

In light of the sensitive medical information contained in the record, and the damage that the release of the record will have upon the Applicant's professional career, the Applicant moves this Court to keep the record and all orders in this matter under seal, and requests that all matters contained therein remain confidential.

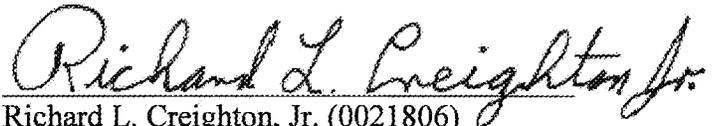
Alternatively, if the Court is inclined to rule that the Report of the Board of Character and Fitness and the Record of the proceedings should not be kept sealed as a whole, then Applicant moves to redact or keep sealed the following specific matters:

A. The identity of his current employer at Wright Patterson Air Force Base (because this might negatively affect the reputation and credibility of the employer);

B. All readily identifiable third parties, and in particular, the identity of any individual by name or by descriptions that would allow such individual to be identified, including references to his "former mock trial coach who practices in Kentucky" (because this could unnecessarily cause reputational harm to such third parties);

C. Specific references to and details concerning Applicant's past attempts to deal with problems associated with alcohol abuse and chemical dependency through the Ohio Lawyer's Assistance Program (OLAP) (because the public disclosure of these medical treatment records would constitute an unnecessary and unwarranted intrusion into private matters). However, Applicant understands that it might be appropriate to make public a general discussion of his acknowledged past alcohol use, determinations of OLAP or the Board regarding such use, or the specifics of alcohol-related incidents already in the public record.

Respectfully submitted,



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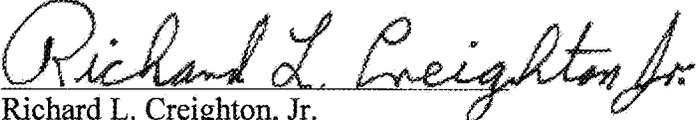
Counsel for Applicant

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. mail this 12th day of May, 2014 to:

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